

**DIVISION 520: BUFFERING AND SCREENING**

**Sec. 520-010 RIPARIAN BUFFERS**

- A. Any water body classified as a protected river and/or located within the boundaries of a watershed overlay district in Newton County shall satisfy all applicable buffer requirements as specified in Section 405-020 of the River Corridor Protection Overlay District, Section 415-060 of the Watershed Protection Overlay District for Small Water Supply Watersheds, Section 420-050 of the Alcovy River / Little River Watershed Protection District and /or Section 420-120 of the South River / Yellow River Watershed Protection District.
- B. A natural and undisturbed riparian buffer 35 feet in width along the shorelines of intermittent streams identified on the U.S. Geological Survey 7.5 minute quadrangle map shall be preserved. The riparian buffer zone (i.e. 35 feet from bank) must be shown on final subdivision plats, commercial and industrial site plans and multi-family residential site plans.

**Sec. 520-020 TRANSITIONAL BUFFERS**

Buffers shall be required between dissimilar districts or uses in accordance with the provisions of the Zoning Ordinance or as a condition of zoning, conditional use permit or variance approval. Buffers must be landscaped in accordance with Section 535 of the Newton County Development Regulations.

- A. A buffer shall be required for the following:
  - 1. All property zoned for commercial, neighborhood shopping, office-institutional, office business parks or industrial uses shall have a buffer along any rear and side property lines abutting a residential district.
  - 2. All property zoned for DR and RMF uses shall have a buffer along any rear and side property lines abutting a lower density residential use.
  - 3. All property zoned for manufactured homes shall have a buffer along any rear and side property lines abutting any other residential district.
- B. All buffers areas and screening shall be in accordance with the following requirements. Detailed landscape standards are contained in Division 430 of the Newton County Development Regulations.
  - 1. Buffer areas may be included as part of any pervious surface requirement.
  - 2. Buffers shall meet the minimum width requirements for dissimilar districts as shown in the “Minimum Buffer Requirements” table unless otherwise authorized.
  - 3. Buffers shall be natural, undisturbed, and free of encroachments except as authorized by a condition of zoning, conditional use or zoning approval, or as authorized herein, and

shall contain the existing tree cover and vegetation as well as any supplemental plantings as may be required.

- 4. Buffers shall be of such nature and density so as to screen activities, structures, and uses on the property from view from the normal level of a first story window on an abutting lot and shall further provide a year-round effective visual screen.
  
- 5. Buffers required along side property lines shall extend to a street right-of-way line unless otherwise required to observe the sight distance requirements contained in the Newton County Development Regulations, or as authorized by a condition of zoning, conditional use or zoning approval.
  
- 6. In situations where the required buffer width is partially or completely contained within an existing easement (i.e. power or natural gas transmission, etc.) the screening requirements of this Ordinance shall be met outside of the easement area except as otherwise permitted by this ordinance or the Newton County Development Regulations.

**Sec. 520-030 SCREENING**

- A. In any Agricultural, Commercial or Industrial District, any operation not conducted within a building, such as drive-through businesses, outdoor recreation, outdoor storage of materials, and outdoor servicing activities shall be enclosed by a wall of solid appearance or visually continuous evergreen hedge not less than eight (8) feet in height where necessary to conceal such areas of facilities from a residential district adjoining or facing across a street in the area or on the side of the principal building or use.
  
- B. In any district where reference is made requiring adequate screening of a specified operation, such screening shall be a wall of solid appearance or visually continuous evergreen hedge not less than eight (8) feet in height and meeting the requirements of the Newton County Development Regulations.

**Article Five • Buffering & Screening**

Buffer District	Width of Required Buffer Adjacent to:															
	A	R-E	A-R	R-1	R-2	R-3	DR	RMF	MHP	MHS	OI	CN	CH	CG	M-1	M-2
A	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
R-E	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
A-R	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
R-1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
R-2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
R-3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
DR	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	-	-	-	-	-	-	-	-	-	-
RMF*	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	20 ft.	-	-	-	-	-	-	-	-	-
MHP*	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	-	-	-	-	-	-	-	-	-
MHS*	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	-	-	-	-	-	-	-	-	-
OI*	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	-	-	-	-	-	-
CN*	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	-	-	-	-	-	-
CH**	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	-	-	-	-	-	-
CG**	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	-	-	-	-	-	-
M-1**	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	-	-	-	-	-	-
M-2**	100ft	100ft	100ft	100ft	100ft	100ft	100ft	100ft	100ft	100ft	-	-	-	-	-	-

**Notes:**

- \*Buffer widths may be reduced by 20 feet by the addition of a solid, opaque fence or wall at least six feet in height.
- \*\* Buffer widths may be reduced by 20 feet by the addition of a solid, opaque fence or wall at least eight feet in height.



**DIVISION 530: NON-CONFORMING USES AND STRUCTURES**

**Sec. 530-010 NON-CONFORMING LOTS AND USES**

**A. Non-Conforming Lots**

A lot which is a lot of record at the time of enactment of this Ordinance which fails to comply with the dimensional requirements of the zoning district in which it is located may, if vacant, be used for any of the permitted uses within such district or, if occupied by a structure containing a conforming use, may have the structure enlarged, altered, improved, or extended, provided that in either case the minimum front, side and rear yard and heated square footage requirements are met, and that said lot meets all requirements of the Newton County Health Department concerning the placement of wells and/or septic tanks.

1. In order to erect a structure on a non-conforming lot, the owner shall apply to the Zoning Administrator for permission. If the front, side and rear setbacks and the square footage minimum can not be met, the owner shall apply to the Board of Zoning Appeals for a variance.

**B. Non-Conforming Open Uses of Land**

Non-conforming uses by definition on lots or parcels of land dedicated to specific uses not conducted within a building, such as storage yards, auto salvage or junk yards, outdoor commercial recreational facilities, or other similar uses, where any building located on the property is incidental and accessory to the primary open use of the lot, and where such use is not permitted within the zoning district in which it is located, shall be allowed to continue under the following conditions:

1. No such non-conforming use shall be re-established once it has been discontinued for a continuous period of one (1) year, and any future use of such property shall be limited to those uses permitted by this Ordinance in the zoning District in which the property is located.
2. No such non-conforming use shall be enlarged to cover more land than that which was occupied by said use when it became non-conforming, except as provided in Division 530.
3. Said non-conforming, open use of property shall not be changed to any but a conforming use, and when said non-conforming use has been changed to a conforming use, it shall not thereafter be used for any non-conforming use.

**Sec. 530-020 RECONSTRUCTION OF NON-CONFORMING STRUCTURES**

Any non-conforming structure or structure containing a non-conforming use which is hereafter damaged or destroyed by flood, fire, wind, or any Act of God may be reconstructed

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

---

only if said damage totals less than seventy-five (75) percent of the returned value on the tax digest of Newton County, except as otherwise provided in this Ordinance.

### **Sec. 530-030      REPLACEMENT OF NON-CONFORMING MANUFACTURED HOMES**

A manufactured home that does not meet the requirements of this Ordinance but that was in place at the time of enactment of this Ordinance, may be replaced with a conforming manufactured home or modular home, provided heated square footage requirements of the zoning district are met.

### **Sec. 530-040      CONTINUANCE OF PREVIOUSLY APPROVED USES**

Uses for which a property owner received approval from governing authorities (Zoning Map Amendment) prior to the effective date of this Ordinance shall be permitted, whether or not property has been dedicated to such use, so long as requirements which were in place at the time of said approval are met and the building or use receives a permit within 120 days of the enactment of this Ordinance. Should such use be one which is not permitted by this Ordinance or amendment thereto in a zoning district in which the property is located, such use shall become a non-conforming use and shall be governed by the requirements of this Section.

**ARTICLE 5 – REGULATIONS APPLYING TO ALL DISTRICTS**

**DIVISION 500: SPECIAL PROVISIONS**

**Sec. 500-010 BUILDING PROJECTIONS INTO YARDS**

No part of a yard or other open space required for any building for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space similarly required for another building. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the incidental projection of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections shall not extend more than two (2) feet beyond the yard area requirements. No porch, deck or patio shall encroach on a required yard.

**Sec. 500-020 CORNER LOTS**

The side yard setback requirements from the street right-of-way line for corner lots shall be 50 percent of that required for the front yard setback for that district, but not less than 15 feet.

**Sec. 500-030 HEIGHT LIMITS**

The height limits for this Ordinance shall not apply to structures not intended for human occupancy such as church spires, flag poles, chimneys, monuments, radio or television towers or aerials, water towers, silos or similar structures except as otherwise regulated herein.

**Sec. 500-040 CLASSIFICATION OF STREETS**

All existing streets in Newton County, Georgia, are hereby divided into classes as shown in the Newton County Comprehensive Land Use Plan adopted by the Board of Commissioners and on record in the Planning Department of Newton County. Any new street shall, upon acceptance and dedication, be classified by the Zoning Administrator subject to review by the Board of Commissioners.

**Sec. 500-050 FRONT YARD SETBACK OF DWELLING**

The front yard setback requirement of this Ordinance for dwellings shall not apply on any lot where the average setback of existing buildings located wholly or in part within 100 feet of said side of such lot within the same block and zoning district and fronting on the same side of the street is less than the minimum required setbacks of the adjoining buildings.

**Sec. 500-055 RESIDENTIAL DWELLING**

No lot in any residential, agricultural or multi-family zoning district may be used for residential dwelling unless a permanent dwelling unit has been lawfully erected on the lot, pursuant to the provisions of this ordinance and applicable building and safety codes. Vehicles, including recreational vehicles, tents, boats and other similar structures, cannot be used for residential dwelling on a permanent or temporary basis, except as follows. Recreational vehicles can be occupied as temporary dwellings as a temporary accessory use, for no longer than fourteen days in any three-month period, only if there is a permanent dwelling unit as a principal use on the lot. Such vehicles must be parked in accordance with Sec. 515-010. No more than one recreational vehicle can be so occupied on the same lot. Tents, boats, and others structures that are not permitted permanent dwelling units cannot be occupied either on a permanent or temporary basis

on a residential lot, except that tents may be occupied for no more than two continuous days in any three month period when erected in the rear yard of a permanent dwelling unit. Recreational vehicles can be occupied in recreational vehicle parks pursuant to the provisions of Sec. 510-130.

**Sec. 500-060 APPROVAL OF STATE ENVIRONMENTAL PROTECTION DIVISION**

The Building Official or Zoning Administrator may require written approval from the Environmental Protection Division of the Georgia Department of Natural Resources that any building, structure or use meets state requirements on pollutants before issuing a building permit or occupancy permit. The Planning Commission may also require written approval from the Environmental Protection Division of the Georgia Department of Natural Resources before recommending a zoning change to the Board of Commissioners of Newton County.

**Sec. 500-070 MINIMUM LOT SIZE**

Minimum lot sizes are subject to the approval of the Newton County Department of Environmental Health, and may be increased at the discretion of the Newton County Department of Environmental Health in circumstances where soil conditions, percolation rates, or other factors, so require.

**Sec. 500-080 TRAFFIC STUDY**

A traffic study is required for a rezoning, conditional use permit or preliminary plat review application for a project meeting any of the following criteria: [Note: The Institute of Transportation Engineers' *Trip Generation Handbook* uses square footage as an indicator of traffic generation for commercial and industrial developments.]

- A. Multi-family developments with over 300 new units at build-out; or
- B. Single-family developments with over 300 new lots or units at build-out; or
- C. Retail developments with over 250,000 GSF; or
- D. Office developments with over 250,000 GSF; or
- E. Industrial/Warehouse developments with over 250,000 GSF; or employing more than 800 workers; or covering more than 200 acres;
- F. Any mixed-use development which could reasonably expect to generate 2,000 or more daily auto trips; or
- G. Special traffic-generating uses, including truck stops, quarries, landfills, stadiums, etc. which require Developments of Regional Impact review as specified in Section 500-090.

**Sec. 500-090 DEVELOPMENT OF REGIONAL IMPACT**

When an application for rezoning, conditional use permit or preliminary plat review includes any of the uses listed below and that use exceeds the listed thresholds of intensity, it shall be deemed to be a Development of Regional Impact (DRI). The application for such rezoning, conditional



**Article Five • Regulations Applying to All Districts**

---

use permit or preliminary plat review shall include three (3) copies of a completed traffic study prepared in conformity with Division 605 of the Newton County Development Regulations and two (2) copies of completed forms provided by the Zoning Administrator for review of Development of Regional Impact by the Northeast Georgia Regional Development Center (NEGRDC) and other affected state and local government agencies as they shall deem appropriate. No action shall occur on such a rezoning, conditional use permit or preliminary plat review application by the Newton County Board of Commissioners until a recommendation is received from the NEGRDC regarding the Development of Regional Impact, provided that such application shall have been complete in every respect and was received by the Board of Commissioners within 90 days of the date that the completed DRI review application forms were received by the NEGRDC. Newton County is a metropolitan region and the numbers under metropolitan regions apply in determining whether the development is a DRI. (rev.7/1/03)

<b>Type of Development</b>	<b>DRI Intensity Threshold</b>
Office	Greater than 400,000 gross sq. ft.
Commercial, Wholesale & Distribution	Greater than 560,000 gross sq. ft.
Hospitals and Health Care Facilities	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day.
Housing	Greater than 400 new lots or units.
Industrial	Greater than 560,000 gross sq. ft.; or employing more than 1,600 workers; or covering more than 400 acres.
Hotels	Greater than 400 rooms.
Mixed Use	Total gross sq. ft. greater than 400,000; or covering more than 120 acres.
Airports	All new airports, runways, and runway extensions.
Recreational Facilities and Attractions	Greater than 1,600 parking spaces or a seating capacity of more than 6,000.
Post-Secondary Schools	New school with a capacity of more than 2,400 students, or expansion of this type of school by at least 25% of capacity.
Waste Disposal	New facility or expansion of use of an existing facility by 50% or more.
Quarries, Asphalt & Cement Plants	New facility or expansion of use of an existing facility by 50% or more; and located within ½ mile of a jurisdictional boundary.
Wastewater Facilities	New facility or expansion of use of an existing facility by 50% or more; and located within ½ mile of a jurisdictional boundary.
<b>Type of Development</b>	<b>DRI Intensity Threshold</b>

Petroleum Storage Facilities	Storage greater than 50,000 barrels if within 1,000 feet of any water supply; otherwise, storage capacity greater than 200,000 barrels.
Mixed-Used Development	Any mixed-use development that could reasonably expect to generate 4,000 or more daily auto trips.

**DIVISION 505: PERMITTED AND CONDITIONAL USES**

**Sec. 505-010 PERMITTED AND CONDITIONAL USES**

- A. The uses listed in the table below shall be permitted in Newton County zoning districts and no structure shall be erected, structurally altered or enlarged unless the use is permitted as:
  - 1. An allowed use (A);
  - 2. A conditional use (CU) subject to the application procedures specified in Division 620;
  - 3. An administratively approved use (AU) subject to the application procedures accordance with Section 505-015 below;
  - 4. An accessory use as specified in Section 510-020;
  - 5. Uses lawfully established prior to the effective date of the amendment.
  
- B. Any use not so listed below shall be prohibited. Any party denied a permit to allow a use of their property in a zoning district other than as provided in this Section may file an appeal before the Board of Appeals as provided in Section 600-020 (D). If the appeal is denied by the Board of Appeals, the appellant may petition the Board of Commissioners to initiate a text amendment of the Zoning Ordinance to permit the subject use in the desired zoning district, in accordance with procedures provided in Section 620-010 of this Ordinance.
  
- C. Any use listed in bolded text in the table below shall satisfy the applicable use standards established in Division 510 in addition to the development regulations of the district in which it is located.

**Sec. 505-015 ADMINISTRATIVELY APPROVED USE**

- A. Any use designated an administratively approved use (AU) on the Use Table shall be permitted in the designated zoning district subject to the approval of the Zoning Administrator. An applicant for an administratively approved use shall submit to the Zoning Administrator a site plan or building plan for the proposed use, showing the size and location of the proposed structure, compliance with any applicable Use Standard, all required buffers, compliance with any applicable stormwater drainage, landscaping or other development requirements, and any other information required by the Zoning Administrator.
  
- B. The Zoning Administrator shall review the application for an administratively approved use by considering the following:

1. The character of the zoning district, as stated in the Ordinance, and whether the proposed use is consistent with that character;
2. The negative impacts of the proposed use on the surrounding properties and uses, including aesthetics, traffic, health, public services, and safety;
3. Whether the site is adequately sized and contains appropriate terrain and geography for the use;
4. Whether the use will cause unreasonable adverse impacts on adjoining land due to noise, smoke, odor, hours of operation, light pollution or other considerations;
5. Whether the buffers, screening and mitigation measures can ameliorate any negative impact; and
6. If the use is for a place of worship, the criteria of Sec. 620-060(B)(15) shall also be considered before such use is denied.

C. The Zoning Administrator shall make a determination on whether to grant or deny the requested use within 15 working days. If additional information is requested, the Zoning Administrator may extend the decision deadline one time for up to 15 additional working days. A denial shall be in writing and shall state the reasons for the denial, based on the above criteria. A denial may be appealed to the Planning Commission within 30 days of denial. The Zoning Administrator may recommend additional buffer, screening, or other conditions to mitigate the negative impacts of the proposed use. If an administratively approved use is granted, the grant shall be in writing, and shall condition the approval to the site plan and other material provided, plus any additional conditions imposed by the Zoning Administrator. Such use approval shall be noted in the files of the Planning Department.

# Newton County Zoning Ordinance

## USE TABLE

Type of Use	Zoning Districts																
	A	R-E	A-R	R-1	R-2	R-3	MS R	DR	RM F	MH P	MH S	OI	CN	CH	CG	M-1	M-2
Accessory Agricultural Bldgs.	A	A	A														
Accessory Commercial/ Office Bldgs.												AU	AU	A	A	A	A
Accessory Convenience Retail Business												AU	AU	A	A	A	A
Accessory Industrial/ Manufacturing Bldgs.																A	A
Accessory Residential Bldgs.	A	A	A	A	A	A	A	A	A	A	A						
Adult Entertainment <sup>1</sup>																CU	CU
Air Terminal (Port)																A	A
Aircraft Factory																	A
Airstrip, Private	A															CU	CU
Alcoholic Beverage Plant/Distillery																	A
Alternative Support Structure	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Ambulance Service														A	A	A	AU
Amphitheater/Stadium/ Concert Hall	A											A	AU	A	A	A	AU
Animal Hospital, Vet Clinic														AU	A	A	AU
Antenna, Amateur Radio	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Antenna, Satellite TV	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Appliance Store													AU	A	A		
Arcade, Game Room, Bowling, Billiard, Indoor Skating Rink														AU	AU		
Art Studio												A	A	A	A		
Asphalt Plant <sup>2</sup>																	CU
Assembly Plant Light																A	
Assembly Plant Heavy																	A
Assisted Living Facility	A	A	A	A	A	A	A	A	A	A				CU	CU	CU	CU
Auto Auction															A	A	A

**Article Five • Regulations Applying to All Districts**

Type of Use	Zoning Districts																
	A	R-E	A-R	R-1	R-2	R-3	MS R	DR	RM F	MH P	MH S	OI	CN	CH	CG	M-1	M-2
Auto Parts, Accessories													AU	A	A		
<b>Auto Repair</b>														A	A	A	A
<b>Auto Sales or Rental<sup>3</sup></b>														A	A	A	A
<b>Auto Service Station</b>													AU	A	A	A	A
<b>Auto Wash</b>														A	A	A	
Bakery													A	AU	AU		
Bank												A	A	A	A		
Bar, Night Club														CU	A	A	A
<b>Bed and Breakfast</b>	CU	CU	CU	CU	CU	CU	CU	CU	A			CU	CU	CU	A		
Bicycle Shop													A	A	A		
Boarding House									A			CU	CU	A	A		
Broadcast Studio														A	A	A	A
Building Material Yard (Milling Operation)																A	A
Building Supplies, Wholesale, Retail														A	A	A	A
Bus Terminal														A	A	A	A
<b>Campground, Recreational Vehicle Park, Private</b>	CU	CU											CU	A	A	CU	CU
<b>Cemetery</b>	AU	AU	AU	AU	AU	AU		AU				AU	AU	A	A	A	A
Chemical Plant																	A
Clothing, Dry Goods Retail													AU	A	A		
Club/Order/Lodge, Private	CU	CU	CU											A	A	A	A
Cold Storage Plant																A	A
<b>College, University</b>	CU	CU	CU	CU								A	A	A	A	A	A
<b>Composting Facility</b>																	CU
<b>Commercial Vehicle &amp; Equipment Sales and Rental<sup>3</sup></b>														A	A		
<b>Concrete or Masonry Plant</b>																	A

## Newton County Zoning Ordinance

Type of Use	Zoning Districts																
	A	R-E	A-R	R-1	R-2	R-3	MS R	DR	RM F	MH P	MH S	OI	CN	CH	CG	M-1	M-2
<b>Confined Feeding Lot</b>	A																
<b>Convenience Store</b>													AU	A	A	AU	AU
Country Club, Golf Course	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU			AU	AU	AU	AU
Crematory															A	A	A
Dance School or Studio												A	A	A	A	CU	CU
<b>Day Care, 3-6</b>	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU	
<b>Day Care, 7-12</b>	CU	CU	CU	CU	CU	CU		CU	CU		CU	AU	AU	AU	AU	AU	
<b>Day Care, over 12</b>												AU	AU	AU	AU	AU	
Day Spa												AU	AU	A	A		
Department Store													AU	A	A		
Drug Store												A	AU	A	A		
Dry Cleaning, Institutional															A	A	A
Dry Cleaning, Neighborhood												AU	A	A	A		
Dwelling, Multi-Family									A								
Dye Casting Works																	A
Dwelling, Two-Family								A	A								
<b>Electric, Petroleum or Gas Substation</b>												A	CU	A	A	A	A
Equipment Sales and Service, Heavy																A	A
<b>Explosives Plant/Storage<sup>2</sup></b>																	CU
<b>Fallout Shelter</b>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<b>Farm Equipment, Sales, Rental, Repair</b>	AU	AU												A	A	A	A
<b>Farming, Commercial</b>	A	A	CU													A	A
<b>Farming, General</b>	A	A	A													A	A
Feed Processing																	A
<b>Feed, Seed Store</b>													AU	A	A	A	A

**Article Five • Regulations Applying to All Districts**

Type of Use	Zoning Districts																	
	A	R-E	A-R	R-1	R-2	R-3	MS R	DR	RM F	MH P	MH S	OI	CN	CH	CG	M-1	M-2	
Fertilizer Plant																		A
<b>Flea Market</b>														A	A	A	A	
Flower Shop												AU	AU	A	A			
Food Processing Plant																		A
Funeral Home														A	A			
Furniture Store													AU	A	A			
Furniture, Wood Working Shop													AU	A	A	A	A	
Garden, Private	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Gift, Specialty Shop												AU	AU	A	A			
Glass Sales, Storage														A	A	A	A	
<b>Guest House, Tenant Dwelling, Caretakers Dwelling</b>	A	A	A	A	A	A											AU	
Gunsmith Shop												AU	AU	A	A			
Hardware, Paint Store												AU	AU	A	A			
<b>Home Occupation</b>	A	A	A	A	A	A	A	A	A	A	A				A			
<b>Homeless Shelter</b>														CU	CU	CU	CU	
<b>Hospital</b>	CU	CU	CU									CU	CU	A	A	A	A	
Hotel, Motel														A	A			
Ice Cream, Confectionery Shop												CU	A	A	A			
Industrialized Home	A	A	A	A	A	A	A	A	A	A	A							
<b>Intermodal Terminal Facility</b>																		A
<b>Kennel</b>	CU	CU	CU														A	A
<b>Kennel, Commercial</b>	CU	CU	CU											A	A	A	A	
<b>Landfill, Privately Owned and Operated</b>																		CU
Laundromat													CU	A	A			
<b>Library</b>	CU	CU	CU	CU	CU	CU	CU	CU	CU			A	A	A	A			
<b>Livestock Quarters and Enclosures</b>	A	A	A															
Locksmith Shop												AU	AU	A	A			

## Newton County Zoning Ordinance

Type of Use	Zoning Districts																
	A	R-E	A-R	R-1	R-2	R-3	MS R	DR	RM F	MH P	MH S	OI	CN	CH	CG	M-1	M-2
Manufacturing, Heavy																	A
Manufacturing, Light															A	A	A
Manufacturing, Outdoor																	A
Medical, Dental Laboratory														A	A	A	A
Medical, Dental Clinic												A	AU	A	A	AU	AU
Manufactured Housing Development										A							
Manufactured Home, Sales, Rental, Repair														A	A	A	A
Manufactured Home, Class A	A		A		A	A	A	A	A	A	A	CU	CU	CU	CU		
Manufactured Home, Class B										A	A						
<b>Manufactured, Modular Homes Sales, Display</b>													CU	A	A	A	A
Massage Studio												A	CU	A	A		
Massage School												CU		CU	CU		A
Metal Smelting/Forging Works														CU	CU	A	A
<b>Museum</b>	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Newspaper/Magazine Publication, Distribution														A	A	A	
Nursing Home	CU	CU	CU					CU	CU			CU		A	A		
Office Supply Sales, Service												AU	AU	A	A		
Office, Professional	CU	CU	CU	CU				CU				A	AU	A	A	A	A
<b>Outdoor Recreational Facilities, Commercial</b>																A	A
<b>Paper/Pulp Mill<sup>2</sup></b>																	CU
Parking Lot, Garage													CU	A	A		
Pawn Shop												CU	CU	A	A		
<b>Personal Care Home Under 6 residents</b>	A	A	A	A	A	A	A	A	A			CU	CU	CU	CU		



**Article Five • Regulations Applying to All Districts**

Type of Use	Zoning Districts																
	A	R-E	A-R	R-1	R-2	R-3	MS R	DR	RM F	MH P	MH S	OI	CN	CH	CG	M-1	M-2
<b>Personal Care Home 7-12 residents</b>	CU	CU	CU					CU				CU	CU	A	A		
<b>Personal Care Home Over 12 residents</b>								CU				CU	CU	A	A		
Personal Services												AU	AU	A	A	A	A
Pest Control														AU	AU	A	A
<b>Petroleum Refinery/ Processing Plant<sup>2</sup></b>																	CU
<b>Place of Public Assembly</b>	CU	CU	CU	CU	CU	CU	CU	CU				CU	CU	A	A	CU	CU
<b>Place of Worship</b>	A	A	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU	A	A	AU	AU
<b>Plant Nursery, Greenhouse, Wholesale</b>	A														A	A	A
Printing Shop												AU	AU	A	A	A	A
<b>Produce Stand, Farmers Market</b>												AU	AU	A	A	A	A
<b>Quarrying, Resource Extraction</b>	CU	CU	CU														CU
<b>Recycling Station</b>																A	A
<b>Restaurant, Drive- Through/Drive-In</b>													AU	A	A		
Restaurant													AU	AU	AU	AU	A
Retail Establishment Under 5,000 SF												AU	AU	A	A		
Retail Establishment Over 5,000 SF														A	A		
Rubber/Tire Plant																CU	CU
<b>Salvage Operation/ Junk Yard</b>																A	A
<b>Sawmill, Planing Mill</b>	CU																A
School, Business or Trade, Private	CU	CU	CU					CU	CU	CU	CU	CU	CU	A	A	CU	CU
<b>School K-12, Private</b>	CU	CU										A					
<b>School, Private Residential</b>	CU	CU	CU	CU													
Site Built Residential Dwelling	A	A	A	A	A	A	A	A	A								
Site Built Home, Zero Lot								A	A								

# Newton County Zoning Ordinance

Type of Use	Zoning Districts																	
	A	R-E	A-R	R-1	R-2	R-3	MS R	DR	RM F	MH P	MH S	OI	CN	CH	CG	M-1	M-2	
Line																		
Soft Drink Bottling/ Distribution Plant																	CU	A
<b>Solid Waste Transfer Station</b>														CU	CU	A	A	
Sporting Goods Store													AU	A	A	AU	AU	
<b>Storage Tank, Bulk, Flammable</b>																CU	A	
Storage Yard, Lumber														CU	CU	A	A	
Subdivision, Residential	A	A	A	A	A	A	A	A	A	A	A							
Subdivision, Commercial												A	A	A	A	A	A	
Subdivision, Industrial																A	A	
Tannery, Leather Processing																CU	CU	
<b>Tattoo Body Piercing Parlor/Studio</b>															CU	CU	CU	
<b>Telecommunications Support Structure</b>	CU	CU	CU					CU	CU	CU	CU	CU	CU	CU	CU	A	A	
<b>Tire Processing Plant, Scrap<sup>2</sup></b>																CU	A	
Tire Store, Retail													AU	A	A	A	A	
Theater												AU	AU	A	A	A		
Theater, Drive-In															A	A	A	
Transitional Housing Facility														CU	CU	CU	CU	
<b>Truck Stop</b>														CU	CU	A	A	
<b>Warehouse, Mini</b>														CU	CU	A	A	
Warehousing, Industrial, Wholesale																A	A	

- Notes: 1. A permit is required under the Adult Entertainment Ordinance.  
 2. See Section 510-530 for use standards.  
 3. See Section 510-670 for use standards.

Revised 06/08/05

## DIVISION 510: USE STANDARDS

### Sec. 510-010 USE STANDARDS

The standards contained within this Division shall apply to all zoning districts within Newton County except as otherwise specified herein.

**Sec. 510-020      ACCESSORY STRUCTURES AND USES**

**A. General Standards:**

1. All accessory buildings, structures, and uses of land, including off-street parking, shall be located on the same lot as the principal building(s) to which they are accessory.
2. All accessory buildings or structures shall be located in the rear yard or in the side yard behind the front yard setback line.
3. No accessory building shall be utilized unless the principal structure is also occupied.
4. No accessory structure shall be closer than five (5) feet from an abutting property line.
5. There shall be a distance of not less than five (5) feet between a principal and accessory building located on the same lot or parcel unless the principal building and the accessory building share a common wall.

**B. The following accessory uses and structures shall be permitted in the A-Agricultural, AR-Agricultural Residential and Rural Estate R-E districts, including similar uses and structures:**

1. Garages for the parking of automobiles, decks, garbage pads, and storage buildings subject to the following conditions:
  - a. Maximum height of two (2) stories or thirty-five feet;
  - b. On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building;
  - c. No garage or other accessory building, structure, or use shall be located closer than five (5) feet to a side or rear lot line or the nearest point along any required buffers, whichever is greater.
  - d. When an accessory building, with the exception of a deck, is attached to the principal building by a breezeway, passageway or similar means, it shall comply with the yard requirements of the principal building to which it is accessory.
2. Swimming pools in compliance with Building Codes.
3. Tennis courts and other play and recreation areas in compliance with Section 520-020 of the Development Regulations.
4. Antennae and satellite dishes in compliance with Section 510-070 and 510-080.
5. Doghouses, runs, pens, rabbit hutches, cages, and other similar structures for the housing of commonly accepted pets, but not including kennels as defined in Section 105-020.
6. Fallout shelters in compliance with Section 510-250.

7. Gardening and composting.
  8. Statues, arbors, trellises, clotheslines, barbecue stoves, flagpoles, fences, walls and hedges, gates and gateposts, and basketball standards.
  9. Signs in compliance with Division 525.
  10. Stands for the sale of produce in compliance with Section 510-510.
  11. Barns and other similar buildings that are customarily incidental to agricultural operations.
  12. Livestock quarters and enclosures in compliance with Section 510-380.
- C. The following residential accessory uses and structures shall be permitted in the R-1, R-2, R-3, DR, RMF, MHP, and MHS districts, including the following and similar uses and structures:
1. All accessory uses permitted in subsection B above, except for items (B) (11) and (12).
  2. In residential districts, the accessory structure must maintain a residential appearance and shall not produce impacts detrimental to adjacent properties as a result of traffic, noise, light, refuse, parking or other activities.
  3. No accessory structure in a residential district shall be used by other than family members of the owner, leasee or tenant of the premises, unless otherwise allowed by provisions of this Ordinance.
  4. In the R-1, R-2, R-3, DR, RMF, MHP, and MHS districts, no accessory building shall exceed 1,000 square feet and the total floor area of accessory structures shall not exceed fifty (50) percent of the principal dwelling on the lot.
- D. The following commercial/office accessory uses and structures shall be permitted in the O-I, C-N, C-H, and C-G districts, including similar uses and structures:
1. Accessory uses permitted in subsection (C) when accessory to a residential principal use.
  2. Accessory retail shops such as cafeterias, gift shops, snack bars, etc., conducted within a principal building for the sole convenience of employees, patients, patrons or visitors. Accessory shops shall equal 20% or less of total gross floor area.
  3. Free-standing parking structures with the following conditions:
    - a. Maximum height of thirty-five (35) feet;
    - b. When abutting any residential property line, structures shall not be located closer than five (5) feet to the nearest point along any required buffer as established in Section 520-020; and

4. Heating and air-conditioning units with the following conditions:
    - a. When abutting a residential district, heating and air conditioning units shall not be located within any required buffer as established in Section 520-020;
    - b. When abutting a non-residential district, heating or air conditioning units shall not be located closer than five (5) feet to a side or rear lot line;
    - c. Units may be installed on the roof of any structure so long as the unit does not exceed the height restrictions and the units are placed so as to be hidden from a front or side view;
    - d. No ground-based heating and air-conditioning unit shall exceed thirty-five (35) feet in height.
  5. Incidental storage structures.
  6. Antenna and satellite dishes in compliance with 510-070 and 510-080.
  7. Garbage dumpsters and recycling collection bins in compliance with the buffer and screening requirements of Section 520-020.
  8. Signs in compliance with Division 525.
- E. The following industrial/manufacturing accessory uses and structures shall be permitted in the M-1 and M-2 districts, including similar uses and structures:
1. Uses permitted in subsection (D) above except for item (D) (1).
  2. Caretaker dwellings in compliance with Section 510-300.

**Sec. 510-030 AIRSTRIP, PRIVATE**

- A. All such uses proposed by a public authority shall include a certified copy of the law, ordinance, resolution, or other official act adopted by the governmental entity proposing the use and authorizing the establishment of the proposed use at the proposed location.
- B. All applications shall include evidence that the proposed facility will meet the standards and requirements imposed by agencies such as the Federal Aviation Administration and all other applicable federal, state or local statutes, ordinances, rules or regulations.
- C. A statement shall be provided detailing noise abatement procedures, methods, and devices that will be employed on the operation of the facility and sufficient analysis shall be presented to indicate what adjoining lands will be affected by the anticipated noise.
- D. All facilities shall be located and so designed that the operation thereof will not seriously affect adjacent residential areas, particularly with respect to noise levels.

- E. All areas used by aircraft under its own power shall be provided with an all-weather, dustless surface.
- F. A map shall be presented showing the landing and take-off corridors as projected, with the map to cover an area within at least a 5,000 foot radius of the boundaries of the proposed facility.

**Sec. 510-040 ADULT ENTERTAINMENT BUSINESSES**

An adult entertainment business is permitted in certain zones, subject to the following restrictions and regulations:

- 1. The adult entertainment materials must not be visible from outside the establishment.
- 2. Access to the adult entertainment materials must be prohibited to any person under the age of 18 years.
- 3. The adult entertainment business must be located at least 1000 feet from the following:
  - (A) A residential zone, or
  - (B) A school, library, park, playground, recreational facility, day care center, place of worship, or other adult entertainment business is located as a principal use. The distance must be measured in a straight line from the nearest property line of the property used for the adult entertainment business to the nearest point of the boundary line of any residential zone, school, library, park, playground, recreational facility, day care center, place of worship or other adult entertainment business is located.
- 4. The adult entertainment business must be located on less than three (3) acres of land containing at least one hundred (100) feet of road frontage.
- 5. An adult entertainment business may operate only between the hours of 9:00 a.m. and 11:00 p.m.
- 6. If adult booths are located on the premises:
  - (A) the booths must be physically arranged so that the entire interior portion of the booth is visible from the common areas of the premises;
  - (B) the booths must not be equipped with a door or curtain that would screen the booth's interior from the common areas of the premises;
  - (C) the booths must be designed to prevent physical contact with another person;

- (D) the booths must be illuminated at all times;
- (E) the booths must not allow any holes in the partitions between the adult booths;
- (F) no person under the age of 18 years is permitted to enter the premises.

**Sec. 510-050      AMPHITHEATER/STADIUM/CONCERT HALL**

- A. Newton County Board of Education schools are exempted from these use standards.
- B. A traffic study and Development of Regional Impact review application shall be completed as required in Section 500-080 and 500-090.
- C. All structures shall be located and all activities shall take place at least 100 feet from any property line adjacent to a residential zone or use.
- D. A minimum buffer shall be required adjacent to any residential use or zone as required in Section 520-020.

**Sec. 510-060      ANIMAL HOSPITAL OR VETERINARY CLINIC**

- A. Any structure used as an animal hospital or veterinary clinic shall be located and its activities conducted at least 500 feet from any property zoned or used for residential purposes.
- B. Medical treatment or care shall be practiced only within an enclosed fence, building or structure.
- C. Kennel or boarding operations incidental to the principal use shall be permitted only within an enclosed fence, building or structure.
- D. The building or structure shall be designed to prevent the adverse impact of noise and/or odor from the animals on adjoining properties.

**Sec. 510-070      ANTENNA, AMATEUR RADIO**

- A. No such antenna structure, including any support upon which it may be constructed, shall exceed a combined height of 50 feet.
- B. Amateur radio service antenna structures exceeding 50 feet in height shall be permitted only by conditional use permit subject to all of the requirements of this Ordinance.
- C. Amateur radio service antenna shall be located a distance of at least one-half the height of the tower from all property lines.

**Sec. 510-080      ANTENNA, SATELLITE TELEVISION**

- A. Satellite television antennae shall be located as follows:

1. In any office, commercial, industrial or multifamily residential district, satellite television antennae may be located anywhere in the buildable area of the lot or on a building thereon, subject to applicable zoning district setback regulations.
2. In other districts, satellite television antennae shall be located only to the rear of any principal structure. If usable communication signals cannot be obtained from the rear location, the satellite television antenna may be located in the side yard. Both locations shall be subject to applicable zoning district setbacks or regulations.
3. In the event that usable satellite television communication signals cannot be received by locating the antenna in the rear or to the side of the principal structure, such antenna may be placed in the front yard or on the roof of the dwelling, provided that approval of the Zoning Administrator shall be obtained prior to such installation. The Zoning Administrator shall issue such a permit only upon a showing by the applicant that usable communication signals are not receivable from any location on the property other than the location selected by the applicant.

**B. Satellite television antennae shall comply with the following regulations for height, screening, and grounds:**

1. In any district other than office, commercial, industrial or multifamily residential, a satellite television antenna shall not exceed thirty-six (36) inches in diameter.
2. A ground-mounted satellite television antenna shall not exceed 20 feet in height including any platform or structure upon which said antenna is mounted or affixed. All non-ground-mounted satellite television antennae shall not exceed thirty-five (35) feet in height.
3. If usable satellite signals cannot be obtained from an antenna installed in compliance with the height limitation imposed by subsection (2) above, such satellite television antennae may be installed at a greater height, provided the greater height is approved by the Zoning Administrator. Such approval shall be granted only upon a showing by the applicant that installation at a greater height is necessary for the reception of usable communication signals. Under no circumstances shall said antennae exceed fifty (50) feet in height.
4. Except in office, commercial, industrial or multifamily residential districts, satellite television antennae shall be located and designed to screen and reduce visual impact from surrounding properties at street level and from public streets.
5. All satellite television antennae shall meet all manufacturers' specifications, be located on non-combustible and corrosion-resistant material, and be erected in a secure, wind-resistant manner.
6. All satellite television antennae shall be adequately grounded for protection against a direct strike of lightning pursuant to the requirements of the Newton County Electrical Code.



**Sec. 510-090 ASPHALT PLANT**

- A. The plant shall be at least 300 feet from a residential use in a non-residential zone. Separation requirements shall be measured from the actual asphalt plant operations area (including offices, parking, and indoor and outdoor storage areas) to the residential structure.
- B. The use shall be totally enclosed by a solid wall at least 8 feet high or enclosed within a fireproof building.
- C. Applicants for new plants shall demonstrate that designated truck access routes to such new facilities will not be primarily through residential areas or on residential streets.
- D. Operations shall comply with all County noise regulations.
- E. All plant operations shall adhere to applicable federal, state and local regulations covering environmental impacts, including but not limited to emissions and noise.

**Sec. 510-100 AUTOMOBILE REPAIR**

- A. The use shall not be established on any lot which is either adjacent to or directly across from any residentially zoned district.
- B. All activities shall be carried on entirely within an enclosed building.
- C. Any outdoor storage requires conditional use approval. Outdoor storage is limited to twenty-five (25) percent of the total lot.

**Sec. 510-110 AUTOMOBILE SERVICE STATION**

- A. The use shall have a minimum frontage on the primary street of 100 feet and a minimum lot area of 12,000 square feet.
- B. All buildings shall be set back 40 feet from all street right-of-way lines.
- C. Canopies covering gasoline dispensers shall be set back not less than 15 feet from all street right-of-way lines.
- D. Vehicular entrances or exits:
  - 1. Shall not be allowed more than two (2) curb cuts for the first 100 feet of street frontage.
  - 2. Shall contain an access width along curb line of the street of not more than 75 feet as measured parallel to the street at its narrowest point and shall not be located closer than 50 feet to a street intersection or closer than 10 feet to the adjoining property.
  - 3. Shall provide for adequate acceleration and deceleration lanes, if required by the Georgia Department of Transportation or Newton County.

**Newton County Zoning Ordinance**

---

- E. All gasoline dispenser islands shall be set back at least twenty (20) feet from the right-of-way line, or where a future widening line has been established, the setback line shall be measured from such line.
- F. Where dispenser islands are constructed perpendicular to the right-of-way line, the dispensers shall be at least:
  - 1. 60 feet from the centerline of an arterial street;
  - 2. 55 feet from the centerline of a collector street;
  - 3. 45 feet from the centerline of other streets.
- G. A raised curb of six (6) inches in height shall be erected along the street property lines, except for driveway openings.
- H. Provide transitional buffers as required in Section 520-020.
  - I. Signs, temporary or permanent, shall not be placed within the public right-of-way and shall be arranged so that they do not obstruct visibility for drivers and pedestrians.
- J. All drives, parking, storage, and service areas shall be paved and curbed.
- K. Outside above ground tanks for the storage of gasoline, liquefied petroleum gas, oil, and other flammable liquids or gases shall be prohibited at any automobile service station.

**Sec. 510-120 AUTOMOBILE WASH SERVICE**

- A. Wastewater from all auto wash services shall be pre-treated prior to being drained directly into the public sanitary sewer unless otherwise approved by the Newton County Health Department.
- B. Paved stacking lanes with the capacity for up to five (5) vehicles shall be provided for vehicles waiting to use automatic car wash facilities and two (2) vehicles per bay for self-service car washes.
- C. No storage or repair of vehicles shall be allowed within the car washing facility.
- D. The use shall provide a safe access to the street. Access shall only be through defined driveway locations.
- E. A transitional buffer shall be provided adjacent to residential property in conformance with Section 520-020.

**Sec. 510-130 BED AND BREAKFAST**

- A. The operator of the establishment shall reside on the site.

- B. Where applicable, the use requires conditional use approval by the Planning Commission, Board of Commissioners, and plan approval by the Planning Department and Fire Marshal.
- C. The use shall have a lot area of not less than 20,000 square feet and a floor area within the dwelling unit of no less than 2,500 square feet.
- D. No guest shall reside in a Bed and Breakfast for a period in excess of fourteen (14) days.
- E. One parking space is provided for each guest bedroom and one space is provided for the operator's or owner's unit in the building.
- F. No signs other than those otherwise authorized within the applicable zoning district shall be erected.
- G. The residential character of the neighborhood shall not be changed due to increased traffic in the neighborhood caused by the use.
- H. The structure is compatible with the character of the neighborhood in terms of height, setbacks, and bulk. Any modifications to the structure are compatible with the character of the neighborhood.
- I. The proposed use will maintain acceptable residential noise standards.
- J. No restaurant use is permitted. Breakfast shall be served on the premises only for guests and employees of the Bed and Breakfast.
- K. Rooms may not be equipped with cooking facilities.
- L. Bed and Breakfast uses must comply with all other applicable provisions in the Newton County Zoning Ordinance.

**Sec. 510-140 CAMPGROUND, RECREATIONAL VEHICLE (RV) PARK, PRIVATE**

- A. No RV Park shall be located except with direct access to an arterial street and with a minimum of 50 feet of road frontage thereon in order to permit appropriate design of entrances and exits to accommodate the size of vehicles that may utilize the RV Park. No entrance or exit from an RV Park shall be permitted through a residential district, nor require movement of traffic from the park through a residential district.
- B. The number and location of access drives shall be controlled for traffic safety and protection of surrounding properties; no camping or trailer space shall be designed for direct access to a street outside the boundaries of the park, and the principal interior access drives shall be at least 30 feet in width, dust free or treated to reduce dust.
- C. The topography of the site be such as to facilitate adequate drainage.

- D. The minimum area for a trailer or camping site shall be maintained in accordance with the approved plan and with corners of each site visibly marked and numbered by a permanent marker. The maximum park area shall be 10 acres.
- E. Spaces in an RV Park may be used by recreational vehicles, travel trailers, equivalent facilities constructed in or on automotive vehicles or other short-term housing or shelter arrangements or devices. No manufactured homes or permanent dwellings shall be permitted except for a single unit for the purpose of security/maintenance of the park.
- F. Management headquarters, recreational facilities, coin-operated laundry facilities and other uses and structures customarily incidental to operation of a RV Park are permitted as accessory uses.
- G. All site lighting shall be directed downward and inward to the site.
- H. The park or campground shall be surrounded by a landscaped strip of open space 100 feet wide along the street frontage and 50 feet wide along all lot lines.
- I. In a residential district, accessory signs shall be limited to internal directional signs.
- J. Proper provision shall be made for storage and refuse collection. Water and sanitary facilities, if provided, shall be subject to approval by the Newton County Health Department.
- K. No camp patron shall be allowed to maintain and/or use the camping site or facilities of any camp permitted under this Section for a period longer than 30 days in any one calendar year. The Code Enforcement Director may authorize a one-time 30-day extension upon proof of hardship.

**Sec. 510-150 CEMETERY**

- A. The site shall have direct access to a major or minor arterial or collector street as defined in the Newton County Comprehensive Land Use Plan.
- B. The minimum area of any new cemetery shall be 10 acres.
- C. All structures, including but not limited to a mausoleum, permanent monuments or maintenance building shall be set back not less than 25 feet from any property line or street right-of-way line.
- D. All graves or burial lots shall be set back not less than 25 feet from any property line or minor street right-of-way line and not less than 50 feet from any collector, arterial, expressway, or freeway right-of-way line.
- E. Satisfactory arrangements shall be made for the landscaping and perpetual maintenance of the cemetery.

**Sec. 510-160 COLLEGE AND UNIVERSITY**

A. A traffic study and Development of Regional Impact review application shall be completed as required in Section 500-080 and Section 500-090.

B. When located in A, R-E, A-R, and R-1 districts such uses shall:

1. Be located on a collector or arterial street;
2. Provide a 50-foot buffer or 25-foot buffer with opaque screening adjacent to residential zoning

**Sec. 510-170 COMPOSTING FACILITY, WOOD CHIPPING/SHREDDING AND YARD TRIMMING**

Composting materials shall be limited to tree stumps, branches, leaves, and grass clippings or similar putrescent vegetative materials, not including manure, animal products or inorganic materials such as bottles, cans, plastics, metals, or similar materials.

**Sec. 510-180 CONCRETE PLANT**

A. The plant shall be at least 300 feet from a residential use in a non-residential zone. Separation requirements shall be measured from the actual concrete plant operations area (including offices, parking, and indoor and outdoor storage areas) to the residential structure.

B. The use shall be totally enclosed by a solid wall at least 8 feet high or enclosed within a fireproof building.

C. Applicants for new plants shall demonstrate that designated truck access routes to such new facilities will not be primarily through residential areas.

D. Operations shall comply with all County noise regulations.

E. All plant operations shall adhere to applicable federal, state and local regulations covering environmental impacts, including but not limited to emissions and noise.

**Sec. 510-190 CONFINED FEEDING LOT OPERATION**

Confined feeding lot operations are permitted as an authorized use in the A-Agricultural District provided that such uses:

A. Comply with Section 510-360;

B. Are not included any overlay district defined in Article 4 of this Ordinance;

C. Are not located in any 100-year floodplain;

D. Comply with the regulations and permitting requirements of the Georgia Department of Natural Resources, Environmental Protection Division; and

E. Are located no closer than:

1. 1,500 feet from the nearest residence;
2. 500 feet from the nearest potable water well; nor
3. 2,500 feet from the nearest school or public recreation area.

**Sec. 510-200 CONVENIENCE STORE**

- A. All lighting, including lighting for canopies, shall be designed and installed to prevent glare or excessive light spillover onto adjacent properties. No source of illumination shall be allowed if such source of illumination would be visible from a residentially zoned district to the extent that it is a nuisance and interferes with the residential use of that area.
- B. An eight-foot high visual barrier or screen, not less than ninety-five percent opaque, shall be provided between the convenience store and any adjacent residential district.
- C. The use shall not exceed a gross leasable floor space of 5,000 square feet.

**Sec. 510-210 DAY CARE, CHILD (rev.06/08/05)**

- A. The use must provide at least 100 square feet of outdoor recreation area per child.
- B. The outdoor play area must be enclosed with a six-foot high fence.
- C. The use shall comply with all applicable state day care requirements for standards, licensing, and inspections.
- D. The use shall provide paved driveways with drop-off areas and turn-arounds to be reviewed by the County Engineer so that traffic associated with the use does not impede the flow of traffic on adjacent streets.
- E. Uses located within residential districts shall maintain a residential appearance and no signs other than those otherwise authorized within the applicable zoning district shall be erected.
- F. Day Care in residential structures must be occupied by a resident.

**Sec. 510-220 DAY CARE, ADULT (rev. 06/08/05)**

- A. The use shall comply with all applicable state day care requirements for standards, licensing, and inspections.
- B. Uses located within residential districts shall maintain a residential appearance and no signs other than those otherwise authorized within the applicable zoning district shall be erected.
- C. Day Care in residential structures must be occupied by a resident.

**Sec. 510-230 DRIVE-THROUGH/DRIVE-IN RESTAURANT**

- A. Must be located at least 250 feet from any single-family residential district. This standard may be reduced to 100 feet if no outdoor speaker system is used.
- B. Must meet the parking standards as required in this ordinance and the Newton County Development Regulations.

**Sec. 510-240 ELECTRIC, PETROLEUM OR GAS SUBSTATION**

- A. Structures shall be placed not less than 50 feet from any property line.
- B. Structures are to be enclosed by a chain link fence at least eight (8) feet high.
- C. The lot shall be suitably landscaped, including a buffer strip at least ten (10) feet wide along the front, side, and rear property lines; planted with evergreen trees and shrubs that grow at least eight (8) feet tall and provide an effective visual screen.

**Sec. 510-250 FALLOUT SHELTER**

- A. If any portion of the structure extends above ground that portion above ground must comply with applicable yard and lot coverage requirements and must be shown on a plan approved by the Zoning Administrator.
- B. If the structure is completely underground, it need not comply with yard requirements or lot coverage requirements.
- C. A fallout shelter, underground or above ground, shall be confined to a side or rear yard and shall not be located in the front yard between the principal building and the street on which it fronts.
- D. Fallout shelters may be contained within other structures or may be constructed separately.
- E. Shelters may be used for any permissible use in the zoning district in which it is located.

**Sec. 510-260 FARM EQUIPMENT, SALES, RENTAL, REPAIR/FEED, SEED STORE**

- A. No outdoor displays shall be permitted in the front yard of the use.
- B. Any outdoor storage must be screened in compliance with Section 520-030.

**Sec. 510-270 FARMING, COMMERCIAL**

- A. No building or structure containing livestock, manure, or other odor-producing substances shall be located within 100 feet of a property line or 50 feet from a street right-of-way line.
- B. Feeding lots, poultry houses, turkey ranges, or dairy barns shall be prohibited except in the Agricultural district or on parcels with a minimum lot size of 40 acres within an M-1 or M-2 zoning district.

**Sec. 510-280 FARMING, GENERAL**

No building or structure containing livestock, manure, or other odor-producing substances shall be located within 100 feet of a property line or 50 feet from a street right-of-way line.

**Sec. 510-290 FLEA MARKET**

- A. The outdoor area devoted to storage, parking, and display of goods shall be limited to that area so designated on an approved site plan.
- B. The use shall provide adequate off-street parking and safe ingress and egress to the adjacent street.
- C. The minimum area shall be 10 acres.
- D. Structures shall be located in accordance with the property development standards of the zoning district in which it is located.
- E. Signs are permitted in accordance with Division 525.
- F. The use shall provide any required buffers and screening in conformance with Division 520.

**Sec. 510-295 GOLF COURSE/COUNTRY CLUB**

- A. Minimum lot size shall be 40 acres.
- B. The principal and accessory buildings, including maintenance sheds, shall be set back at least 100 feet from all property and street lines.
- C. Accessory buildings, structures and storage areas shall be screened on all sides from adjacent residential areas and public street rights-of-way.
- D. Operational hours for maintenance vehicles, course maintenance and/or irrigation shall be restricted to protect nearby residential districts.

**Sec. 510-300 GUEST HOUSE, TENANT HOUSE, CARETAKER HOUSE**

- A. The use must maintain a residential appearance and shall produce no impacts in appearance, noise, light, and traffic that are detrimental to adjacent properties.
- B. The size of the guest house, tenant house or caretaker house can be no more than 800 square feet.
- C. Any additional parking must be located in the rear yard of the unit.
- D. Industrialized homes, may be used as guest houses, tenant houses, or caretaker houses, providing they meet the requirements of this section.

**Sec. 510-310 HOME OCCUPATION**

- A. The dwelling unit must maintain a residential appearance and there shall be no outward evidence of the occupation or impacts in appearance, noise, light, traffic, and utilities.



- B. The home occupation shall be carried on only by a member or members of the family residing in the residence.
- C. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
- D. No more than 25 percent of the principal structure (maximum 800 square feet), may be used for the home occupation.
- E. No more than one home occupation permit shall be granted per dwelling unit.
- F. Customer parking must be located in the rear yard of the dwelling unit.
- G. The use shall be conducted entirely within an enclosed structure.
- H. There shall be no sales on the premises in connection with such home occupation.
- I. There shall be no warehousing of material, equipment, or merchandise on the premises.
- J. No traffic shall be generated by such home occupation in greater volumes than would be expected in residential neighborhood.
- K. Outdoor storage and outdoor lights are prohibited.
- L. No equipment or processes shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors or electrical interference, outside the dwelling unit. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any television or radio receivers off the premises, or cause fluctuations in line voltage off the premises.
- M. No signs other than those otherwise authorized within the applicable zoning district shall be erected.
- N. Approval through a conditional use permit is required for home occupations involving customer contact on the property or for those located in accessory buildings (with the provision that the accessory building be no larger than 1000 square feet).

**Sec 510-320 HOSPITAL**

- A. The lot shall have access to a major thoroughfare.
- B. Side and rear yards shall be at least 25 feet or the minimum required by the zoning district, whichever is greater.
- C. Front building setback shall be at least 50 feet.

**Sec. 510-340 INTERMODAL TERMINAL FACILITY**

- A. All such uses proposed by a public authority shall include a certified copy of the law, ordinance, resolution, or other official act adopted by the governmental entity proposing the use and authorizing the establishment of the proposed use at the proposed location.
- B. All applications shall include evidence that the proposed facility will meet the standards and requirements imposed by regulating agencies and all other applicable federal, state or local statutes, ordinances, rules or regulations.
- C. A statement shall be provided detailing noise abatement procedures, methods, and devices that will be employed in the operation of the facility and sufficient analysis shall be presented to indicate what adjoining lands will be affected by the anticipated noise.
- D. All facilities shall be located and so designed that the operation thereof will not seriously affect adjacent residential areas, particularly with respect to noise levels.
- E. All facilities shall provide a 200-foot landscaped buffer adjacent to any residentially zoned property.
- F. All facilities shall complete a visibility study to ensure that no lights, structures or storage buildings are visible from existing residences.

**Sec. 510-350 KENNEL**

- A. The lot size shall be no less than three (3) acres.
- B. Any building or enclosed structures for the housing of animals shall have minimum side and rear setbacks of at least 75 feet and shall be located at least 100 feet from any abutting street right-of-way.
- C. All areas housing animals shall be completely enclosed by walls or fences at least five (5) feet in height, and shall be located no closer than 75 feet from property lines or street right-of-way.

**Sec. 510-355 KENNEL, COMMERCIAL**

- A. The lot size shall be no less than five (5) acres.
- B. Any building or enclosed structures for the housing of animals shall have minimum side and rear setbacks of at least 150 feet and shall be located at least 200 feet from any abutting street right-of-way.
- C. All areas housing animals shall be completely enclosed by walls or fences at least five (5) feet in height, and shall be located no closer than 150 feet from property lines or street right-of-way.
- D. No commercial kennel shall be located within 500 feet of a residential district.

**Sec. 510-360 LANDFILL, PRIVATELY OWNED AND OPERATED**

- A. A minimum 200-foot natural, undisturbed buffer shall be provided between all active waste burial areas and exterior property lines except for approved perpendicular access and utility

crossings. If the natural buffer does not provide screening adequate meeting the standard of Sec. 520-020(B)(3) it shall be enhance to that standard. Reduction of landfill buffer size, whether under the provisions of Sec. 520-020(C) or any other provisions of this ordinance, is not permitted.

- B. A minimum 75-foot natural, undisturbed buffer shall be provided between non-waste disposal operations and exterior property lines except for approved perpendicular access and utility crossings. If the natural buffer does not provide screening adequate meeting the standard of Sec. 520-020(B)(3) it shall be enhance to that standard. Reduction of landfill buffer size, whether under the provisions of Sec. 520-020(C) or any other provisions of this ordinance, is not permitted.
- C. The limits of any 100-year floodplain or a stream buffer of 200 feet, whichever is greater, shall be preserved as natural, undisturbed area except for approved perpendicular access and utility crossings.
- D. The entire site shall be fenced with a minimum six-foot high chain link security fence.
- E. The landfill shall be located on or have direct private access to a road designated as a major collector, minor arterial, major arterial, or principal arterial in the Newton County Comprehensive Plan.
- F. The applicant shall include with the rezoning and/or conditional use permit application, a report detailing the phasing of the landfill and plans for closure and reclamation.
- G. The following waste disposal/recycling facilities shall be permitted as accessory uses to landfills meeting the above standards:
  - 1. Composting, Municipal Solid Waste.
  - 2. Composting, Yard Trimmings.
  - 3. Gas Recovery/Gas Co-generation Plant.
  - 4. Recovered Materials Processing Facility.
  - 5. Solid Waste Transfer Stations.
- H. The landfill shall meet all federal and state requirements and all applicable rules and regulations as specified by the Georgia Department of Natural Resources Environmental Protection Division.
- I. No active waste burial area shall be located within 1000 feet of any residentially zoned property or lot. No non-waste disposal operation shall be located within 500 feet of any residentially zoned property or lot. Distances shall be measured from the inner boundary line of the required buffer nearest the residential property or lot.

J. The minimum lot size for a private landfill shall be 200 acres. The maximum height of any landfill cell shall be 75 feet above the original grade line.

**Sec. 510-370 LIBRARY AND MUSEUM**

When located in agricultural and residential districts such uses shall:

- A. Be located on a collector or arterial street;
- B. Set back driveways and parking areas a minimum of 25 feet from side property lines.

**Sec. 510-380 LIVESTOCK QUARTERS AND ENCLOSURES**

- A. No livestock quarters are to be located closer than 100 feet to any property line.
- B. Adequate off-street parking shall be provided for livestock trailers, recreation vehicles, etc. associated with the proposed use in addition to the minimum requirements of the Zoning Ordinance.
- C. When such a use is located in zoning districts other than the Agricultural-A District, the maximum number of large, hoofed livestock, including but not limited to cows, hogs, horses, emus and llamas, shall be equal to two (2) animals per fenced acre.

**Sec. 510-390 MANUFACTURED HOME OR INDUSTRIALIZED HOME, PLACEMENT OR MOVEMENT OF A**

- A. Placement of an Industrialized Home, Class A Manufactured Home or Class B Manufactured Home requires a permit. Placement of a Class A Manufactured Home also requires the approval of the Planning Commission. Class C Manufactured Homes cannot be placed or moved in the County. Currently existing non-conforming manufactured homes are governed by Division 530 of the Ordinance.
- B. The application fee is \$100.00, which must be submitted with the application.
- C. **Application.** An applicant must submit an application in writing, signed by the owner of record of the lot, and containing the following information:
  - 1. A legal description of the property upon which placement of the manufactured or industrialized home is sought;
  - 2. The zoning map and parcel number of the property;
  - 3. A statement of the current zoning of the property;
  - 4. A site plan showing the proposed location of the home;

5. A detailed description of the exterior appearance of the home, including exterior dimensions, square footage, exterior siding material, roofing material, roof pitch and all other information required to demonstrate the home meets the compatibility requirements of the applicable definition in Division 105. The applicant shall also supply one or more of the following: photographs, sketches, line drawings, or elevations, plus any plans and specification or promotional materials provided by the manufacturer; and
6. A recent dated photograph of the property upon which placement of the home is sought. Said photograph shall be taken from the road;
7. Such other information as the Zoning Administrator may require.
8. Applicants who seek a permit to place or move a Class B Manufactured Home need not submit items listed in paragraph C.5 above.

D. **Application deadline.** Completed applications for the placement of Class A Manufactured Homes must be received by the first Friday of the month to be heard by the Planning Commission the following month.

E. **Staff Review.** Once the Zoning Administrator determines that a completed application has been submitted, the staff shall review the application to determine whether the home complies with the compatibility standards of the applicable definition in Division 105.

If the application is for the placement of a Class A Manufactured Home, the staff shall visit the proposed location as a part of its review. The staff shall forward its report discussing the surrounding area and the compatibility standards to the Planning Commission prior to its hearing, and shall include a map identifying the zoning and land uses on all adjacent and surrounding property. The report shall also identify the adjacent property owners who shall receive notice (providing name, address, and phone number). The report shall be provided to the Planning Commission members at least one week before the scheduled hearing, and shall make a recommendation for action.

F. **Notice and Hearing.** The Planning Commission shall hold a public hearing on an application for the placement of a Class A Manufactured Home within sixty days of each month's application deadline.

1. The Zoning Administrator shall cause written notice to be mailed to all adjoining property owners by first class mail, at least two weeks prior to the Planning Commission Hearing. The Zoning Administrator shall rely on the property tax records of the County to determine owners and mailing addresses. Owners not reflected in the property tax records are not entitled to mailed notice.
2. The Zoning Administrator shall cause one sign to be posted on each street on which the subject property has frontage in a conspicuous location within ten feet of the right of way. Signs shall be double faced and posted so that the face of the sign is at a right angle to the street. The lettering on the sign shall be at least one

inch. The sign shall state the nature of the request, the application number, and the date, time and place of the hearing where the request will be considered. The sign shall be erected at least 15 days prior to the date of the Planning Commission hearing.

- 3. Notice of the request, the application number, and the date, time and place of the hearing shall be published in the newspaper in the county that carries zoning notices, and shall be published at least 15 days prior to the Planning Commission hearing.
- 4. The Planning Commission hearing shall be conducted in accordance with Section 620-030. All Planning Commissioners shall visit the site prior to the hearing.

**G. Standards for Decision.** In considering an application for a Class A Manufactured Home under this section, the Planning Commission shall apply the following standards:

- 1. Whether the proposed home is aesthetically compatible with the surrounding properties, considering the criteria contained in the applicable definition in Division 105;
- 2. Whether the proposed home would have a negative effect on the public health, safety or general welfare;
- 3. Whether the proposed home complies with all other applicable requirements of the Zoning Ordinance; and
- 4. Whether the proposed home would impair the purposes and intent of the Zoning Ordinance.

**H. Decision.** The Planning Commission shall take one of the following actions on an application for a Class A Manufactured Home at the public hearing: approval of the application; approval of the application with conditions; tabling the application for further information or study; allowing withdrawal of the application; or denial of the application. In the event the application is denied, the Planning Commission shall provide written reasons to the applicant within two weeks of the vote, describing the basis for the decision with reference to the standards in subsection G, above.

**I. Appeal.** Any decision of the Planning Commission to deny or approve the application for a Class A Manufactured Home may be appealed by the applicant, any person owning property within 500 feet of the subject property, or by any member of the zoning staff, Planning Commission, or Board of Commissioners. The appeal shall be heard by the Board of Commissioners. Appeal shall be initiated by filing a written notice of appeal with the Planning Commission within thirty days of the vote. The Planning Commission shall forward its file to the Board, and the Board shall review the decision de novo in accordance with the notice and procedure used in a rezoning hearing, within sixty days of the filing of the notice of appeal.

**Sec. 510-395 MANUFACTURED HOME AS ACCESSORY USE**

- A. The use must satisfy all review criteria for issuance of a temporary permit as specified in this Ordinance.
- B. The manufactured home is to be used for the housing of caretaker or security personnel only.
- C. The manufactured home must satisfy the yard and area requirements of the MHS District.
- D. The manufactured home shall not be visible from a public street.

**Sec. 510-400 MANUFACTURE/INDUSTRIAL/MODEL HOME SALES**

- A. All sales operations shall have direct access to at least a minor collector street.
- B. All sales operations shall be required to provide a paved area, with appropriate drainage, for the storage of units. Homes that are displayed in a semi-permanent state with skirting and landscaping installed are not required to be placed on pavement.

**Sec. 510-410 MULTI-FAMILY DEVELOPMENT**

- A. In approving the site plan for a multi-family development, the County shall determine that the streets, driveways, parking areas, and other public and private drives shown on the plan meet the following standards:
  - 1. Multi-family developments with more than 50 units must have at least one direct access to a collector or arterial street.
  - 2. Private streets may be permitted provided such streets meet the standards of public streets as specified in Division 605 of the Newton County Development Regulations.
  - 3. Adequate provision is made for vehicular traffic to and from the premises and for vehicular traffic and pedestrian traffic to and from the proposed buildings, structures, and parking areas on the premises, including fire fighting and police equipment and personnel, ambulance service, garbage collection service, postal service, delivery service, and other public and private services and individuals who would require access to the premises.
- B. An application for rezoning for multi-family developments with more than 300 units, including all phases, must submit a traffic study meeting standards specified in the Development Regulations Division 605.
- C. Provide an undisturbed natural buffer of 50 feet in width adjacent to parcels developed with existing single-family detached dwelling units or vacant land with single family residential zoning designations.
- D. Multi-family developments may not abut a single-family residential zoning district on more than 75 percent of the boundary of the site.

- E. Multi-family projects developed with more than 50 multi-family units must provide at least 400 square feet of landscaped common open space or recreation area for every dwelling unit.

**Sec. 510-420 MINI-WAREHOUSE (SELF-SERVICE STORAGE)**

- A. The perimeter of any self-service storage (mini-warehouse) facility must be completely screened by fencing or landscaping in addition to a 150 foot undisturbed buffer.
- B. Accessory uses may include security and leasing offices and the rental of trucks or equipment.
- C. Minimum lot size is 5 acres.
- D. Must be constructed along major or minor arterial roads.

**Sec. 510-425 NURSING HOMES/NURSING CARE FACILITIES**

- A. The lot serving the nursing home/nursing care facilities shall comply with the minimum area requirement identified for such use within the given district. In addition, there shall be an additional 1 acre of land area provided for every 10 patient beds exceeding 50 patient beds.
- B. There shall be a minimum common floor area of 2, 000 square feet, plus a minimum of 250 square feet of habitable floor area for each bed.
- C. Parking shall be in accordance with the Newton County Development Regulations.
- D. Nursing homes/Care facilities shall be set back at least 100 feet from any property line or street right-of-way line, and shall be screened from adjacent residential properties.
- E. Nursing homes/Care facilities shall be licensed and operated in accordance with State and Local requirements.
- F. A license shall be obtained from the Newton County Business License Clerk.

**Sec. 510-430 OUTDOOR RECREATION FACILITY, COMMERCIAL**

- A. Only accessory services and parking related exclusively to the recreational operations shall be allowed.
- B. Total floor area of occupied space shall be a maximum of 2,000 square feet. The building[s] shall be located at least 100 feet from all residentially zoned property.
- C. The site shall be at least two (2) acres in size.
- D. All activities shall take place at least 100 feet from any property line adjacent to a residential zone or use. A minimum buffer shall be required adjacent to any residential use or zone as in Section 520-020.



- E. Outdoor activity areas shall be sufficiently screened and insulated so as to protect adjacent property from noise and other disturbances as in Section 520-020.
- F. No outdoor storage shall be allowed.
- G. No outdoor public address system shall be allowed
- H. The use of the site, if it is less than 500 feet from a residentially zoned property, after 8:00 p.m. shall be prohibited.

**Sec. 510-440      RESERVED**

**Sec. 510-450    PARKS AND OPEN AREAS**

- A. Parks and Open Areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscape or outdoor recreation, community gardens or public squares. Lands tend to have few structures.
- B. Accessory uses may include play equipment, restrooms, trails and gardens
- C. Exceptions to this are:
  - 1. Golf courses
  - 2. Cemeteries
  - 3. Lighted outdoor and other active recreation use classified as Recreation/Entertainment.
- D. No outdoor lighting shall be permitted except for minimal required for security purposes.

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

- A. The home shall be operated in a manner compatible with the neighborhood and shall not be detrimental to adjacent properties as a result of traffic, noise, light, refuse, parking or other activities.
- B. The home shall maintain a residential appearance compatible with the neighborhood.
- C. Homes with 6 or fewer persons are allowed by right in all residential zoning districts, and with conditional use in OI, CN, CH, and CG zoning districts.
- D. Homes with 7-12 persons are allowed in A, RE, AR, RMF, OI, CN with a conditional use and by right in CH and CG zoning districts.
- E. Homes with over 12 persons are allowed by right in CH and CG, and with a conditional use in RMF, OI, and CN.

- F. The home shall meet all state requirements and all applicable rules and regulations as specified by the Department of Human Resources of the State of Georgia in “Rules and Regulations for Personal Care Homes,” Chapter 290-5-35.
- G. Bedrooms shall have at least 80 square feet of usable floor space per resident. Usable floor space is defined as that floor space under a ceiling at least seven feet in height. The following exception applies to the minimum of 80 square feet of floor space requirement: personal care homes holding permits at the time of adoption of these Rules may have bedrooms with a minimum of 70 square feet of usable floor space per resident. The regular floor space requirements must be met if a home falling under this exception has its permit revoked, changes ownership, changes location, or for any other reason surrenders its permit to the state.
- H. There shall be no more than four (4) residents per bedroom.
- I. To prevent the institutional atmosphere created by the concentration or clustering of several community residences, no more than one (1) group home or care home shall be located on each block.

**Sec. 510-470 PLACE OF PUBLIC ASSEMBLY**

When located in a residential district, the following conditions shall apply:

- A. Place of assembly must be located on a collector or arterial street;
- B. A 50-foot buffer or 25-foot buffer with opaque screening adjacent to residential zoning is required;
- C. Driveways and parking areas must set back 25 feet from side property lines; and
- D. Outdoor activity shall be limited to the hours of 10:00 a.m. to 10:00 p.m. unless a temporary use permit is obtained from the Zoning Administrator.

**Sec. 510-480 PLACE OF WORSHIP**

- A. The site must be a minimum of four (4) acres in size.
- B. Accessory uses include Sunday School facilities, recreational areas, parking, cemetery, caretaker’s housing, and residential living facilities such as a convent, abbey, or parsonage. All accessory uses must meet the requirements of this ordinance.
- C. When located in a residential district, the following conditions shall apply:
  - 1. Place of worship must be located on a collector or arterial street;
  - 2. A 50 foot buffer or 25 foot buffer with opaque screening adjacent to residential zoning is required;
  - 3. Driveways and parking areas must set back 25 feet from side property lines;

4. No school, child care, adult day care, gymnasium, homeless shelter, or lighted ballfield shall be allowed without a conditional use.

D. Parking lot landscaping standards as provided in the Development Regulations shall apply.

E. The provisions of this section are not intended to impose a substantial burden on the exercise of religion by a person, religious assemble or institution, and such burdening of religious exercise is not allowed except for provisions that serve a compelling government interest. In considering a request for a variance from any term imposed under this section, and if the variance is not warranted under the existing standards, the Planning Staff shall consider the following:

1. Whether the regulation imposes a substantial burden on exercise of a religion;
2. Whether the regulation serves a compelling government interest; and
3. Whether the regulation is the least restrictive means to serve that interest, or whether the request can be granted without harming that interest.

If any provision of this section is found to impose a substantial burden on the exercise of a religion and does not serve a compelling government interest or is not the least restrictive means to serve that interest, the variance shall be granted.

**Sec. 510-490 PLANT NURSERY, GREENHOUSE**

A. Any structure shall be set back at least 100 feet from any residential property line.

B. Adequate and safe on-site parking, loading, and unloading areas and driveways shall be provided for safe ingress and egress, with backing into the street specifically prohibited.

**Sec. 510-500 PROCESSING PLANT AND MANUFACTURING FACILITY FOR HAZARDOUS MATERIALS**

A. Every use shall be so operated as to minimize the emission into the air of dirt, dust, fly ash or any other solid matter which causes damage to property or harm or discomfort to persons or animals at or beyond the lot line of the property on which the use is located and shall comply with applicable federal and state air quality regulations.

B. The applicant shall be responsible for identifying all applicable federal and state regulations and permitting requirements and shall provide evidence of compliance.

C. Such uses shall not be located adjacent to or across the street from any property used or zoned for single-family residential use.

**Sec. 510-510 PRODUCE STANDS (ROADSIDE)**

A. Must be located at least 20 feet from the right-of-way.

B. Must be located at least 100 feet from any residential property, unless the same person owns the property and the produce stand.

- C. Adequate parking space must be provided to allow safe ingress and egress of vehicle passengers.

**Sec. 510-520 QUARRY(RESOURCE EXTRACTION)**

- A. Quarry areas being excavated shall be entirely enclosed within a fence located at least ten (10) feet from the edge of any excavation and of such construction and height as to be demonstrably able to exclude children and animals from the quarry area.
- B. The operators and owners of the quarry shall present to the Board of Commissioners an acceptable comprehensive plan for the reuse of the property at the cessation of operations.
- C. In the case of an existing quarry, an extension of quarry operations beyond the areas being quarried or approved for quarrying at the effective date of this Zoning Ordinance of Newton County, Georgia, shall be permitted and shall not be considered a new operation provided that the extension does not extend to within 1,000 feet of a residential or commercial Zoning District boundary line.
- D. No blasting, and no other quarrying operations that generate noise exceeding 80dB at the property line, are permitted prior to 8 a.m. or after 6 p.m. on any weekday or at any time on Saturday or Sunday.
- E. No quarrying activity is permitted within 200 feet of the property line. No new quarry will be authorized if any portion of the quarry property is within 800 feet of any residentially or commercially zoned property or lot.
- F. Any quarry property shall maintain either a minimum natural, undisturbed buffer or, if the natural buffer does not provide screening adequate meet the standard of Sec. 520-020(B)(3), a buffer enhanced to that standard. The buffer shall be 40 feet unless a greater width is required by the Buffer Standards Table in Sec. 520.

**Sec. 510-530 RECOVERED MATERIALS PROCESSING FACILITY, RECYCLING STATION**

- A. Activities shall be limited to collection, sorting, compacting, and shipping.
- B. Along the entire road frontage (except for approved access crossings), provide a three-foot high landscape earthen berm with a maximum slope of three to one and/or a minimum six-foot high, 100 percent opaque, solid wooden fence or masonry wall. The fence/wall or berm must be located outside of any public right-of-way and interior to any landscaped strip. The finished side of a fence/wall shall face the exterior property lines.
- C. The facility shall not be located adjacent to or across the street from any property used or zoned for single-family residential use.
- D. Lighting for such facilities shall be placed so as to direct away from any nearby residential areas.

- E. Materials collected shall not be visible and shall be deposited in a bin or bunker. All sorting and collection bins shall either be enclosed and have chutes available to the public or be located inside a fully enclosed building.
- F. No outdoor storage of non-containerized materials shall be allowed.

**Sec 510-540 RECREATION CENTER AND CLUB, PRIVATE**

- A. Buildings and structures shall be set back not less than 100 feet from any property line, except when such property line is a street line. In such case, the front yard setback of the district shall apply.
- B. Swimming pools shall comply with the standards established in Section 510-610.
- C. Outdoor activity shall cease by 11:00 p.m.

**Sec. 510-550 SALVAGE OPERATION, JUNK YARD**

- A. The yard is located no closer than 300 feet to a residential or commercial zoning district boundary line.
- B. The yard is completely enclosed with a solid fence of not less than 8 feet high and no closer than 15 feet from the right-of-way of any adjoining roadway. In no case shall the fence be less than a height necessary to screen effectively all storage and other operations from view.
- C. The yard is located no closer than 100 feet from the nearest edge of the right-of-way of any major arterial roadway as defined by Newton County.

**Sec. 510-560 SAWMILL, PLANING MILL**

The mill and any storage areas must be located at least 200 feet from any property line and 100 feet from abutting right-of-way line.

**Sec. 510-570 SCHOOL, K-12, PRIVATE**

Minimum lot size for private elementary, middle, and high schools:

One (1) acre, plus one (1) additional acre for each 100 students based on the design capacity of the school.

**Sec. 510-580 SCHOOL, PRIVATE RESIDENTIAL**

A private school or similar institution may include residential facilities and accessory kitchen, dining, and recreational facilities, provided it is granted a conditional use permit and meets the following standards:

- A. The site contains at least ten acres.
- B. Residential facilities, dormitories, kitchens, dining halls, and recreation facilities constructed on the premises shall be subordinate and accessory to the principal use of the property as a private school and used exclusively by students, faculty, and staff of the school.

- C. Residential facilities, dormitories, kitchens and dining halls occupied for more than 120 days per year shall be permanently constructed facilities meeting provisions of Newton County Ordinances and the applicable County and State Public Health and Building Codes.
- D. No occupied structures, parking lots or outdoor lights shall be closer than 100 feet from residential structures on adjacent property.
- E. The entire site shall be surrounded by a fifty-foot (50) undisturbed buffer meeting the standards of Section 520-020.

**Sec. 510-590 SOLID WASTE TRANSFER STATION**

- A. Along the entire road frontage (except for approved access crossings), provide a three-foot high landscape earthen berm with a maximum slope of three to one and/or a minimum six-foot high, 100 percent opaque, solid wooden fence or masonry wall. The fence/wall or berm must be located outside of any public right-of-way and interior to any landscaped strip. The finished side of a fence/wall shall face the exterior property lines.
- B. The facility shall not be located adjacent to or across the street from any property used or zoned for single-family residential use.
- C. Lighting for such facilities shall be placed so as to direct away from any nearby residential areas.
- D. No outdoor storage of non-containerized materials shall be allowed.

**Sec. 510-600 STORAGE TANK, BULK, FLAMMABLE LIQUIDS**

- A. No above ground storage facilities may be located on the same lot as an automobile service station or closer than 500 feet from any residentially zoned property or school.
- B. A fire prevention, evacuation, and safety plan must be approved by the Newton County Fire Department.
- C. A spill containment and noise and air pollution abatement plan must be approved by County staff.
- D. The use must comply with all applicable state and federal laws.

**Sec. 510-610 RESERVED**

**Sec. 510-620 TATTOO AND/OR BODY PIERCING PARLOR/STUDIO**

- A. Facilities must meet all environmental health requirements of the State of Georgia.
- B. Access must be prohibited to any person under the age of 18 years.

- C. A facility offering these services shall be prohibited within 1000 feet of any place of worship, residentially zoned district, school, library, park, playground, recreational facility, or day care center. The distance shall be measured in a straight line from the front door of the facility to the nearest property line of the place of worship, school, library, park, playground, recreational facility, day care or to the closest residential district boundary line.

**Sec. 510-630 TELECOMMUNICATIONS SUPPORT STRUCTURES AND ANTENNAS AND ALTERNATIVE SUPPORT STRUCTURES**

**A. PURPOSE**

The purpose of this section is to provide zoning classification requirements for the siting of all wireless, cellular, television and radio telecommunications support structures and antennas; to encourage the location of support structures in non-residential areas; to minimize the total number of support structures within the community necessary to provide adequate personal wireless services to residents of Newton County; to encourage the joint use of new and existing support structure sites among service providers; to locate telecommunications support structures and antennas in areas where adverse impacts on the community are minimized; to encourage the design and construction of support structures and antennas to minimize adverse visual impacts; and to enhance the ability of the providers of telecommunications services to deliver such services to the community effectively and efficiently.

**B. DEFINITIONS**

Words not defined herein shall be construed to have the meaning given by common and ordinary use, and shall be interpreted within the context of the sentence and subsection in which they occur. Words used in the singular include the plural and words used in the plural include the singular. Words used in the present tense include the future tense. The word “erected” includes the words “constructed”, “located” or “relocated”. The word “map” or “zoning map” means the Official Zoning District Maps for Newton County, Georgia. The word “parcel” includes the word “plot” or “lot”. The word “person” includes the words “individuals”, “firms”, “partnerships”, “corporations”, “associations”, “governmental bodies” and all other legal entities. The word “shall” is always mandatory and never discretionary. The words “used” or “occupied” include the words “intended, arranged or designed to be used or occupied.”

For the purpose of this section, certain terms used herein shall be defined as follows:

1. Alternative support structure means 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.
2. Antenna means any exterior apparatus designed for wireless telecommunication, radio, or television communications through the sending and/or receiving of electromagnetic waves.

- 3. Co-location means the placement of the antennas of two or more service providers upon a single support structure or alternative support structure.
- 4. Department means the Newton County Planning and Zoning Department.
- 5. FAA means the Federal Aviation Administration.
- 6. FCC means the Federal Communications Commission.
- 7. Geographic antenna placement area means 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.
- 8. Governing Authority means the Board of Commissioners of Newton County, Georgia.
- 9. Height 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.
- 10. Preexisting support structure and antennas means structures as set forth in subsection C.5 of this section.
- 11. Scenic Views means those geographic areas containing visually significant or unique natural features, as identified in the Newton County Comprehensive Plan.
- 12. Support structure means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice support structures, guy support structures, or monopole support structures. The term includes radio and television transmission support structures, microwave support structures, common-carrier support structures, cellular telecommunication support structures, man-made trees (with accessory buildings/structures) and other similar structures.
- 13. Visual Quality means the appropriate design, arrangement and location of support structures in relation to the built or natural environment to avoid abrupt or severe differences.

**C. APPLICABILITY**

- a. No support structure or antenna shall be located in Newton County except as set forth in this Section. Except as set forth in subsection C.4 herein, the provisions, requirements and limitations of this section shall govern the location of all wireless telecommunication, cellular telecommunication, television, microwave or radio transmission support structure or antenna installed within the jurisdiction of the



governing authority. The provisions, requirements and limitations of this section shall only apply to wireless telecommunication, cellular telecommunication, television, microwave or radio transmission support structure or antenna installed within the jurisdiction of the governing authority. In addition, any provisions, requirements or limitations contained in other sections of the Zoning Ordinance of Newton County, Georgia, which conflict in any way with the administration of this section or the provisions, requirements or limitations of this section shall be inapplicable to section 510-530.

2. Height Limitations. Height limitations applicable to buildings and structures set forth elsewhere in the Zoning Ordinance shall not apply to support structures and antennas which comply with this section 510-530.
3. Governmental Exemption. Except as otherwise specifically provided for in this section, the provisions of this section shall not apply to the governing authority's properties, facilities or structures. Private facilities and structures placed upon the governing authority's property shall be governed by a lease agreement between the governing authority and the provider.
4. Amateur Radio; Receive-Only Antennas. This section shall not govern any support structure, or the installation of any antenna, that is 75 feet or less in height and is owned and operated by a federally-licensed amateur radio station operator from the operator's residence, or is used exclusively as a receive-only antenna; provided, however, only one such support structure or antenna per residence shall be excluded from this section.
5. Pre-Existing Support Structures and Antennas. Any support structure or antenna for which a permit has been properly issued prior to the effective date of this section shall not be required to meet the provisions of this section, other than subsections D.11, D.12, D.13 and subsection I; and the requirements of subsections D.5 (except subsection D.5.f), D.7 and D.8 within six (6) months from the date of adoption of this section. Any such support structures or antennas shall be referred to in this section as "pre-existing support structures" or "pre-existing antennas". Provided, however, that the placement of antennas on any nonconforming structure shall not create a vested right for the continued use of the structures should the nonconforming use cease.

If an additional antenna is co-located upon a pre-existing support structure or alternative support structure after adoption of this section, then the requirements of subsections D.5 (except subsection D.5.f), D.7 and D.8 shall be met as part of the permitting process.

#### D. GENERAL PROVISIONS

1. Principal Or Accessory Use: A support structure and/or antenna is considered a principal use if located on any lot or parcel of land as the sole or primary structure, and is considered an accessory use if located on a lot or parcel shared with a different existing primary use or existing structures. An existing use or structure on the same

lot or parcel shall not preclude the installation of an antenna or support structure. For purposes of determining whether the installation of a support structure or antenna complies with zoning district requirements, including but not limited to set-back, buffer and other requirements, the dimensions of the entire lot or parcel shall control, even though the antenna or support structure may be located on a leased area within such lot or parcel. Support structures that are constructed, and antennas that are installed, in accordance with the provisions of this section shall not be deemed to constitute the expansion of a nonconforming use or structure.

2. Five Year Plan and Inventory of Existing Sites. To facilitate the co-location of antennas and future land use planning, each applicant seeking to locate a new support structure, alternative support structure or antenna, or modify any such existing structure, shall provide to the Department an inventory of its existing support structures or alternative support structures, existing support structures or alternative structures to be upgraded or replaced, and proposed support structures or alternative structures to be constructed in the next five years following the date of the application. The Department shall provide the Newton County Board of Tax Assessors with a copy of the inventory. Applicants seeking to erect an amateur radio support structure or antenna shall be exempt from this provision.
  - a. The inventory shall include all such structures owned or leased by the applicant that are within the jurisdiction of the governing authority; within a municipality located, in whole or in part, within Newton County; or, within a neighboring county which currently is capable of providing coverage or capacity within Newton County, and shall include specific information about the location (latitude and longitude coordinates), height, design, support structure type and general suitability for antenna co-location of each support structure or alternative structure, and other pertinent information as may be required by the Department.
  - b. If the applicant does not know specific future support structure and antenna site locations but does know of areas where telecommunications facilities will be needed within the next five years to provide service, the applicant shall list the assessor's blocks contained within the geographic service area and identify each geographic service area with a number that will correspond to the future telecommunication facility site.
  - c. The Department may share the location of existing telecommunication facility sites with other applicants seeking to locate support structures or antennas within the jurisdiction of the governing authority; provided, however that the Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable. The location of any proposed telecommunication facility sites will be protected as privileged information if the applicant so requests and it is considered as such under the applicable laws and legal authority.
3. Co-location; Design Requirements. In addition to all applicable building and safety codes, all support structures, except amateur radio support structures, shall be

designed to accommodate the co-location of cellular telecommunication antennas according to the following:

- a. for support structures up to 90 feet in height, the structure and fenced compound shall be designed to accommodate the maximum number of users as determined by the most current technology;
  - b. for support structures 90 feet to 150 feet in height, the structure and fenced compound shall be designed to accommodate at least three providers or the maximum number of users as determined by the most current technology, whichever is greater;
  - c. for support structures 150 feet to 200 feet in height, the structure and fenced compound shall be designed to accommodate at least four providers or the maximum number of users as determined by the most current technology, whichever is greater;
  - d. no support structure shall exceed 200 feet in height.
4. Co-location; Availability of Suitable Existing Structures. No new support structure, except amateur radio support structures, shall be permitted unless the applicant demonstrates to the satisfaction of the Department and Governing Authority that no existing support structure or existing alternative support structure can accommodate the applicant's proposed antenna. The applicant shall submit an inventory of all support structures or alternative support structures located within one-half mile of the proposed location. This inventory must include all support structures or alternative support structures exceeding 60 feet in height in R-1, R-2, R-3 and DR zoning district, exceeding 75 feet in height in RMF, MHS and MHP zoning districts, and exceeding 135 feet in height in all other zoning districts. All evidence submitted shall be signed and sealed by appropriate licensed professionals or qualified industry experts. All required evidence must be submitted with the application. Evidence submitted to demonstrate that no existing support structure or other structure can accommodate the proposed antenna shall consist of one or more of the following:
- a. No existing support structures or suitable alternative support structures are located within the geographic antenna placement area required to meet the applicant's engineering requirements;
  - b. Existing support structures or structures are not of sufficient height to meet the applicant's engineering requirements;
  - c. Existing support structures or structures do not have sufficient structural strength to support the applicant's antenna and related equipment;
  - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna(s) on the existing support structures or structures, or the antenna on

the existing support structures or structures would cause interference with the applicant's proposed antenna;

- e. The cost or contractual provisions required by the support structure owner to share an existing support structure or alternative support structure or to adapt an existing support structure or alternative support structure for sharing exceed the cost of new support structure development. Specific cost information must be submitted if this justification is to be relied upon. Competitive wireless telecommunications providers are required to cooperate and negotiate fairly with each other regarding co-location leases;
  - f. The applicant adequately demonstrates that there are other limiting factors that render existing support structures and structures unsuitable, other than economic reasons. If the requirement of co-location will cause additional expense to the applicant, all such costs must be specifically shown to the Board.
5. Aesthetics. The guidelines set forth in this subsection shall govern the design and construction of all support structures, and the installation of all antennas governed by this section.
- a. Support structures and/or antennas shall either maintain a galvanized steel or concrete finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
  - b. At all support structure sites, the design of all buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the support structure facilities to the natural setting and building environment. Any equipment or cabinet that supports telecommunication facilities must be concealed from public view and made compatible with the architecture of the surrounding structures or placed underground. Equipment shelters or cabinets shall be screened from public view by using landscaping or materials and colors consistent with the surrounding backdrop. The shelter or cabinet must be regularly maintained.
  - c. For antennas installed on a structure other than a support structure, the antenna and supporting electrical and mechanical ground equipment shall be of a neutral color so as to make the antenna and related equipment visually unobtrusive.
  - d. Support structures shall not be artificially lighted, unless required by the FAA or other applicable authority. If the lighting is required, the Governing Authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. The lighting shall be dimmed or changed to red lights from the sunset to sunrise.

- e. No signage or other identifying markings of a commercial nature shall be permitted upon any support structure or alternative support structure within Newton County.
  - f. To the extent practical, telecommunication facilities shall not be placed in a direct line of sight with historic or scenic view corridors as designated by the governing body or by any state or federal law or agency.
  - g. Access to the support structure site shall be restricted so as to minimize visibility of the access. Where possible, existing roads shall be used. Where no roads exist, access shall follow the existing contours of the land.
  - h. Such other additional requirements as the Zoning Administrator shall reasonably require to minimize the visual impact of the site on the surrounding area.
6. Setbacks and Separation. The following setbacks and separation requirements shall apply to all support structures.
- a. Support structures shall be setback a distance equal to the height of the support structure from its base to any public right-of-way or occupied structure, or property line of the lot or parcel containing the support structure, except when a property owner or adjoining property owner consents in writing to waive the setback and the applicant clearly demonstrates the support structure will collapse within the parent parcel.
  - b. Guy-wires and accessory buildings and facilities shall meet the minimum accessory use location and setback requirements.
  - c. In zoning districts other than M-1 and M-2, support structures shall not be located closer than two thousand (2,000) feet from any existing support structure. This requirement shall not apply to amateur radio support structures.
  - d. In the event an applicant clearly demonstrates that, given the structural failure characteristics of an alternative structure design, the required setbacks are excessive and unduly burdensome, the applicant may request the setbacks be reduced. In determining whether setbacks shall be reduced, consideration shall be given to both the danger from structure collapse and falling debris, such as ice, from a structure.
7. Security Fencing/Anti-Climbing Devices. All support structures and supporting equipment shall be enclosed by fencing not less than six (6) feet in height and shall also be equipped with appropriate anti-climbing devices. Fencing shall be of chain link, wood or other approved alternative.
8. Landscaping. The following requirements shall govern landscaping surrounding all support structures.

- a. Where adequate vegetation is not present, support structure facilities shall be landscaped with a landscaped strip of plant materials which effectively screens the view of the support structure compound. Landscaped strips shall be a minimum of ten (10) feet in width and located outside the fenced perimeter of the compound.
  - b. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. Where natural vegetation around the perimeter of the site would provide an adequate visual screen, an undisturbed buffer may be utilized. The applicant shall provide a site plan showing existing significant vegetation to be removed, and vegetation to be replanted to replace that lost.
  - c. Landscaping shall be maintained by the provider and shall be subject to periodic review by the Zoning Administrator to assure proper maintenance. Failure to maintain landscaping shall be deemed a violation of this section.
  - d. Amateur radio support structures and antennas, or receive-only antennas shall not be subject to the provision of this subsection unless required by the Governing Authority through the Conditional Use Permit process.
9. Maintenance Impacts. Equipment at a transmission facility shall be automated to the greatest extent possible to reduce traffic and congestion. Where the site abuts or has access to a collector or local street, access for maintenance vehicles shall be exclusively by means of the collector or local street, utilizing existing access to the property on which such facility is to be located, where possible.
10. Review of Support Structure and Antenna Erection by the Airport Authority. If, upon receipt of an application for the erection of any support structure or alternative support structure governed by this section, the Department deems that the proposed structure may interfere with or affect the use of the airways of the County by the public or interfere with or affect the operation of existing or proposed airport facilities, a copy of the application shall be submitted by the Department to the Airport Authority for review and recommendation.
11. Federal Requirements. All support structures must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate support structures and antennas. If such standards and regulations are changed, the permittee or the lessee of the support structure and antenna governed by this section shall bring such support structure and/or antenna into compliance with such revised standards or regulations within six (6) months of the effective date of such standards and regulations unless a more or less stringent compliance schedule is mandated by the controlling federal agency. Failure to bring such support structure and/or antenna into compliance with such revised standards and regulations shall be deemed to be a declaration of abandonment of the support structure and constitute grounds for the removal of the support structure or antenna at the owner's, permittee's, or lessee's expense.

12. Building Codes; Safety Standards. To ensure the structural integrity of support structures, the owner, permittee or subsequent lessee of a support structure or alternative support structure shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for support structures that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Department concludes that a support structure fails to comply with all applicable codes and standards, or constitutes a danger to persons or property, then upon receipt of written notice by the owner, permittee or lessee of the support structure, said party shall have fifteen (15) days to bring the support structure into compliance with such standards. Failure to bring such support structure into compliance within fifteen (15) days shall be deemed a declaration of abandonment of the support structure and constitute grounds for removal of the support structure. Prior to the removal of any support structure, the Department may consider detailed plans submitted by the owner, permittee or subsequent lessee for repair of substandard support structures, and may grant a reasonable extension of the above referenced compliance period.
  
13. Change of Ownership Notification. Upon the transfer of ownership of an interest in any support structure, alternative support structure, or lot upon which such a structure has been erected, the support structure permittee shall notify the Department of the transaction in writing within 30 days.

#### E. APPLICATION PROCEDURES

1. Pre-Application Consultation. Prior to submitting a application for a permit for any telecommunication facility, the applicant is strongly encouraged to consult with Department staff and review the County's inventory of potentially available sites for co-location.
  
2. General Application Requirement. Application for a permit for any telecommunication facility shall be made to the Department by the person, company or organization that will own and operate the telecommunications facility. An application will not be considered until it is complete. The Zoning Administrator is authorized to develop application forms to assist in providing the required information and facilitate the application process. Except for a co-location information submittal under subsection E.3 of this section, the following information shall be submitted at the time the application is submitted. The application will not be considered complete and will not be accepted unless accompanied by all required information at the time of submittal.
  - a. A survey, sealed by a surveyor registered in the State of Georgia, showing the location of all lot lines, leased areas, easements, access points, structures, screening and landscaping existing on site.

- b. Site plan or plans to scale specifying the location of telecommunications facilities, transmission building and/or other accessory uses, access, parking, fences, landscaped areas, and adjacent land uses. Applicants shall submit both a paper location map and a digitized location map in a format compatible with the GIS software currently utilized by the County Data Processing Department.
- c. Scaled elevations showing the impact of the proposed support structure or antenna.
- d. Landscaped plan to scale indicating size, spacing and type of plantings required in subsection D.8.
- c. A full description of the environment surrounding the proposed telecommunications facility, including any adjacent residential structures and districts, structures and sites of historic significance, streetscapes or scenic view corridors.
- d. Information and drawings showing that the proposed facility and support structure satisfy the aesthetic requirements of section D.5.
- e. A description of anticipated maintenance needs for the telecommunications facility, including frequency of service, personnel needs, equipment needs, and traffic, noise or safety impacts of such maintenance.
- f. Report from a professional qualified engineer licensed in the State of Georgia, or other appropriate qualified industry expert, documenting the following:
  - i. Support structure or antenna type, height, and design;
  - ii. Engineering, economic, and other pertinent factors governing selection of the proposed design;
  - iii. Total anticipated capacity of the telecommunications facility, including numbers and types of antennas which can be accommodated;
  - iv. Evidence of structural integrity of the support structure or alternative support structure;
  - v. Structural failure characteristics of the telecommunications facility and demonstration that site and setbacks are of adequate size to contain debris; and
  - vi. Certification that the antenna(s) and related equipment or appurtenances comply with all current regulations of the FCC, with specific reference to FCC regulations governing non-ionizing electromagnetic radiation (NIER), and that the radio frequency levels meet the American National Standards Institute (ANSI) guidelines for public safety.



- g. The identity of a community liaison officer appointed by the applicant to resolve issues of concern to neighbors and residents relating to the construction and operation of the facility, including name, address, telephone number, facsimile number, electronic mail address and pager number.
- h. Identification of the geographic service area for the subject installation, including a map showing the site and the nearest or associated telecommunications facility sites within the network. Describe the distance between the telecommunications facility sites. Describe how this service area fits into and is necessary for the service network (i.e., whether such antenna or support structure is needed for coverage or capacity.)
- i. If the proposed site is in a residential zoning district, applicant must describe why an alternate non-residential site was not proposed by identifying:
  - i. what good faith efforts and measures were taken to secure such an alternate site and why such efforts were unsuccessful;
  - ii. why such an alternate site was not technologically, legally or economically feasible; and
  - iii. how and why the proposed site is essential to meet service demands for the geographic service area.
- j. The Department will review with special care justifications that appeal only to undue expense and/or to undue difficulties in entering into a lease agreement. The Department shall carefully weigh such claims, and the evidence presented in favor of them, against a project's negative impacts at the proposed site.
- k. The applicant must provide a utilities inventory showing the locations of all water, sewage, drainage and power line easements impacting the proposed support structure site.
- l. The original signature of the applicant. The applicant must provide a signed, notarized statement of all owners of the subject property authorizing the filing of the application, and where applicable, the signed and notarized affidavit of the owner(s) of the subject property authorizing an applicant or agent to act on their behalf in the filing of the application. The application also shall contain the mailing address and phone number of any applicant or agent who is authorized to represent the owner of the subject property. Where applicable, the applicant shall also provide a copy of any lease agreements with the owner of the subject property.
- m. The applicants proposed five-year plan, and other information required by section D.2.

- n. The inventory of existing support and alternative support structures required by section D.4
  
- o. Evidence demonstrating specifically that no existing support or alternative support structure can accommodate the proposed antenna, under section D.4 (subparagraphs (a) through (f)).
  
- p. If the proposed antenna height exceeds the limitations of subsection H.2, the applicant must describe why an antenna complying with that height standard is not feasible by showing:
  - i. what good faith efforts and measures were taken to secure an alternate site and why such efforts were unsuccessful;
  
  - ii. why an alternate site was not technologically, legally or economically feasible; and
  
  - iii. how and why the proposed height is essential to meet service demands for the geographic service area.
  
  - iv. how and why the necessary service cannot be provided with more antennas at a height complying with subsection H.2.

The Department will review with special care justifications that appeal only to undue expense and/or to undue difficulties in entering into a lease agreement. The Department shall carefully weigh such claims, and the evidence presented in favor of them, against a project’s negative impacts at the proposed site.

- q. The applicant must provide any other information which may be requested by the Department to fully evaluate and review the application and the potential impact of a proposed telecommunications facility.
  
- 3. Support Structure Co-location Information Submittals. Any person or entity co-locating an antenna or antennas which will add no more than ten (10') feet to the height of the support structure and related equipment or appurtenances on or around a support structure for which a permit has already been issued shall submit the following information only. This information must be submitted at the time the application is submitted. The application will not be considered complete and will not be accepted unless accompanied by all required information at the time of submittal.:
  - a. The name of the person or entity co-locating the antenna.
  
  - b. The name of the owner of the support structure and a copy of any lease agreements with said owner.
  
  - c. The support structure’s permit number.

- d. The location of the support structure.
- e. The remaining structural capacity of the support structure.
- f. Certification that the antenna(s) and related equipment or appurtenances comply with all current regulations of the FCC, with specific reference to FCC regulations governing non-ionizing electromagnetic radiation (NIER), and that the radio frequency levels meet the American National Standards Institute (ANSI) guidelines for public safety.

**F. ADMINISTRATIVE APPROVALS**

1. General.

- a. The Department may administratively approve the uses set forth in subsection F.4 of this section. All such uses shall comply with requirements set forth in this subsection and all other applicable codes and ordinances.
- b. The Department shall respond to each application within forty-five (45) days of its receipt by either approving or denying the application. One forty-five (45) day extension of this review period may be exercised by the Department if such additional time is deemed necessary to adequately assess the request. If the Department fails to respond to the applicant within a maximum of ninety (90) days, the application shall be deemed to be approved.
- c. As part of any administrative approval, the Department may administratively reduce setback requirements by up to ten percent (10%) to compensate for irregularly shaped lots or parcels.
- d. Any decision by the Department that results in the denial of a request to place, construct, or modify wireless telecommunications facilities shall be in writing and supported by substantial evidence. In addition to the requirements set forth in subsection F.4 for uses allowed by administrative approval, the Department shall consider the applicable factors set forth in subsection G.6 in acting upon an application for administrative approval.
- e. Once an Administrative Approval is granted, the permittee shall be required to file an annual report with the Department. The Department shall provide the Newton County Board of Tax Assessors with a copy of the report. Said report shall include the following:
  - i. Certification that the support structure or antenna is currently in use, and if not in use, the date the structure or antenna ceased being in use.

- ii. A report from a professional qualified engineer licensed by the State of Georgia, or other appropriate qualified industry expert, on the structural integrity of the support structure or antenna;
  - iii. A report certified by a radio frequency engineer or other appropriate qualified industry expert that the site is in compliance with current FCC radio emission standards; and
  - iv. An updated inventory of existing sites (see subsection D.2.).
- 2. Application; contents; fee. All applications for Administrative Approval of a Permit shall be submitted to the Newton County Planning and Zoning Department. Each application shall contain as a part thereof detailed plans and specifications as set forth in subsection E. An application for Administrative Approval of a Permit shall not be accepted for processing without the information required in subsection E. of this section. An application fee shall be charged by the Department in an amount stated in subsection J of this section.
- 3. Co-location of Antennas Required. Applicants for the erection of a support structure or placement of an antenna shall be required to co-locate upon an existing support structure or alternative support structure. An exception to co-location shall only be made if the applicant adequately demonstrates that an existing support structure suitable for co-location does not exist in the geographic antenna placement area, and that no suitable alternative support structure is available as set forth in subsection D.4.
- 4. Uses Allowed by Administrative Approval. The following uses may be approved by the Department after conducting an administrative review, provided all other criteria of this section are met.
  - a. If it is adequately demonstrated that antenna co-location, as required in subsection F.3 above, is not possible for a given geographic antenna placement area, construction of a new support structure up to a height of one hundred fifty feet (150'), including the placement of additional buildings or other supporting equipment used in connection with said support structure or antenna, may be permitted in the following zoning districts:
    - i. Light Industrial (M-1)
    - ii. Heavy Industrial (M-2)
  - b. If it is adequately demonstrated that antenna co-location, as required in subsection F.3 above, is not possible for a given geographic antenna placement area, construction of a new support structure up to a height of fifty feet (50') (thirty-five feet (35') if only intended to accommodate one user), including the placement of additional buildings or other supporting equipment used in connection with said support structure or antenna, may be permitted in the following zoning districts:

- i. Office/Institutional (O/I)
  - ii. Commercial Highway (CH)
  - iii. Commercial General (CG)
- c. Co-location of any antenna, so long as the addition of said antenna adds no more than ten (10) feet to the height of the existing support or alternative support structure.
- d. Replacing an existing support structure with a new support structure designed to accommodate three or more users so long as the new support structure does not exceed the height limitations of this section and setback requirements of this section are met. After the replacement support structure is built, only one support structure shall remain on such site.
5. Appeal of Administrative Determination. If a permit application for a support structure as an administratively permitted use is determined by the Department to not meet all applicable criteria of this section, the applicant may appeal the determination to the Board of Commissioners. The Board shall treat the appeal as a new application, but no additional fee will be required.

#### G. CONDITIONAL USE PERMIT REQUIRED

1. General.
- a. If the proposed support structure or antenna is not eligible for administrative approval, then a Conditional Use Permit shall be required for the construction of a support structure, alternative support structure or the placement of an antenna in any zoning district. All such uses shall comply with requirements set forth in this section and all other applicable codes and ordinances.
  - b. In granting a Conditional Use Permit, the Governing Authority may impose conditions to the extent that it concludes such conditions are necessary to minimize adverse effects from the proposed support structure on adjoining or nearby properties as set out in subsection G.6.
  - c. Once a Conditional Use Permit is granted, the permittee shall be required to file an annual report with the Department, on the anniversary date of the grant of the permit. The Department shall provide the Newton County Board of Tax Assessors with a copy of the report. Said report shall include the following:
    - i. Certification that the support structure or antenna is currently in use, and if not in use, the date the structure ceased being in use.

- ii. A report from a professional qualified engineer licensed by the State of Georgia, or other appropriate qualified industry expert, on the structural integrity of the support structure or antenna;
  - iii. A report certified by a radio frequency engineer or other appropriate qualified industry expert that the site is in compliance with current FCC radio emission standards; and
  - iv. An updated inventory of existing sites (see subsection D.2.).
2. Application; contents; fee. All applications for Conditional Use Permits shall be submitted to the Newton County Planning and Zoning Department. Each application shall contain as a part thereof detailed plans and specifications as set forth in subsection E. An application for a Conditional Use Permit shall not be accepted for processing without all the information required in subsection E. An application fee shall be charged by the Department in the amount stated in subsection J.
3. Co-location of Antennas Required. Applicants for the erection of a support structure or antenna, except amateur radio operators, shall be required to co-locate upon an existing support structure structure. An exception to co-location shall only be made if the applicant adequately demonstrates that an existing support structure suitable for co-location does not exist in the geographic antenna placement area, and that no suitable alternative support structure is available as set forth in subsection D.4 contained herein.
4. Independent Expert Review. The Governing Authority shall engage a licensed professional engineer as an independent expert to review any of the materials submitted by an applicant for a Conditional Use Permit if the application seeks a new support structure over 150 feet in height. The Governing Authority may engage such an expert if the application seeks a new support structure under 150 feet, or seeks a co-location. The expert shall render an opinion regarding any concerns about the proposal, including but not limited to, structural integrity and the feasibility of alternative sites or co-location. Following the review of an independent expert, the Governing Authority shall convey its concerns to the applicant in writing and shall allow the applicant a reasonable opportunity to address those concerns. If the applicant is unable to satisfactorily address those concerns, the applicant shall be allowed a reasonable amount of time, not to exceed thirty (30) days, following the receipt of the letter, in which to modify the application to alleviate the Governing Authority’s concerns or withdraw the application altogether. The expert’s opinion shall be considered determinative, unless the applicant agrees to pay the expenses of submitting both opinions for a peer review, which review shall then be considered final. If the independent third-party expert supports the applicant’s expert, then the Department shall pay the expenses of said third-part expert. If the independent third-part expert supports the position of the Department, then the applicant shall pay the expense of said third-party expert. No permit shall issue until the applicant has paid all expenses incurred under this subsection.

5. Public hearing. Before taking action upon the proposed Conditional Use Permit, the Governing Authority shall hold a public hearing on the matter. At least 15 days prior to the date of the public hearing, the Governing Authority shall cause the following notice requirements to be instituted by the Department:
  - a. A sign shall be erected, in a conspicuous location, on or adjacent to the property under consideration. The sign shall state the time, place, location, and purpose of the public hearing.
  - b. A letter shall be sent by certified mail, return receipt requested, to all property owners of record of abutting parcels, and to all property owners of residentially-used parcels lying in whole or in part within a distance of two (2) times the height of the proposed support structure as measured from its base, giving notice of the public hearing. The letter shall state the same information as required for the sign.
  - c. A public notice shall be published in the newspaper in which the sheriff's advertisements appear once a week for two (2) consecutive weeks prior to the date of the hearing.
  - d. Subsection b and c above shall be the responsibility of, and at the expense of, the applicant.
  
6. Considerations in Approval or Denial of Conditional Use Permits. Any denial of a request to place, construct or modify a telecommunications facility shall be in writing and supported by substantial evidence contained in a written record. The Board shall submit a written decision to the clerk of the Board, and mail a copy to the applicant, within one week of the date of decision. The following factors may be taken into consideration in acting upon a Conditional Use Permit application under the provisions of this section:
  - a. The height and setbacks of the proposed support structure or antenna(s);
  - b. The proximity of the support structure or antenna(s) to residential structures and residential district boundaries;
  - c. The nature of uses on adjacent and nearby properties;
  - d. The surrounding topography;
  - e. The surrounding tree coverage and foliage;
  - f. The design of the support structure or antenna(s), with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness, such as a monopole or alternative support structure;

- g. The proposed ingress and egress;
  - h. The availability of suitable existing support structures or other structures for antenna co-location; and whether the applicant has demonstrated adequately, pursuant to subsection D.4, that no co-location is possible
  - i. The impact of the proposed support structure or antenna(s) upon scenic views and visual quality of the surrounding area.
  - j. The needs of the applicant as balanced against the detrimental effects on surrounding properties.
  - k. The impact of the proposed support structure or antenna(s) on adjacent and nearby properties.
  - l. Whether the application is complete and contains all information required by subsection E.
  - m. Whether the applicant has demonstrated with clear and convincing evidence that the denial of a permit in such a location will cause a significantly harmful and permanent degradation of service which cannot be overcome by any other means including planned or potential locations which would provide the same or similar coverage or capacity.
  - n. Whether the applicant has complied with, and satisfactorily demonstrated compliance with, all requirements of this section.
  - o. Whether the applicant has satisfied the aesthetic requirements of subsection D.5.
  - p. If the applicant has previously filed a five-year plan pursuant to subsection D.2, whether the proposed facility complies with that plan, and if not, whether the applicant has valid reasons for deviating from its plan.
7. Requirements for Issuance of Conditional Use Permit. The Conditional Use Permit may be issued by the governing authority only upon satisfaction of the following requirements:
- a. A proper and complete application filed in accordance with the requirements of subsection E;
  - b. The application is otherwise in compliance with the conditions for the proposed conditional use required by this subsection, and is in compliance with all requirements of subsection D;
  - c. The applicant complies with the conditions proposed by the governing authority for the purpose of reducing the harmful effects of the use on surrounding uses and ensuring compatibility with surrounding use;



- d. The governing authority determines that the benefits and need for the proposed conditional use are greater than any possible depreciating effects or damages to neighboring or nearby properties; and
  - e. All fees, including expert fees, have been paid in full.
8. Resubmittal of Conditional Use Application. An application for a Conditional Use Permit which has been denied shall not be resubmitted for a period of twelve (12) months and then only if the applicant can document a substantial change in need for a support structure or antenna at the same location.

#### H. SUPPORT STRUCTURES AND ANTENNAS IN RESIDENTIAL AREAS

1. Placement of Support Structures and Antenna. No permit shall be granted for any site zoned R-E, A-R, R-1, R-2, R-3, DR, RMF, MHP or MHS unless the evidence establishes that it is not possible to locate said support structure in a non-residential district and close significant gaps or otherwise provide personal wireless communication service mandated by the terms of the applicant's federal telecommunication license. Notwithstanding any other provision of this section, no support structure or antenna shall be permitted in a residential neighborhood or within two thousand (2,000) feet of any residentially used property unless the applicant can show that the denial of a permit in such a location will cause a significantly harmful and permanent degradation of service which cannot be overcome by any other means including planned or potential locations which would provide the same or similar coverage or capacity. For the purposes of this subsection, the phrase "residentially used property" shall mean the property on which the residence is located and not more than one acre of land, determined as if the residence was situated in the center of said tract. All other requirements of this section shall apply and must be satisfied prior to a permit being granted in these zoning districts.
4. Height Standards.
- a. Rural Estate (R-E) and Agricultural-Residential (A-R): The maximum height for a support structure, including antennas, shall be 150 feet.
  - b. Single-family residential (R-1, R-2, R-3) and Two-family residential (DR): The maximum height for a support structure, including antennas, shall be 75 feet.
  - c. Multiple-family residential (RMF) and Manufactured Home developments (MHS and MHP): The maximum height for a support structure, including antennas, shall be 90 feet.
  - d. Requests to exceed these height standards must satisfy the criteria provided in subsection E.2(q).

**I. REMOVAL OF ABANDONED SUPPORT STRUCTURES AND ANTENNAS**

1. Notice of Abandoned Antenna and Structures. The owner or lessee of a support structure or antenna shall promptly notify the Department of its intent to abandon or the abandonment of any support structure or antenna.
2. Removal of Abandoned Antennas and Support Structures. Any support structure or antenna that is not operated for a continuous period exceeding twelve (12) months shall be considered abandoned, and the owner of such antenna or support structure shall remove the structure within ninety (90) days of such abandonment. If said support structure or antenna is not removed within said ninety (90) days, the governing authority may, take such action as may be deemed necessary to remove, or cause to be removed, such antenna or support structure at the owner's expense. If there are two or more users of a single support structure, then this provision shall not become effective until all users cease utilizing the support structure.

**J. APPLICATION AND PERMIT FEES**

1. Administrative Approvals: An application an administrative approval shall be shall be \$500.00.
2. Construction of New Support Structure up to 150 feet. An application for construction of a new support structure up to a height of one hundred fifty feet (150'), (including the placement of additional buildings or other supporting equipment used in connection with said support structure or antenna), shall be \$1000.00.
3. Construction of New Support Structure Greater than 150 feet: An application for construction of a new support structure greater than one hundred fifty feet (150') in height, (including the placement of additional buildings or other supporting equipment used in connection with said support structure or antenna), shall be \$3,000.00.
4. Conditional Use Permit for Location of Antenna on Support Structure or Alternative Support Structure: An application for location of an antenna on an existing support structure or alternative support structure, (the addition of said antenna adding more than ten feet (10') to the height of the existing support structure or structure), shall be \$500.00.
5. All Other Applications. Unless specifically provided above, the fee for any other application under this Section shall be \$500.
6. Building Permit Fees. In addition to the application fees set forth herein, the applicable construction and utility inspection permit fees in effect at the time of the application for the permit shall apply.

**Sec. 510-640 TEMPORARY BUILDING**

- A. Temporary buildings shall be approved administratively by the Zoning Administrator. Except where otherwise specifically permitted, temporary buildings shall not be allowed in any district except when used in conjunction with construction work or pending completion of a permanent building for a period not to exceed one year. The time period may be extended upon approval by the Planning Director.
- B. Temporary buildings shall be located at least 50 feet from any residence or street right-of-way line and may be permitted in any district upon approval of the Planning Director.
- C. Temporary buildings shall be removed when the construction has been completed.

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

- A. The following uses are permitted, by administrative approval by the Zoning Administrator for a period not to exceed 20 days or as otherwise indicated:
  - 1. The sale of fruits or vegetables.
  - 2. Charitable or non-profit events not to exceed four (4) days.
  - 3. Christmas tree sales between November 15 and January 1.
  - 4. The sale of any items in association with an existing business located on the premises as a principal use (i.e. sidewalk, parking lot, or tent sales).
  - 5. Carnival rides not to exceed 15 days provided no structure or equipment is located within 500 feet of any residential property line.
- B. All temporary uses require written permission of the property owner.
- C. Uses may not be located within 50 feet of any public right-of-way.
- D. A sign (not a portable sign) may be erected on the property provided it does not exceed a total of 16 square feet or 10 feet in height and is not placed within 20 feet of any public right-of-way.
- E. Adequate parking, ingress and egress are provided on site or written permission is obtained if provided on adjoining property.
- F. Temporary permit is applied for and approved by the Zoning Administrator using an application form. A fee of \$50 is required.
- G. All other requirements for licenses and regulations of Newton County shall be met.

H. A permit for any temporary use on the same property may not be applied for or renewed for a period of not less than 6 months from the date of any prior approval of a temporary use. One 10-day extension of the 20-day period may be granted.

**Sec. 510-660 TRUCK STOP**

A. In addition to selling and dispensing fuels, a Truck Stop may provide the following Accessory Uses:

1. Restaurant
2. Gift shop and the sale of convenience goods
3. Overnight Parking
4. Shower facilities
5. Business services center
6. Self-serve car wash facilities
7. Minor vehicle repairs

B. All lighting, including lighting for canopies, shall be designed and installed to prevent glare or excessive light spillover onto adjacent properties. No source of illumination shall be allowed if such source of illumination would be visible from a residentially-zoned district to the extent that it interferes with the residential use of that area.

C. An eight-foot high visual barrier or screen, not less than ninety-five percent opaque, shall be provided between the truck stop and any adjacent residential district in addition to any other buffer requirements of the Newton County Zoning Ordinance and Development Regulations.

D. All uses shall be so operated as to comply with all applicable local, state and federal standards of performance, or their equivalent, which have been adopted or amended from time to time.

**Sec. 510-670 VEHICLE AND EQUIPMENT SALES AND RENTAL**

A. All vehicle sales operations shall have direct access to at least a minor collector street.

B. All vehicle sales operations shall be required to provide a paved display area with appropriate drainage.

C. All lighting for vehicle sales shall be in accordance with the Newton County Development Regulations.

D. All vehicle sales operations shall be screened from view of any adjacent residential use with a minimum 6 foot high opaque decorative fence or an opaque evergreen planting strip that is a minimum of 5 feet high upon planting and can be expected to be 8 feet high within two years of planting.

E. Outdoor paging systems are prohibited in any business district; in any industrial district outdoor paging systems are allowed.

**Sec. 510-680 ZERO LOT LINE DEVELOPMENT**

- A. Adjacent interior lots on the block face shall be developed as zero lot line dwellings.
- B. The side yard requirement may be eliminated on one side of each lot. The remaining side yard shall maintain the minimum side yard dimension of the zoning district.
- C. Each lot shall meet the minimum area requirements of the zoning district.
- D. Easement agreements shall be recorded which allow maintenance and access for that side of the dwelling adjacent to the property line.
- E. When the minimum side yard is used, a privacy fence at least six (6) feet high is required between buildings.



**DIVISION 525: SIGNS**

**Sec. 525-010 PURPOSE AND INTENT**

It is the purpose of the Newton County Board of Commissioners in enacting this Division to provide standards to safeguard life, public health, property and welfare by regulating the location, size, illumination, erection, maintenance and quality of materials of all signs. More specifically, signs have a powerful impact on the aesthetic environment of the community, and it is the purpose of this Division to encourage an aesthetically attractive environment, while allowing sufficient opportunities for communications to serve business and comply with the Federal and State Constitutions and laws. Signs create visual clutter and therefore should be regulated in their size, location, construction and illumination. Signs can detract from the beauty of the neighborhood and lower property values. In seeking to comply with Federal and state law, the Board has determined the following: large billboards are, as the U.S. Supreme Court has recognized, an aesthetic harm; the Georgia Supreme Court has upheld sign regulations on the basis of aesthetics and preserving the beauty of environment; and, the Eleventh Circuit has recognized portable signs are visual clutter and a potential traffic hazard. These holding show that the County's ordinance is within the law and constitutional, which is a goal of the County.

Many signs can also be a hazard and negatively impact traffic safety, by distracting drivers and blocking views of other vehicles and dangers, by making intersections more treacherous, and by making it difficult to see oncoming traffic when entering a roadway. Therefore, it is also the purpose of this Division to prevent those harms by regulating signs to safe locations, safe sizes, with proper and safe illumination and construction.

Finally, it is the belief of the Newton County Board of Commissioners that more communication is desirable during the election cycle, so that all citizens may freely express their viewpoints during the election campaigns, and therefore the ordinance allows increased opportunities to erect signs during these periods.

**Sec. 525-020 PERMITTED SIGNS**

If not otherwise stated, any sign not specifically permitted in a zoning district as provided under this section shall be prohibited. See the Sign Tables at the end of this Article.

- A. Signs permitted in any zoning district.
  - 1. Weekend signs.
  - 2. Election cycle signs.
  
- B. Signs permitted in A, R-E, A-R, R-1, R-2, R-3, DR, MHP, MHS and RMF Zoning Districts.

**Newton County Zoning Ordinance**

---

- 1. Ground Signs:
  - a. One double face sign per road frontage of up to 6 square feet per face with a maximum height of 4 feet and minimum setback of 0 feet.
  - b. In addition to the signs permitted above, double face signs of up to 16 square feet per face with a maximum height of 10 feet and minimum setback of 10 feet are permitted as follows: A maximum of twelve (12) signs are permitted within a 1,000 ft. radius of any intersection as follows: one per corner; two signs per road segment (on either side of road) beyond 500 ft. of the corner and separated by a distance of 500 ft. Beyond 1,000 ft. of any intersection, signs on the same side of the road must be separated by 2,500 ft. unless a variance is obtained.

- 2. Window Signs:

One per dwelling not to exceed 25% of the area of the window.

- 3. Wall Signs are not permitted.

C. Signs permitted in the O-I and C-N Zoning Districts, for individual uses.

- 1. Ground Signs:
  - a. One sign structure per road frontage of up to 75 square feet per face with a maximum height of 5 feet and a minimum setback of 5 feet. If the lot contains a principal building of over 10,000 square feet, the square footage increases to 100 square feet per face; if the lot contains a principal building of over 50,000 square feet, the square footage increases to 150 square feet per face; and if the principal building exceeds 100,000 square feet, the square footage increases to 200 square feet per face.
  - b. In addition to the signs permitted above, double face signs of up to 16 square feet per face with a maximum height of 10 feet and minimum setback of 10 feet are permitted as follows: A maximum of twelve (12) signs are permitted within a 1,000 ft. radius of any intersection as follows: one per corner; two signs per road segment (on either side of road) beyond 500 ft. of the corner and separated by a distance of 500 ft. Beyond 1,000 ft. of any intersection, signs on the same side of the road must be separated by 2,500 ft. unless a variance is obtained.

- 2. Window Signs:



Total signage not to exceed 25% of the area of windows facing road frontage.

3. Wall Signs:

One sign per building elevation of up to 36 square feet. If the building has over 2500 gross square feet of building space, this amount increases to 60 square feet; if the building has over 15,000 gross square feet of building space, this amount increases to 100 square feet; and if the building has over 50,000 gross square feet of building space, this amount increases to 200 square feet, provided however, total signage shall not exceed 50% of total permitted square footage on any building elevation. The total of all signs on all elevations shall not exceed 72 square feet; if the building has over 2500 gross square feet of building space, this total amount increases to 120 square feet; if the building has over 15,000 gross square feet of building space, this total amount increases to 200 square feet; and if the building has over 50,000 gross square feet of building space, this total amount increases to 400 square feet.

D. Signs permitted in the C-H and C-G Zoning Districts, for individual uses.

1. Ground Signs:

a. One sign structure per road frontage of up to 75 square feet per face with a maximum height of 15 feet and a minimum setback of 10 feet. If the lot contains a principal building of over 10,000 square feet, the square footage increases to 100 square feet per face; if the lot contains a principal building of over 50,000 square feet, the square footage increases to 150 square feet per face; and if the principal building exceeds 100,000 square feet, the square footage increases to 200 square feet per face.

b. In addition to the signs permitted above, double face signs of up to 16 square feet per face with a maximum height of 10 feet and minimum setback of 10 feet are permitted as follows: A maximum of twelve (12) signs are permitted within a 1,000 ft. radius of any intersection as follows: one per corner; two signs per road segment (on either side of road) beyond 500 ft. of the corner and separated by a distance of 500 ft. Beyond 1,000 ft. of any intersection, signs on the same side of the road must be separated by 2,500 ft. unless a variance is obtained.

2. Window Signs:

Total signage not to exceed 25% of the area of windows facing road frontage.

3. Wall Signs:

One sign per building elevation of up to 36 square feet. If the building has over 2500 gross square feet of building space, this amount increases to 60 square feet; if the building has over 15,000 gross square feet of building space, this amount increases to 100 square feet; and if the building has over 50,000 gross square feet of building space, this amount increases to 200 square feet, provided however, total signage shall not exceed 50% of total permitted square footage on any building elevation. The total of all signs on all elevations shall not exceed 72 square feet; if the building has over 2500 gross square feet of building space, this total amount increases to 120 square feet; if the building has over 15,000 gross square feet of building space, this total amount increases to 200 square feet; and if the building has over 50,000 gross square feet of building space, this total amount increases to 400 square feet.

E. Signs permitted in the M-1 and M-2 Zoning Districts, for individual uses.

1. Ground Signs:

- a. One sign structure per road frontage of up to 75 square feet per face with a maximum height of 35 feet and a minimum setback of 10 feet. If the lot contains a principal building of over 10,000 square feet, the square footage increases to 100 square feet per face; if the lot contains a principal building of over 50,000 square feet, the square footage increases to 150 square feet per face; and if the principal building exceeds 100,000 square feet, the square footage increases to 200 square feet per face.
- b. In addition to the signs permitted above, double face signs of up to 16 square feet per face with a maximum height of 10 feet and minimum setback of 10 feet are permitted as follows: A maximum of twelve (12) signs are permitted within a 1,000 ft. radius of any intersection as follows: one per corner; two signs per road segment (on either side of road) beyond 500 ft. of the corner and separated by a distance of 500 ft. Beyond 1,000 ft. of any intersection, signs on the same side of the road must be separated by 2,500 ft. unless a variance is obtained.

2. Window Signs:

Total signage not to exceed 25% of the area of windows facing road frontage.

3. Wall Signs:

One sign per building elevation of up to 36 square feet. If the building has over 2500 gross square feet of building space, this amount increases to 60 square feet; if the building has over 15,000 gross square feet of building space, this amount increases to 100 square feet; and if the building has over 50,000 gross square feet of building space, this amount increases to 200 square feet, provided however, total signage shall not exceed 50% of total permitted square footage on any building elevation. The total of all signs on all elevations shall not exceed 72 square feet; if the building has over 2500 gross square feet of building space, this total amount increases to 120 square feet; if the building has over 15,000 gross square feet of building space, this total amount increases to 200 square feet; and if the building has over 50,000 gross square feet of building space, this total amount increases to 400 square feet.

F. Signs permitted in O-I and C-N Zoning Districts, for Planned Office, Commercial Center or Retail Center:

1. Ground signs:

a. One sign structure per road frontage of up to 75 square feet per face with a maximum height of 5 feet and a minimum setback of 5 feet. If the lot contains a principal building of over 10,000 square feet, the square footage increases to 100 square feet per face; if the lot contains a principal building of over 50,000 square feet, the square footage increases to 150 square feet per face; and if the principal building exceeds 100,000 square feet, the square footage increases to 200 square feet per face.

2. Window Signs:

Total signage per business not to exceed 25% of the area of windows facing road frontage.

3. Wall signs:

Total area of all signs is not to exceed 10% of the gross floor area. No more than four signs per business are permitted and no sign shall exceed 250 square feet.

**Newton County Zoning Ordinance**

---

G. Signs permitted in the C-H and C-G Zoning Districts, for Planned Commercial or Retail Center:

1. Ground signs:

One sign structure per road frontage of up to 75 square feet per face with a maximum height of 15 feet and a minimum setback of 10 feet. If the lot contains a principal building of over 10,000 square feet, the square footage increases to 100 square feet per face; if the lot contains a principal building of over 50,000 square feet, the square footage increases to 150 square feet per face; and if the principal building exceeds 100,000 square feet, the square footage increases to 200 square feet per face.

2. Window Signs:

Total signage per business not to exceed 25% of the area of windows facing road frontage.

3. Wall signs:

Total area of all signs is not to exceed 10% of the gross floor area. No more than four signs per business are permitted and no sign shall exceed 250 square feet.

H. Signs permitted in the M-1 and M-2 Zoning Districts, for Planned Industrial Center:

1. Ground signs:

One sign structure per road frontage of up to 75 square feet per face with a maximum height of 35 feet and a minimum setback of 10 feet. If the lot contains a principal building of over 10,000 square feet, the square footage increases to 100 square feet per face; if the lot contains a principal building of over 50,000 square feet, the square footage increases to 150 square feet per face; and if the principal building exceeds 100,000 square feet, the square footage increases to 200 square feet per face.

2. Window Signs:

Total signage per business not to exceed 25% of the area of windows facing road frontage.

3. Wall signs:

4.

Total area of all signs is not to exceed 10% of the gross floor area. No more than four signs per business are permitted and no sign shall exceed 250 square feet.

**Sec. 525-025 ADDITIONAL PERMITTED SIGNS**

The following signs are also permitted, as stated.

- A. Subdivision Entrance Signs:  
Two monument-style signs or two double-faced signs shall be permitted at every entrance to any residential subdivision, mobile home park or subdivision, apartment complex, or other similar residential development. Such signs shall not exceed 11 feet in height, and cannot exceed 32 square feet of signage, for each face. All sign structures must be constructed of brick, stone, masonry or equal architectural material. Only external illumination is permitted.
- B. Commercial/ Office/Industrial Entrance Signs:  
Two monument-style signs or two double faced signs shall be permitted at every entrance to any commercial, office or industrial planned development. Such signs shall not exceed 16 feet in height, and cannot exceed 50 square feet of signage, for each face. All sign structures must be constructed of brick, stone, masonry or equal architectural material. Such signs can be internally or externally illuminated.
- C. Public purpose and safety signs are permitted in every zoning district. Such signs can be placed in the public right-of-way, provided they do not create a safety hazard.
- D. Any sign not visible from the outside of a structure or to passing members of the public.
- E. Signs on private property not exceeding three square feet in area.
- F. Directional signs, including exit/entrance, shipping/receiving or other directional information, not to exceed six square feet in area or four feet in height.
- G. Signs authorized in connection with the approval of a development plan for a C.O.R.D. See Section 300-040

**Sec. 525-030 STANDARDS**

- A. Content

Any sign, display or device allowed under this Division may contain any commercial or non-commercial message, except that such messages cannot depict obscenity, as defined by O.C.G.A. § 16-12-80, nor can it depict sexual conduct or sexually explicit nudity, as defined in O.C.G.A. § 36-60-3, nor advertise any illegal activity.

- B. Location

**Newton County Zoning Ordinance**

---

All signs must be placed on private property, except signs erected on public property by an authorized governmental unit. No sign shall be located closer than 10 feet from the back of the curb of a public roadway, nor be located closer than 10 feet from the public right-of-way, whichever is farther from the street, unless otherwise noted. No sign shall encroach on or hang over any public right of way.

**C. Number**

1. For the purposes of determining the number of signs, ground signs shall be equal to the number of sign structures. All other non-ground signs shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in random manner without organized relationship of elements, such elements shall be considered to be a single sign.
2. Additional wall signs are allowed on individual establishments in non-residential planned developments as follows:

For individual offices in planned office or industrial centers in the O-I, C-N, C-H, C-G, M-1 and M-2 Zoning Districts, one wall sign is permitted per building elevation per tenant. The signs shall not exceed 20 square feet or 5% of the wall areas, whichever is greater. The height of the signs shall be equal to or less than the height of the wall.

For individual establishments in planned commercial centers in the O-I, C-N, C-H, C-G, M-1 and M-2 Zoning Districts, one wall sign per building elevation of up to 36 square feet. If the building has over 2500 gross square feet of building space, this amount increases to 60 square feet; if the building has over 15,000 gross square feet of building space, this amount increases to 100 square feet; and if the building has over 50,000 gross square feet of building space, this amount increases to 200 square feet, provided however, total signage shall not exceed 50% of total permitted square footage on any building elevation. The total of all signs on all elevations shall not exceed 72 square feet; if the building has over 2500 gross square feet of building space, this total amount increases to 120 square feet; if the building has over 15,000 gross square feet of building space, this total amount increases to 200 square feet; and if the building has over 50,000 gross square feet of building space, this total amount increases to 400 square feet. The height of the signs shall be equal to or less than the height of the wall.

**D. Illumination**

1. Ground signs cannot be internally illuminated in the A, R-E, A-R R-1, R-2, R-3, and DR zoning districts. Any external illumination of any sign in any district shall be positioned and shielded so that the light source cannot be seen directly by any passing motorists nor from adjacent dwelling or business.

2. Flashing, blinking or otherwise varying illumination is not permitted. No external or internal illumination that causes confusion with or distraction from any traffic signal or safety device shall be permitted.
3. All signs located within any residential district may only be externally illuminated using directional or cut-off lighting fixtures.

E. Corner Visibility

No sign or sign structure (above a height of three feet) shall be maintained within 15 feet of the intersection of the right-of-way lines extended of two streets, or of a street intersection with a railroad right-of-way.

F. Fire Safety

No sign or sign structure may be erected or maintained which obstructs any fire escape, ventilation, or door; nor shall any sign or sign structure be attached to a fire escape.

**Sec. 525-050 PROHIBITED SIGNS**

The following types of signs are prohibited, as stated:

- A. Roof Signs.
- B. Sidewalk, A-type, sandwich or curb-type signs.
- C. Portable signs, except as permitted in Sec. 525-060.
- D. Swinging or projecting signs, unless approval is granted by the Director. In no case, however, shall this type of sign exceed two square feet.
- E. Animated signs involving motion or sound.
- F. Flashing, blinking or signs of varying light intensity, or signs containing exposed neon tubing.
- G. Signs which contain or are in imitation of an official traffic sign or signal, or can be confused with an official traffic sign.
- J. Courtesy benches, trash cans, and similar devices displaying any words or images designed to convey a message to the viewer.

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

---

- K. Trailer signs.
  - L. Signs attached to any street signs or markers, traffic control signs or devices, or attached to or painted on any pole, post, tree, rock, shrub, plant or other natural object or feature.
  - M. Signs rotating at greater than six revolutions per minute.
  - N. Signs not in good repair, specifically including any sign which is in a state of disassembly or any sign which has its internal lighting exposed to view for more than one week.
  - P. Signs or advertising devices attached to any vehicle or trailer parked for more than 48 hours so as to be visible from a public right-of-way, except for work vehicles of a business and common carriers or other vehicles used for daily transportation with a valid license plate.
- Newton County shall be empowered to remove or cause to be removed at the owner's expense all prohibited signs.

### **Sec. 525-060 LONG-DURATION TEMPORARY SIGNS**

- A. The following types of long-duration temporary signs may be displayed upon the issuance of a temporary permit from the Director, but are only permitted in the C-G, C-H, M-1 and M-2 zoning districts.
  - 1. Inflatable advertising devices and figures less than 35 feet in height.
  - 2. Search lights, lasers and similar devices.
  - 3. Banners, including flag banners.
- B. Only one long-duration temporary sign or advertising device may be used on one lot at the same time.
- C. A temporary permit shall be valid for no more than 60 days. A business or individual cannot request more than one temporary permit every six months.

### **Sec. 525-065 SHORT DURATION TEMPORARY SIGNS**

- A. Weekend Signs

Weekend signs shall not exceed three feet in height and four square feet per side, and shall not be more than two sided. Such signs shall be made of waterproof material, and must be attached to an independent mounting device no more than forty inches above ground level. The mounting must be secure to prevent the sign from blowing off the device. The mounting device shall bear the name and phone number of the



party responsible for the device. No such sign can be placed within 100 feet of an intersection, nor shall any sign be closer than ten feet to the pavement of a roadway. In no event can such signs be placed on public rights-of-way.

**B. Election Cycle Signs**

Election cycle signs shall not exceed five feet in height and sixteen square feet per side, and shall not be more than two sided. Such signs shall be made of waterproof material, and must be attached to an independent mounting device no more than forty inches above ground level. The mounting must be secure to prevent the sign from blowing off the device. The mounting device shall bear the name and phone number of the party responsible for the device. No such sign can be placed within 100 feet of an intersection, nor shall any sign be closer than ten feet to the pavement of a roadway. In no event can such signs be placed on public rights-of-way. Anyone desiring to place such sign on the property of another must obtain permission. Nothing in this section affects the regular sign ordinance provisions; these are extra signs allowed during the election cycle. Any message can be placed on these signs, and political messages can be placed on any sign at any time.

**C. Short-Duration Temporary Signs**

Short duration temporary signs can be erected in any zoning district for a maximum of two weeks. No more than two signs can be erected on any lot. Such shall not exceed five feet in height and sixteen square feet per side, and shall not be more than two sided. Such signs shall be made of waterproof material, and must be attached to an independent mounting device no more than forty inches above ground level. The mounting must be secure to prevent the sign from blowing off the device. The mounting device shall bear the name and phone number of the party responsible for the device. No such sign can be placed within 100 feet of an intersection, nor shall any sign be closer than ten feet to the pavement of a roadway. In no event can such signs be placed on public rights-of-way. Short duration signs cannot be placed on the same lot more than four times per year.

**Sec. 525-070 PROCEDURES**

**A. Sign Permit:**

1. A sign permit is required before a ground or wall sign may be erected except for the following signs: (1) weekend signs, (2) election cycle signs, and (3) a ground sign less than 6 square feet or a window sign in the A, A-R, R-E, R-1, R-2, R-3, DR, MHP, MHS or RMF zoning districts.; A sign permit is required before an existing sign may be enlarged, relocated or materially improved

***Newton County Zoning Ordinance***

---

upon to an extent of 60 percent of its total replacement value. All signs using electrical wiring and connections shall require an electrical permit.

- 2. A sign permit shall be issued by the Building Official when the plans, specifications, and intended use of the applied sign or part thereof conform in all respects to the applicable provisions of this Division and the County Building Code as certified by the Building Official. The application shall be accompanied by all the information required under Section 525-070 (B) and such other information as the Building Official may require in the exercise of sound discretion in acting upon the application; standardized sign plans may be filed with the Building Official in fulfillment of this requirement, although site plans to determine the location of a sign shall be filed with each application.
- 3. The Building Official is hereby authorized to issue a permit for temporary signs. The applicant requesting a permit to place the above mentioned signs shall file a bond in the amount of \$50 for each sign. Said bond will be remitted within 10 calendar days upon the Building Official’s verification of the removal of all signs by the applicant.
- 4. Each sign application shall contain an agreement to indemnify and save the County harmless of all damages, demands or expenses which may in any manner be caused by the sign or sign structure. Each applicant shall present to the County on request a certificate of liability insurance prior to the issuance of a sign permit.
- 5. Every sign constructed, erected or maintained for which a permit is required shall be plainly marked with the name of the person, firm or corporation erecting and maintaining such sign, and shall have the number of the permit issued for said sign by the Building Official affixed on the framework of the sign in such a manner that the information contained therein shall be readily accessible and durable.
- 6. A sign permit shall become null and void if the sign for which the permit was issued has not been completed within a period of six months after the date of issuance.

**B. Application**

Applications for sign permits required above shall be filed by the sign owner or owner’s agent with the Zoning Administrator upon forms as provided. The application shall describe and set forth the following and any additional information pertinent to the sign application as may be requested by the Zoning Administrator:

- 1. The type and purpose of the sign as defined by this Ordinance.

## **Article Five ● Signs**

---

2. A site plan showing the location of the sign, and construction plan describing the material the sign is to be constructed from.
3. Elevation drawing showing the height and dimensions of sign face.
4. The total construction cost of the sign.
5. The street address of the property upon which subject sign is to be located and the proposed location of the sign on the subject property. In the absence of a street address, a method of location acceptable to the Director shall be used.
6. The square foot area per sign and the aggregate square foot area if there is more than one sign face.
7. The name(s) and address(es) of the owner(s) of the real property upon which the subject sign is to be located.
8. Written consent of the owner, or owner's agent, granting permission for the placement and/or maintenance of the sign.
9. The name, address, phone number, and business license number of the sign contractor.
10. Business license number of sign owner if the sign is for a business.

### C. Expiration Date

A sign permit shall become null and void if the sign for which the permit was issued has not been completed within six months after the date of issuance, provided however, that a six-month extension of the permit shall be granted if an additional permit extension fee has been paid prior to the expiration date of the initial permit.

### D. Processing of Application

Upon receipt of a properly completed application for a sign as permitted under the provisions of this Division, the County, through its enforcement personnel, shall examine and process the application within ten (10) working days. A permit may be denied if the applicant landowner or lessee is presently maintaining any sign in violation of the Newton County Zoning Ordinance.

### E. Fees

No permit shall be issued until the appropriate application, including exact dimensions, area, and estimated construction cost of the sign, have been filed with the

**Newton County Zoning Ordinance**

---

Zoning Administrator and fees have been paid as established by the Board of Commissioners below:

Type of Sign	Fee
Electric Sign	\$50 per sign
Non-Electric Sign	\$15 per sign
Special Event Sign	\$25 per sign

**Sec. 525-080 INSPECTION**

In accordance with Section 700-020 of this Ordinance, enforcement personnel are hereby empowered to enter into or inspect any building, structure, or premise upon which a sign subject to this Division is located for the purpose of inspecting the sign, its structural and electrical connections, and to ensure compliance with the provisions of this Division.

**Sec. 525-090 APPEALS AND VARIANCES**

- A. Procedure Upon Denial  
Upon denial of the application for a sign permit the applicant shall be given written notice stating the reason(s) for the denial within 15 days of the decision to deny the permit. The aggrieved party may appeal any decision as provided in Section 605-020 (D).
- B. Variances
  - 1. Variances may be granted from the provisions of this Division in compliance with Section 605-030 of this Ordinance.
  - 2. Variance procedures shall apply both to signs which are non-conforming as of the effective date of this Ordinance and to new signs erected thereafter.

**Sec. 525-100 CONSTRUCTION AND MAINTENANCE**

- A. It shall be unlawful to erect or place any sign, which does not conform to the requirements of this Division.
- B. All signs for which a permit is required, together with all their supports, braces, guys, and anchors shall be kept in constant repair and unless constructed of galvanized or non-corroding metal shall periodically be given a protective coating. The area immediately in front of all freestanding signs shall be maintained free of high weeds and debris.

- C. It shall be the duty of the Building Official to periodically inspect every sign for which a permit is required in order to determine that each meets the requirements set forth in this Division.
- D. The person or entity holding the permit shall be required to remove or have removed from the premises discarded or unusable paper. Sign faces, parts and debris resulting from the changing of the advertising copy or message or maintenance of any approved sign or sign structure.

**Sec. 525-110 ENFORCEMENT**

**A. Removal**

- 1. In accordance with Section 700-020, enforcement personnel may order the removal of any sign in violation of this Division. Notice shall be given to the permit holder, then to the owner of the sign; or if the sign owner cannot be found or cannot be determined, notice shall be given to the sign erector and property owner and/or any other party that procured the erection of the sign. If a permit was issued, such notice shall operate to revoke the permit. The removal order shall be issued only after the appropriate party fails to comply with the terms of this Division within seven (7) days after the receipt of written notice of non-compliance by the County or within ten (10) days from the mailing of such notice if no receipt indicating acceptance is returned.
- 2. An aggrieved party may appeal the removal order within ten (10) days from the date that the notice was received. Such appeal shall be provided in Section 605-020 (D) of this Ordinance. If the sign is not removed within thirty (30) days after the order of removal (or 30 days after the date any appeal becomes final), the enforcement personnel are authorized to remove or cause to be removed the sign and to collect the costs thereof as provided below.

**B. Removal Without Notice**

The enforcement personnel or any other agent of Newton County having jurisdiction under the circumstances may remove or direct the removal of any sign in violation of this Division, without giving notice to any party, if:

- 1. Said sign is upon the public right-of-way or upon other public property; or
- 2. Said sign poses an immediate safety threat to the life or health of any members of the public.

**C. Costs of Removal**

***Newton County Zoning Ordinance***

---

Removal of any sign as provided for in this Section shall be without liability to Newton County, its officers, agents, servants and employees. The permit holder shall be primarily responsible for the costs of removal. If there is no permit holder, then the sign owner shall be responsible. If the sign owner cannot be found or cannot be determined, then the costs of removal shall be the responsibility of the sign erector and/or property owner or any other party that procured erection of the sign. If payment or arrangement to make payment is not made with 60 days after the receipt of said statement, the code enforcement personnel shall certify the amount thereof for collection to the County Attorney. In the event signs that are removed remain

unclaimed for more than 120 days from date of impound, the signs shall be disposed of in accordance with state law.

D. Invalid Permits

The enforcement personnel may issue a removal order when it has been determined that a permit was improperly issued, that the permit was issued on the basis of misstatement of fact or fraud, that the sign has not been constructed in compliance with this Division or with the specifications of the application or site plans, that the sign permit has expired or that the sign is otherwise not in compliance with this Division. In the event a sign is not removed after receipt of a removal order by the owner of such sign or property, enforcement personnel may institute legal proceedings hereunder against the property owner, sign owner, lessee, sign erector or a combination of the above.

E. Non-Conforming Signs

1. Signs which do not comply with this Division and were legally placed before the effective date of this Ordinance shall become non-conforming with respect to the requirements set forth herein; however, signs which were illegally erected, established or maintained with respect to the applicable requirements of prior Ordinances shall be removed or brought into compliance herewith as soon as practicable, but within 30 days from the effective date of this Ordinance. Non-conforming signs made of paper, cloth or other non-durable material, all temporary signs other than those permitted herein, and any signs that are not affixed to a building or the ground or are located within a public right-of-way, shall be removed as soon as practicable but within 30 days from the effective date of this Ordinance. Upon failure to comply with the requirements of this Division, the Building Official may cause the removal of any non-conforming sign at the expense of the owner.
  
2. A non-conforming sign shall not be replaced by another non-conforming sign except that the substitution or interchange of poster panels, painted boards or demountable material on non-conforming signs shall be permitted through the period described by this Division.

## **Article Five ● Signs**

---

3. Minor repairs and maintenance of non-conforming signs such as repainting, electrical repairs and neon tubing shall be permitted. However, no structural repairs or changes in the size or shape of the sign shall be permitted except to make the sign comply with the requirements of this Division.
4. Each sign which exists at the effective date of this Ordinance shall be registered by its owner with the Building Official or Zoning Administrator.

### F. Fines and Penalties

#### 1. Citations

Without limitation, sign erectors, sign owners, and such other responsible parties may be cited for the violation of any provisions of this Division in accordance with Section 700-030.

#### 2. Penalties

The fine for any one sign found in violation of this Division tried upon a citation or upon an accusation shall be as provided in Section 700-020 of this Ordinance.

*Please refer to the sign table at the end of this article for further clarification and explanation of Division 525.*

**Newton County Zoning Ordinance**

**Sign Table**

<u>Zoning District</u>	<u>Ground Signs</u>				
	<u>Max Height (in feet)</u>	<u>Setback (in feet)</u>	<u>Number and Type Permitted</u>	<u>Maximum Size Per Sign</u>	
All Agricultural and Residential Districts	10	10	A maximum of twelve (12) signs are permitted within a 1,000 ft. radius of any intersection as follows: one per corner; two signs per road segment (on either side of road) beyond 500 ft. of the corner and separated by a distance of 500 ft. Beyond 1,000 ft. of any intersection, signs on the same side of the road must be separated by 2,500 ft.	16 square feet	
	4	0	One per road frontage	6 square feet	
O-I and C-N	5	5	One sign structure per road frontage not to exceed maximum allowable square footage.	<b>Gross SF Space</b> 0-10,000 10,001-50,000 50,001-100,000 100,000+	<b>Sign Size</b> 75 sf 100 sf 150 sf 200 sf
	10	10	A maximum of twelve (12) signs are permitted within a 1,000 ft. radius of any intersection as follows: one per corner; two signs per road segment (on either side of road) beyond 500 ft. of the corner and separated by a distance of 500 ft. Beyond 1,000 ft. of any intersection, signs on the same side of the road must be separated by 2,500 ft.	16 square feet	



**Article Five ● Signs**

<u>Zoning District</u>	<u>Ground Signs</u>	10	One sign structure per road frontage not to exceed maximum allowable square footage.	<b>Gross SF Space</b> 0-10,000 10,001-50,000 50,001-100,000 100,000+	<b>Sign Size</b> 75 sf 100 sf 150 sf 200 sf
	<u>Max Height (in feet)</u>	<u>Setback (in feet)</u>	Number and Type Permitted	<b>Maximum Size Per Sign</b>	
M-1 and M-2	35	10	One sign structure per road frontage not to exceed maximum allowable square footage.	<b>Gross SF Space</b> 0-10,000 10,001-50,000 50,001-100,000 100,000+	<b>Sign Size</b> 75 sf 100 sf 150 sf 200 sf
	10	10	A maximum of twelve (12) signs are permitted within a 1,000 ft. radius of any intersection as follows: one per corner; two signs per road segment (on either side of road) beyond 500 ft. of the corner and separated by a distance of 500 ft. Beyond 1,000 ft. of any intersection, signs on the same side of the road must be separated by 2,500 ft.	16 square feet	

## Newton County Zoning Ordinance

Zoning District	Wall Signs			
	Max Height (in feet)	Number and Type Permitted	Maximum Size Per Sign	
All Agricultural and Residential Districts		Not Permitted		
O-I and C-N Individual Uses	5	Signs may not exceed 50% of total permitted square footage on any building elevation. The total of all signs on all elevations shall not exceed the total square footage listed.	<b>Gross SF Space</b> 0-2,500 2,501-15,000 15,001-50,000 50,000+  Gross SF of Building Space 0-2,500 2,501-15,000 15,001-50,000 50,000+	<b>Max Sign Size per Bldg. Elevation</b> 36 sf 60 sf 100 sf 200 sf  Aggregate Total of All Wall Signs 72 sf 120 sf 200 sf 400 sf
C-H and C-G Individual Uses	15	Signs may not exceed 50% of total permitted square footage on any building elevation. The total of all signs on all elevations shall not exceed the total square footage listed.	<b>Gross SF Space</b> 0-2,500 2,501-15,000 15,001-50,000 50,000+  Gross SF of Building Space 0-2,500 2,501-15,000 15,001-50,000 50,000+	<b>Max Sign Size per Bldg. Elevation</b> 36 sf 60 sf 100 sf 200 sf  Aggregate Total of All Wall Signs 72 sf 120 sf 200 sf 400 sf

**Article Five ● Signs**

<u>Zoning District</u>	<u>Wall Signs</u>			
	<u>Max Height (in feet)</u>	<u>Number and Type Permitted</u>	<u>Maximum Size Per Sign</u>	
M-1 and M-2 Individual Uses	35	Signs may not exceed 50% of total permitted square footage on any building elevation. The total of all signs on all elevations shall not exceed the total square footage listed.	<b>Gross SF Space</b> 0-2,500 2,501-15,000 15,001-50,000 50,000+	<b>Max Sign Size per Bldg. Elevation</b> 36 sf 60 sf 100 sf 200 sf
			<b>Gross SF of Building Space</b> 0-2,500 2,501-15,000 15,001-50,000 50,000+	<b>Aggregate Total of All Wall Signs</b> 72 sf 120 sf 200 sf 400 sf
O-I and C-N Planned Center	5	No more than 4 signs per business	Total area of signs to be 10% of gross floor area. No wall sign shall exceed 250 square feet.	
C-H and C-G Planned Center	15	No more than 4 signs per business	Total area of signs to be 10% of gross floor area. No wall sign shall exceed 250 square feet.	
M-1 and M-2 Planned Center	35	No more than 4 signs per business	Total area of signs to be 10% of gross floor area. No wall sign shall exceed 250 square feet.	
<u>Zoning District</u>	<u>Wall Signs</u>			
	<u>Max Height (in feet)</u>	<u>Number and Type Permitted</u>	<u>Maximum Size Per Sign</u>	
O-I, C-N, C-G, M-1, M-2 Individual Business in Planned Center	Equal or less than height of wall	One per building elevation per tenant	20 square feet or 5% of the wall areas, whichever is greater.	

**Newton County Zoning Ordinance**

<p>O-I, C-N, C-H, C-G, M-1 and M-2 Individual Business in Planned Center</p>	<p>Equal or less than height of wall</p>	<p>Signs may not exceed 50% of the total permitted square footage on any building elevation. Total of all wall signs on all elevations shall not exceed total square footage listed.</p>	<p><b>Gross SF Space</b> 0-2,500 2,501-15,000 15,001-50,000 <b>50,000+</b></p> <p>Gross SF of Building Space 0-2,500 2,501-15,000 15,001-50,000 50,000+</p>	<p><b>Max Sign Size per Bldg. Elevation</b> 36 sf 60 sf 100 sf 200 sf</p> <p>Aggregate Total of All Wall Signs 72 sf 120 sf 200 sf 400 sf</p>
--	--	--	---	---



**ARTICLE 6 – ADMINISTRATION**

**DIVISION 600: ZONING ADMINISTRATOR AND BUILDING OFFICIAL**

**Sec. 600-010 ZONING ADMINISTRATOR**

The provisions of this Ordinance shall be administered by the Newton County Zoning Administrator, in cooperation with the Building Official, the Planning Commission, the Board of Zoning Appeals and the Board of Commissioners of Newton County. The specific duties of the Zoning Administrator shall include, but not be limited to, the following:

- A. Accepting and processing applications for Zoning Map amendments, conditional use permits, temporary manufactured home permits, Zoning Certification, preliminary and final plats for proposed subdivisions, or any other such business as may be scheduled for public hearing by the Planning Commission or Board of Zoning Appeals.
- B. Researching facts and preparing reports for the Planning Commission and the Board of Commissioners on Zoning Map amendment applications, conditional use permits, and temporary manufactured home permit applications (in conjunction with Section 610-030 E of this Ordinance). Such reports shall be in writing on a form prescribed by the Planning Commission and shall be made a part of the public record.
- C. Accepting and processing applications for variances, extensions or enlargements, and continuances of non-conforming uses, appeals of error, or any other business as may be scheduled for public hearing by the Board of Zoning Appeals.
- D. Maintenance of permanent records concerning the administration of the Zoning Ordinance, including all maps, amendments, records of public hearings, and any other business of the Planning Commission and Board of Zoning Appeals.
- E. Review of applications for building permits to ensure conformity with the requirements of this Ordinance and other relevant county ordinances; and approval or denial of said building permit applications.
- F. Other duties as authorized in the Newton County Development Regulations.
- G. Review of applications for placement or movement of a manufactured home onto a new site.

**Sec. 600-020 BUILDING OFFICIAL**

The Building Official shall assist the Zoning Administrator, the Planning Commission, the Board of Zoning Appeals and the Board of Commissioners in the administration of this Ordinance and perform other duties as authorized in the Newton County Development Regulations.

**Sec. 600-030 ZONING CERTIFICATION**

Upon written request by the property owner or owner’s authorized agent, the Zoning Administrator may issue a certificate verifying the current zoning of a parcel of land. The fee for a Zoning Certificate shall be \$50 per zoning district verified in each request.

**DIVISION 605: BOARD OF ZONING APPEALS**

**Sec. 605-010 ESTABLISHMENT OF BOARD OF ZONING APPEALS**

The Newton County Board of Zoning Appeals is hereby established. The Board shall consist of six (6) members who are residents of Newton County and are appointed by the Board of Commissioners of Newton County; one (1) from each of the five (5) Commission districts and one (1) member appointed at-large. Each member shall be appointed for a term of two (2) years, except for posts one (1), three (3), and five (5), which shall initially be appointed for one (1) year; however, all subsequent appointments shall be for a term of two (2) years. Sitting members may continue to serve until replaced. If a member moves to reside outside Newton County, such member shall be deemed to have resigned from the Board. Members who miss more than three (3) meetings in one calendar year will be reported to the County Commissioner who appointed them and may be subject to removal. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointments. Members shall serve at the pleasure of the Board of Commissioners. None of the members shall hold any other public office or position in the County, except that one member may also be a member of the Newton County Planning Commission.

**Sec. 605-020 BOARD OF ZONING APPEALS PROCEDURE**

- A. The Board of Zoning Appeals shall elect a chairman and a vice-chairman from its membership who shall serve for a term of one (1) year. The Board of Zoning Appeals shall appoint a secretary who may be an officer of the governing authority or a member of the Planning Commission. The Board of Zoning Appeals shall adopt rules in accordance with the provisions of this Ordinance.
- B. Meetings of the Board of Zoning Appeals, if needed, shall be held once each month, and at such other time as the Board of Zoning Appeals may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be held in accordance with the Open Meetings Act.
- C. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question. The minutes shall also indicate a member’s absence or failure to vote. Records of the Board’s examinations and other official actions, all of which shall be immediately filed in the office of the Board, shall be kept as public record.
- D. Appeals of Decisions of Administrative Officials
  - 1. Appeals may be filed by any person aggrieved by, or by any County official, department, board or agency affected by, any final order, requirement, or decision of an administrative official, made in the enforcement of the Zoning Ordinance.

2. A person shall be considered aggrieved for purposes of this subsection only if:
    - a. Said person or said person's property was the subject of the action appealed from;  
or
    - b. Said person has a substantial interest in the action appealed from that is in danger of suffering special damage or injury not common to all property owners similarly situated.
  3. Such appeals shall be taken within thirty (30) days of the decision appealed, by filing with the officer from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall transmit to the Board of Zoning Appeals all papers constituting the record upon which the action was taken.
  4. An appeal stays all legal proceedings in furtherance of the action appealed unless the official from whom the appeal is taken certifies to the Board, after notice of appeal has been filed, that by reasons of facts stated in the certificate, a stay would, in that official's opinion, cause imminent peril to life and property. In such a case, proceedings shall be stayed only by a restraining order granted by the Superior Court of Newton County on notice to the officer from whom the appeal is taken and on due cause shown.
  5. Following the consideration of all testimony, documentary evidence, and matters of record, the Board shall make a determination on each appeal. The Board shall decide the appeal within a reasonable time but in no event more than 60 days from the date of appeal. An appeal shall be sustained only upon an expressed finding by the Board that the administrative official's action was based on an erroneous finding of a material fact, or that the administrative official acted in an arbitrary manner.
  6. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all the powers of the administrative official from whom the appeal was taken and may issue or direct the issuance of a permit provided all requirements imposed by all other applicable laws are met.
- E. Notice  
The Board shall fix a reasonable time for the hearing of requests for variances, extensions or continuances of non-conforming uses, and appeals of administrative decisions, in compliance with the notice requirements of Section 620-020, and decide the same within a reasonable time. Upon a hearing, any party may appear in person or by agent or by attorney.
- F. Requests for a variance, extension or continuance of a non-conforming use, or appeal of error, shall be filed in writing with the Zoning Administrator. Within forty-five (45) days



after receiving a request for a variance, extension or continuance of a non-conforming use, or appeal the Zoning Administrator shall:

1. Send the request, along with any comments the Zoning Administrator may deem necessary, to the Board of Zoning Appeals.
2. Prior to public hearings before the Board of Zoning Appeals, satisfy applicable notice requirements in a manner prescribed by Section 620-020 of this Ordinance.

**G. Appeal from Decisions of Board of Zoning Appeals**

Any person or persons severally or jointly aggrieved by any decision of the Board of Zoning Appeals (as defined by Sec. 605-020(D)(2)), any Planning Commissioner, or any member of the Board of Commissioners, may take an appeal to the Board of Commissioners by filing a notice of appeal within ten days of the date of the decision of the Board of Zoning Appeals. The secretary of the Board shall transmit the record to the Board, and the Board shall hear the appeal de novo within forty five days of the filing of the notice of appeal.

**Sec. 605-030 POWERS OF BOARD OF ZONING APPEALS**

The Board of Zoning Appeals shall have the following powers:

- A. Administrative review: To hear and decide appeals where it is alleged there is an error in any order, requirement, permit, decision, determination or refusal made by an administrative officer in the enforcement of this Ordinance.
- B. Variances: To authorize upon appeal in specific cases such variances from the terms of the Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will, in an individual case, result in a practical difficulty or unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variances may be granted in individual cases of practical difficulty or unnecessary hardship upon a finding by the Board that the following exists:
  1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
  2. The strict application of the Ordinance to this particular piece of property would create practical difficulty or unnecessary hardship; and
  3. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance.
  4. No variance may be granted for a use of land or buildings or structure that is prohibited by this Ordinance or to change the density of a use allowed by the Zoning Ordinance or to grant a development right or standard in conflict with a condition of zoning imposed by the Board of Commissioners.

5. If the variance application is related to residential use by a handicapped person or persons, or is necessary to facilitate a Personal Care Home for the handicapped, the Board shall consider what reasonable accommodations in its rules or policies it can make to provide the handicapped with equal opportunity to use and enjoy dwellings, while not abrogating the purposes of this ordinance. As used in this section, “handicap” means, with respect to a person, (1) a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) a record of having such an impairment, or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 802 of Title 21 of the U.S. Code). Any reasonable accommodation granted should only be related to the disability/handicap.
6. If the variance application is for the purpose of authorizing building on a non-conforming lot, the Board shall consider first whether the standards of the zoning district can be satisfied without the variance. If they cannot, the Board shall be authorized to consider the non-conforming status of the lot as a exceptional condition pertaining to the property, unless the non-conforming status was unlawfully created (for example, by splitting a lot into two sub-standard lots after the adoption of the zoning ordinance).

C. The Board of Zoning Appeals is hereby granted power to attach special conditions to the grant of a variance or the extension, enlargement or continuance of a non-conforming use. The conditions shall be designed and intended to make provision for special circumstances presented by the request and/or to preserve the basic character of the area within which the proposed use is to be located. (rev. 06/08/05)

D. Appeals of Administrative Decisions

The Board of Zoning Appeals shall have the power and duty to hear and decide appeals in conformance with Section 605-020 (D). (rev. 06/08/05)

E. Limitation of Authority (rev 06/08/05)

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

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

F. Refiling

If a petition for variance or extension or continuance of a non-conforming use is denied by the Board of Zoning Appeals, such petitioner shall be required to wait at least ninety (90) days from the filing date of the denied application before again petitioning for the same purpose. (rev. 06/08/05)

**DIVISION 610: PLANNING COMMISSION**

**Sec. 610-010 ESTABLISHMENT OF PLANNING COMMISSION**

The Planning Commission shall consist of six (6) members who are residents of Newton County and are appointed by the Board of Commissioners; one (1) from each of the five (5) Commission districts and one (1) member appointed on an at-large basis. Each member shall be appointed for a term of two (2) years (except for post 2, 4 and the at-large post, which shall initially be appointed for terms of one (1) year; and with subsequent appointments for two (2) years). Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointments. Sitting members may continue to serve until replaced. If a member moves to reside outside Newton County, such member shall be deemed to have resigned from the Commission. Members who miss more than three (3) meetings in one calendar year will be reported to the County Commissioner who appointed them and may be subject to removal. Members shall serve at the pleasure of the Board of Commissioners. None of the members shall hold any other public office or position in the County, except that one (1) member may also be a member of the Board of Zoning Appeals. Any vacancy in the membership of the Planning Commission shall be filled for the unexpired term in the same manner as the initial appointment. The appointing county governing authority shall have authority to remove any member for cause stated in writing and after a public hearing. The Planning Commission shall elect one of its members to serve as the Chairman. The Chairman of the Planning Commission shall serve for one year or until re-elected or a successor is elected.

**Sec. 610-020 RULES OF PROCEDURE**

The Planning Commission and the Board of Commissioners shall adopt Rules of Procedure which shall be filed with the Clerk of the Board of Commissioners. Said rules shall specify the policies and procedures that govern calling and conducting the public hearings by the Planning Commission and the Board of Commissioners required by this Division. Said rules shall be made available for distribution to the public. Robert’s Rules of Order shall govern the setting of a quorum and any procedural question not otherwise covered in the Rules of Procedure of the Planning Commission or Board of Commissioners.

**Sec. 610-030 POWERS OF PLANNING COMMISSION**

The specific duties of the Planning Commission shall include, but not be limited to, the following:

- A. Receiving from the Zoning Administrator and reviewing all requests for amendments to the Comprehensive Plan and the Short Term Work Program, Zoning Ordinance amendments (including map and text amendments), conditional uses, temporary manufactured home permits, preliminary and final plats for proposed subdivisions, or any other matters relating to planning and zoning;
- B. Conducting public hearings for the purpose of soliciting public comments prior to acting on any business that shall come before them; and

- C. Submitting to the Board of Commissioners recommendations concerning amendments to the Comprehensive Plan and the Short Term Work Program, Zoning Ordinance amendments, conditional uses, site plans, subdivision plats or any other matters relating to planning and zoning within Newton County.
- D. Other powers as authorized in Division 300 in of the Newton County Development Regulations.
- E. A temporary permit for a manufactured home may be issued by the Planning Commission under the following circumstances:
  - 1. Applicant requests permission to use a manufactured home for a temporary residence when a conforming dwelling has been destroyed by fire, natural disaster, or condemnation, and provided the manufactured home is to be used for occupancy only while the dwelling is being reconstructed or rebuilt. Any application for such temporary permit must be filed with the Zoning Administrator within thirty (30) days of the date of the destruction of the dwelling in question. A temporary permit requested pursuant to authority of this sub-section may be issued by the Zoning Administrator immediately upon receipt of a written application setting forth the circumstances warranting issuance of said permit. Any temporary permit issued by the Zoning Administrator under authority of this sub-section shall be presented to the Planning Commission for review and ratification at its next regularly scheduled meeting. Temporary permits issued under authority of this sub-section shall be for an initial one (1) year term, and then only in the event the Planning Commission shall determine that sufficient construction progress has occurred during the initial one (1) year term to warrant renewal or extension.
  - 2. Applicant requests permission to use a manufactured home for a temporary residence in conjunction with an existing residential structure provided it is shown that a substantial and undue hardship would result if the manufactured home is not permitted and that the placement of the manufactured home, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this Ordinance.
  - 3. An application for a temporary permit under this sub-section shall be in writing and include the following information. Any application for a temporary permit under this sub-section shall state the circumstances which would result in undue hardship if the manufactured home is not permitted. When application is made for a temporary permit under the terms and provisions of this sub-section, the Planning Commission, at its next regularly scheduled meeting, but not later than 60 days following the application, shall rule on the application using the following standards:
    - a. Whether undue hardship would result if the manufactured home is not permitted;
    - b. Whether granting placement of the manufactured home would cause substantial detriment to the public good; and

- c. Whether granting placement of the manufactured home would impair the purposes and intent of these Ordinances.
  
- 4. Temporary permits issued under authority of this sub-section shall be for an initial one (1) year term and shall be subject to renewal for so long as the Planning Commission, in its sole discretion, shall determine that the circumstances resulting in the initial hardship determination still exist.

**DIVISION 615: BOARD OF COMMISSIONERS**

The specific duties of the Board of Commissioners shall include, but not be limited to, the following:

- A. Receiving from the Zoning Administrator and from the Planning Commission recommendations concerning the Zoning Ordinance amendments, conditional use or any other matters relating to planning and zoning within Newton County.
  
- B. Conducting public meetings for the purpose of accepting, rejecting or modifying the recommendations submitted by the Zoning Administrator or the Planning Commission. The Board may solicit additional advice, information or comments prior to rendering its decision.

**DIVISION 620: AMENDMENTS**

**Sec. 620-010 INITIATION OF AMENDMENTS**

The text of this Ordinance, the official zoning maps, and the Comprehensive Plan may be amended by the Board of Commissioners pursuant to a proposed ordinance introduced by one or more members of the Board of Commissioners or by the Planning Commission. In addition, amendments to the official zoning maps and the Comprehensive Plan may be initiated upon application by the owner(s) of the subject property or the authorized agent of the owner(s). Before enacting any amendment to this Ordinance, the official zoning maps, or the Comprehensive Plan Future Land Use Maps, the Board of Commissioners shall provide for the public notice and public hearings required by this Division.

Any applicant seeking to rezone property to a classification which would result in a conflict with the Comprehensive Plan Future Land Use Maps must first obtain approval of an amendment to the Comprehensive Plan Land Use Maps.

**Sec. 620-015 PUBLIC INFORMATION MEETING**

A. Prior to any public hearing held by the Planning Commission for the review of any rezoning application or conditional use permit application or amendments to the Comprehensive Plan Future Land Use Maps, the Planning staff of Newton County may, at the discretion of the Zoning Administrator, conduct a Public Information meeting on the pending applications. The purpose of the Public Information meeting is to encourage dialogue between applicants and community members and facilitate the formal hearing process required in Section 620-020 of the Zoning Ordinance.

B. The Public Information meeting does not constitute formal action on the pending rezoning, amendment to the Comprehensive Plan Future Land Use Plan Maps, or conditional use permit applications. The meeting is intended to provide an opportunity for interested parties to ask questions and discuss issues pertinent to the applications with Newton County Planning staff members and applicants.

C. Upon the proper filing of a request for a change in zoning, amendment to the Comprehensive Plan Future Land Use Maps, or conditional use permit approval in conformance with Section 620-050 of the Zoning Ordinance, the Zoning Administrator shall assign applications to a Public Information meeting date.

D. The Public Information meeting shall be conducted at least 14 days prior to the scheduled Planning Commission review of rezoning or conditional use permit applications.

E. At least seven days prior to the scheduled date of the Public Information meeting, the applicant shall be required to post on the subject property a sign, as provided by the Planning Department, that advertises the date, time, and location of the meeting.

F. The Planning staff shall make available at the meeting site plans or other applicable materials as may be necessary to illustrate the general layout and nature of the proposed projects.

G. Applicants or the applicants' authorized designees are strongly encouraged to attend the Public Information meeting to answer project-related questions from meeting participants.

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

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

A. Written notice of each shall state the nature of the proposed change, and the date, time, and place of the public hearing before the Planning Commission and the Board of Commissioners and shall be mailed by first class mail to all adjoining property owners with boundaries adjoining the subject property, as such property owners are listed on the tax records of Newton County, at least 15 days before the public hearing before the Planning Commission and not more than 45 days prior to the date of the public hearing before the Board of Commissioners.

B. For each amendment to the official zoning map or Comprehensive Plan Future Land Use Maps initiated by a party other than the local government, signs shall be posted on the subject property at least 15 days before the hearing before the Planning Commission and not more than 45 days prior to the date of public hearing before the Board of Commissioners. The sign shall state the case number, the nature of the proposed change, and the date, time and place of the public hearing before the Planning Commission and the Board of Commissioners. At least one sign shall be posted on each street on which the subject

**Newton County Zoning Ordinance**

---

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

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

D. When a proposed zoning or conditional use permit application decision relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, a public hearing shall be held on the action in accordance with O.C.G.A Section 36-66-4 as now or may be amended. The County shall give notice of such hearing by:

- 1. Posting notice on the affected premises in the manner prescribed by Section 620-020 of this Ordinance;
- 2. Publishing in a newspaper of general circulation within the territorial boundaries of Newton County a notice of the hearing at least 15 days and not more than 45 days prior to the date of the hearing.

Both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency. The published notice shall be at least six column inches in size and shall not be located in the classified advertising section of the newspaper.

**Sec. 620-030 PUBLIC HEARINGS**

The governing, calling, and conducting of the public hearings held by the Planning Commission and the Board of Commissioners for consideration of proposed zoning map, Comprehensive Plan Future Land Use Maps, or text amendments or conditional use permits shall be accomplished with the following policies and procedures:

- A. The Chairman shall indicate that a public hearing has been called for the consideration of zoning decisions. Thereupon each application shall be considered on an individual basis.
- B. When an application comes up for review, the Chairman shall ask for a show of hands for those persons who appear in support of/or opposition to the petition. If it appears that the

number of persons wishing to appear in support of/opposition to the petition is in excess of that which may reasonably be heard, the Chairman may request that a spokesperson for the group be chosen so that the entire presentation of the positions of those in support of/opposition to the petition shall not exceed 30 minutes.

- C. The County zoning staff shall present an oral report on the application and make their recommendations.
- D. The applicant shall be allowed a reasonable amount of time in which to present evidence to support the proposed amendment or conditional use permit.
- E. Those in favor of the proposed amendment or conditional use permit shall be allowed a minimum of ten (10) minutes, or the amount of time as prescribed by State of Georgia law, to speak in favor of the proposed amendment or conditional use permit.
- F. Those who oppose the proposed amendment or conditional use permit shall be allowed a minimum of ten (10) minutes, or the amount of time as prescribed by State of Georgia law, in which to speak in opposition to the proposed amendment or conditional use permit.
- G. The applicant may be allowed a reasonable amount of time in which to respond to any issues raised.
- H. The County zoning staff may make additional comments.
- I. The County Attorney may be asked to discuss any legal issues that have been raised.
- J. The Planning Commission or Board of Commissioners may then propound questions to any party present and may discuss the proposed amendment or conditional use permit.
- K. After the above procedures have been completed, the Chairman will indicate that the public hearing is formally closed.
- L. After the public hearing is closed:
  - 1. For hearings before the Planning Commission, the Planning Commission shall take action on an application as provided in Section 620-080.
  - 2. For hearings before the Board of Commissioners, the Board of Commissioners shall take action on an application as provided in Section 620-090.
- M. Either the Planning Commission or the Board of Commissioners may place witnesses under oath and may require that the proceedings be recorded.
- N. Each speaker at the public hearing shall speak only to the merits of the proposed zoning decision under consideration and shall address remarks only to members of the Planning



Commission or the Board of Commissioners. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed zoning decision under consideration. The Chairman may limit or refuse a speaker the right to continue if the speaker, after first being cautioned, continues to violate this subsection.

- O. Nothing herein shall be construed as prohibiting the Chairman from conducting the hearing in an orderly and decorous manner to assure that the public hearing on a proposed zoning decision is conducted in a fair and orderly manner.

**Sec. 620-040 PROCEDURES**

A. Any person or persons requesting an amendment to the Comprehensive Plan Future Land Use Maps, a change in zoning or a conditional use permit shall file with the Zoning Administrator an application as described in Section 620-050, along with a fee, as set by the Board of Commissioners, to cover the administrative and advertising costs.

A. Upon the proper filing of an application for a change in the zoning or conditional use permit, the Zoning Administrator shall establish dates for Public Hearings before the Planning Commission and the Board of Commissioners. Applications filed and accepted by the Planning Department on the first Friday of each month shall be scheduled for a public hearing before the Planning Commission in the subsequent month; provided however, that the Board of Commissioners may, by resolution, set a limit on the number of applications to be heard each month.

B. Upon the proper filing of an application for a change in the zoning or conditional use permit, the Zoning Administrator shall establish dates for Public Hearings before the Planning Commission and the Board of Commissioners. Applications filed and accepted by the Planning Department on the first Friday of each month shall be scheduled for a public hearing before the Planning Commission in the subsequent month.

C. The applicant shall be required to post on the subject property a sign advertising a Public Information meeting in conformance with Section 620-015.

D. The Zoning Administrator shall cause notice of the public hearings to be provided as set forth in Section 620-020 above.

E. The applicant or applicant’s authorized agent shall appear in person at the public hearings held to consider the petition. The procedure for consideration of rezoning petitions shall be the same as set out herein for consideration of proposed amendments to this Ordinance or conditional use permits. The Board of Commissioners shall make the zoning decision as defined by O.C.G.A. 36-66-3(4) on all rezoning petitions.

**Sec. 620-050      CONTENT OF APPLICATION**

Each applicant seeking an amendment to the official zoning map, Comprehensive Plan Future Land Use Maps or a conditional use permit shall complete all questions and requested materials contained within the required application form and shall provide the following information:

A. Survey plat of subject property, prepared and sealed within the last ten years by a professional engineer or land surveyor registered in the State of Georgia. Said survey plat shall:

1. Indicate the complete boundaries of the subject property and all buildings and structures existing thereon;
2. Include a notation as to whether or not any portion of the subject property is within the boundaries of the 100-year floodplain; and
3. Include a notation as to the total acreage or square footage of the subject property.

B. Name, mailing address, and phone number of all owners of the property which is the subject of the application for zoning amendment, Comprehensive Plan Future Land Use Maps or conditional use.

C. Signed and notarized affidavit of all owners of the subject property authorizing the filing of the application for zoning amendment or conditional use, and where applicable, the signed and notarized affidavit of the owner(s) of the subject property authorizing an applicant or agent to act on their behalf in the filing of the application for zoning amendment or conditional use permit. The application also shall contain the mailing address and phone number of any applicant or agent who is authorized to represent the owner(s) of the subject property.

D. Written legal description of property.

E. Statement of current zoning classification of property and classification which applicant is seeking in the official zoning map or Comprehensive Plan Future Land Use Maps amendment.

F. A **Concept Plan** showing the proposed uses, subdivision of property, and approximate location of proposed buildings, parking, driveways, transitional land use buffers and landscaping, and other features.

G. A written, documented, detailed analysis of the impact of the proposed zoning map or Comprehensive Plan Future Land Use Maps, amendment or conditional use with respect to each of the standards and factors specified in Section 620-060.

H. Completion of traffic study and Developments of Regional Impact review application for those projects meeting the criteria set forth in Section 500-080 and Section 500-090.

I. A letter or statement from the Newton County Water and Sewerage Authority indicating the availability of water and/or sewer service and any upgrades necessary to provide service.

**Sec. 620-060 STANDARDS OF REVIEW**

A. In ruling on any application for a zoning map amendment, Comprehensive Plan Future Land Use Maps amendment, or conditional use permit, the Planning Commission and the Board of Commissioners shall act in the best interest of the health, safety, morals, and general welfare of the County. In doing so, the Planning Commission in its consideration of and recommendations concerning a petition requesting a zoning map amendment or conditional use permit, and the Board of Commissioners in its consideration and final decision concerning a petition requesting a zoning map amendment or conditional use permit, will consider one or more of the following factors as they may be relevant to the application:

1. The existing land uses and zoning classifications of nearby property;
2. The suitability of the subject property for the zoned purposes;
3. The extent to which the property values of the subject property are diminished by the particular zoning restrictions;
4. The extent to which the land use change on the subject property represents a fair balance between the rights of private property and the health, safety, and general welfare of the public;
5. The relative gain to the public as compared to the hardship imposed upon the individual property owner;
6. Whether the subject property has a reasonable economic use as currently zoned;
7. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property;
8. Whether the proposed zoning will be a use that is suitable in view of the use and development of adjacent and nearby property;
9. Whether the proposed zoning will adversely affect the existing use or usability of adjacent and nearby property;
10. The possible creation of an isolated district unrelated to adjacent and nearby districts;

11. The population density patterns and possible increase or over-taxing of the load on public facilities including, but not limited to, schools, utilities, and streets;
12. The cost to the County and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets, and other public safety measures;
13. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality;
14. Whether the proposed change will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations;
15. Whether there are substantial reasons why the property cannot be used in accordance with existing regulations;
16. The aesthetic effect of existing and future use of the property as it relates to the surrounding area;
17. The extent to which the proposed change is consistent with the policies and intent of the Comprehensive Land Use Plan;
18. The possible effects of the proposed change on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community;
19. The relation that the proposed change bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed change will help carry out the purposes of the zoning regulations;
20. Applications for a zoning map amendment or conditional use permit which do not contain specific site plans carry a rebuttable presumption that such a rezoning or conditional use shall adversely affect the zoning scheme;
21. The preservation of the integrity of residential neighborhoods; and
22. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

**B. Conditional Use Permit Criteria**

The following additional criteria shall be applied by the Department of Planning, the Planning Commission, and the Board of Commissioners in evaluating and deciding any application for a conditional use permit. No application for a conditional use permit shall be granted by the Board of Commissioners unless it is determined that in addition to meeting the requirements contained within applicable use standards in Division 505; Section 620-060 (A); and the zoning district in which the conditional use permit is

located, satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application:

1. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed conditional use;
2. Compatibility with adjacent properties and with other properties in the same zoning district;
3. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area;
4. Ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency;
5. Whether or not the proposed use will create unreasonable adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use;
6. Whether or not the proposed use will create unreasonable adverse impacts upon any adjoining land use by reason of the manner of the hours of operation of the proposed conditional use;
7. Whether or not the proposed use will create unreasonable adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use;
8. Whether or not there is adequate provision of refuse and service areas;
9. Whether the length of time for which the conditional use permit is granted should be limited in duration;
10. Whether or not the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.
11. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources; and
12. Whether or not the proposed plan will have an unreasonable adverse impact on natural resources or environmentally sensitive areas, including floodplains, wetlands, prime plant or animal habitat, or other similar features of unique value to the character of Newton County.

13. For a conditional use in the C-N, C-H, C-G or M-1 zoning districts, whether the use also satisfies the additional criteria listed in Article Two, Sec. 260-010 for C-N, Sec. 265-010 for C-H, Sec. 270-010 for C-G, and Sec. 275-010 for M-1, as applicable.
14. If the application is for a Personal Care Home for the handicapped, and the application does not satisfy the above criteria, the County shall consider what reasonable accommodations in its rules or policies it can make to provide the handicapped with equal opportunity to use and enjoy dwellings, while not abrogating the purposes of this ordinance. As used in this section, “handicap” means, with respect to a person, (1) a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) a record of having such an impairment, or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 802 of Title 21 of the U.S. Code). Any reasonable accommodation should only be related to the disability/handicap.
15. If the application is for a Place of Worship, and the application does not satisfy the above criteria, the County shall consider
  - a. Whether the regulation imposes a substantial burden on exercise of a religion;
  - b. Whether the regulation serves a compelling government interest; and
  - c. Whether the regulation is the least restrictive means to serve that interest, or whether the request can be granted without harming that interest.

If this section is found to impose a substantial burden on the exercise of a religion and does not serve a compelling government interest or is not the least restrictive means to serve that interest, the conditional use shall be granted.”

**C. Staff Analysis and Findings of Fact**

The staff of the Department of Planning shall conduct a site inspection on all applications for zoning map amendments or conditional use permits and shall investigate and prepare an analysis of each proposed amendment to the text of this Ordinance, each proposed amendment to the official zoning map, and each conditional use permit application. The Zoning Administrator shall provide the members of the Planning Commission a staff report containing complete information on each proposed amendment or conditional use permit application which the Commission considers including: a copy of the application and all supporting materials; all other written communications given to the staff either in support of or in opposition to the amendment or conditional use permit application; and the written report and recommendation of the Planning staff on each proposed amendment or conditional use permit application. The findings and recommendations of the staff shall be made based on each of the standards and factors contained in Section 620-060 (A) and (B). In any recommendation of approval of any application for an amendment or conditional use permit, the Planning staff may recommend the imposition of conditions. The staff shall present its findings and recommendations in written form to

the Planning Commission and the Board of Commissioners. Copies of the written findings and recommendations of the staff shall be reasonably made available to the applicant and the public.

**Sec. 620-070      CONDITIONAL REZONING**

A. The Planning Commission may recommend, and the Board of Commissioners may approve a rezoning request or conditional use permit based upon the performance of certain conditions either prior to or in conjunction with the approval of a requested zoning change or conditional use permit. Such conditions shall be consistent with the purpose and intent of the district(s) involved and the goals and objectives of the Comprehensive Plan. All conditions shall be of sufficient specificity to allow lawful and consistent application and enforcement. Such conditions may include, but are not limited to, any of the following:

1. An increase in the minimum size of any dwelling to be constructed on the property to be rezoned;
2. Requirements for curbs and gutters;
3. The provision of recreational areas and facilities;
4. The construction of sidewalks or walkways;
5. The elimination of permitted land uses within the area to be rezoned;
6. The adoption of certain architectural standards;
7. The provision of screening or other measures to protect scenic values;
8. Minimum landscaping requirements; and
9. Any other reasonable condition which will ameliorate the impact of the land use change requested.

B. Once imposed, conditions shall become an integral part of the approved amendment or conditional use permit and shall be enforced as such.

1. **Modifications and Changes to Conditional Zoning Amendments**  
The Zoning Administrator shall have sole authority to approve minor changes to conditions attached to an approved zoning amendment or conditional use. Minor changes are those that implement only slight alterations to the approved conditions, made necessary by actual field conditions at the time of development, that do not alter the impact of the development on nearby properties nor the intent or integrity of the conditions as originally imposed. Any request for a minor change of conditions shall be made in written form to the Zoning Administrator. If an approved site plan exists,

the request for minor change shall be accompanied by three (3) copies of the revised site plan.

2. Any major change to conditions attached to an approved zoning amendment or conditional use shall require an application and hearing before the Board of Commissioners as is required in this Division for amendments to the official zoning map generally. Without limiting the meaning of the phrase, the following shall be deemed to constitute “major change” for purposes of interpreting this Section: (rev. 06/08/05)
  - a. The movement of any building or structure closer to the nearest exterior boundary line of the property;
  - b. Any change in any buffer requirement(s) imposed in the original conditional zoning amendment;
  - c. Any increase in the height of any building or structure; or
  - d. Any change in the proportion of floor space devoted to different authorized uses.

**Sec. 620-080 ACTION BY PLANNING COMMISSION**

- A. The Planning Commission, after conduct of a public hearing with public notice as is required by this Division, shall investigate the proposal and vote its recommendation to the Board of Commissioners. The Planning Commission may recommend approval of the application, approval of the application with conditions, denial of the application or deferral of the application for a period not to exceed 60 (sixty) days. If necessary, the Zoning Administrator shall re-advertise the public hearing before the Planning Commission in accordance with the provisions of Section 620-020 of this Ordinance.
- B. In its recommendation of any application for an amendment or conditional use permit, the Planning Commission may recommend the imposition of conditions in accordance with Section 620-070. All findings and recommendations of the Planning Commission relating to amendments to the official zoning maps, amendments to the text of this Ordinance, or conditional use permits shall be made based on each of the standards and factors contained in Section 620-060. The Secretary of the Planning Commission shall make and maintain a written record of the Planning Commission’s investigation and recommendations, which record shall be a public record.

**Sec. 620-090 ACTION BY THE BOARD OF COMMISSIONERS**

- A. Following review and recommendation from the Planning Commission, the Board of Commissioners, after conduct of a public hearing with public notice as is required by this Division, shall vote to approve the proposed amendment or conditional use, approve the



proposed amendment or conditional use with conditions, deny the proposed amendment or conditional use, defer the proposed amendment or conditional use, or, upon request of the applicant, permit withdrawal of the proposed amendment or conditional use without prejudice. If the Board of Commissioners shall vote to refer the amendment or conditional use permit back to the Planning Commission for further investigation, the Zoning Administrator shall re-advertise the dates of the public hearings before the Planning Commission and the Board of Commissioners. No proposed amendment to the text of this Ordinance, amendment to the official zoning map, or conditional use permit application shall be approved except by the majority vote of the members of the Board of Commissioners.

- B. In the approval of any proposed amendment to the official zoning map or conditional use permit application, the Board of Commissioners may impose conditions in accordance with Section 620-070. For each proposed amendment to the official zoning map or conditional use permit application, the analysis submitted by the applicant, if any, the record prepared by the Planning Department, and the record prepared by the Planning Commission shall be presented in written form to and reviewed by each member of the Board of Commissioners. A limited supply of said findings shall be available at the public hearing and available upon request to the public. All decisions of the Board of Commissioners relating to each proposed amendment to the text of this Ordinance, each proposed amendment to the official zoning map, and each application for a conditional use permit shall be made based on each of the standards and factors contained in Section 620-060.

**Sec. 620-100 WITHDRAWAL OF APPLICATION**

Applications may only be withdrawn prior to the meeting of the Board of Commissioners and before they have been filed for advertising for public hearing before the Planning Commission. Application fees shall be refunded in any case.

**Sec. 620-110 CLERK OF THE BOARD OF COMMISSIONERS**

The Clerk of the Board of Commissioners shall, within ten (10) days from action of the Board of Commissioners on each proposed amendment to the text of this Ordinance, each proposed amendment to the official zoning map, and each application for a conditional use permit provide to the Zoning Administrator a signed and certified copy of each such ordinance. The Zoning Administrator shall thereafter cause the official zoning maps to be changed in accordance with any such approved ordinance.

**Sec. 620-120 RE-APPLICATION FOLLOWING DENIAL OF REQUEST**

If a rezoning request for a property is denied by the Board of Commissioners, then the same property may not again be considered until the expiration of at least six (6) months immediately following the denial of the rezoning request by the Board of Commissioners.

**DIVISION 625: CONDITIONAL USE PERMITS**

**Sec. 625-010 CONDITIONAL USE PERMITS**

The conditional use permit allows the Board of Commissioners to approve a conditional use on a particular parcel without changing the general zoning district. The conditional use permit is designed to be used when:

- A. A conditional use listed under the zoning district is desired for development; or
- B. The conditional use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objective of the Comprehensive Plan.

**Sec. 625-020      CONDITIONAL USE REQUIREMENTS**

Such approval shall be subject to the requirements set forth in this Section and any additional conditions deemed necessary to ensure the compatibility of the conditional use with the surrounding properties. The minimum requirements for a conditional use permit are:

- A. Any uses permitted under a conditional use permit shall also conform to the requirements of this Ordinance for the use as found in the zoning district.
- B. The application and review process for a conditional use permit shall be the same as for the amendment of a zoning map for the district under which the conditional use is found. In addition to the information and/or site plans which are required to be submitted for a map amendment for the proposed development, the Zoning Administrator or Planning Commission may require additional information deemed necessary, in order to evaluate a proposed use and its relationship to the surrounding area. In addition to the information and/or site plans required by this Section, the owner of the property shall submit with the application for a conditional use permit information regarding the ownership of any business associated with the use, the experience and background qualifications related to the operation of the business, prior similar businesses operated, applicable State of Georgia certifications, licenses and like information.
- C. If an application is approved and a conditional use permit is granted, all conditions which may have been attached to the approval are binding on the property. Any subsequent development and use of the property shall be in accordance with the approved plan and conditions.
- D. Once established, the conditional use shall be in continuous operation. Upon discovery that the operation of the conditional use has ceased for a continuous period of 90 days or more and the owner of the property has not requested voluntary termination of the conditional use permit, the Zoning Administrator shall forward a report to the Board of Commissioners through the Planning Commission which may recommend that action be taken to remove the conditional use permit from the property.
- E. Changes to a conditional use, or development of a site for the conditional use, shall be treated as an amendment to the conditional use permit and shall be subject to the same application and review process as a new application.

- F. The conditional use for which a conditional use permit is granted shall commence operations or construction within 12 months of the date of approval by the Board of Commissioners. If, at the end of this 12 month period, the Zoning Administrator determines that active efforts are not proceeding toward operation or construction, a report may be forwarded to the Board of Commissioners through the Planning Commission which may recommend that action be taken to reconsider the conditional use permit.
- G. An application for a conditional use permit in a residential district and in which the use is proposed to operate in a dwelling or as an accessory use to a dwelling is subject to the following additional requirements:
1. The conditional use permit shall be valid for no more than a two-year period. Upon or before the expiration of a conditional use permit, the owner shall make application to continue the conditional use permit if continuance is desired. However, after the first two-year period the Board of Commissioners may waive the two-year time limitation.
  2. The exterior character of the dwelling shall be preserved in its residential state and there shall be no outside evidence of the operation of the conditional use.
  3. The owner of the property shall occupy the property, shall operate any business associated with the conditional use, and shall maintain a business license issued by Newton County.
  4. The owner of the property shall submit with the application a signed statement in which he/she agrees that the conditional use permit, if approved, shall automatically terminate in the event that the property is sold, transferred, or otherwise conveyed to any other party, or the business which operates the conditional use is sold, transferred, otherwise conveyed or discontinued. The owner shall agree to notify the Zoning Administrator in writing upon the occurrence of any of these events.
- H. The owner of the property approved for a conditional use permit, may voluntarily request termination of the conditional use permit by notifying the Zoning Administrator in writing. The Zoning Administrator shall notify the Board of Commissioners through the Planning Commission of the voluntary terminations as they occur and shall change the official zoning maps to reflect any voluntary termination. The approval of a conditional use permit for a specific use which may be operated by a lessee under a private agreement with a lessor in any non-residential district shall not obligate the Board of Commissioners to be responsible for or be required to resolve any disputes which may arise out of the voluntary termination of the conditional use permit by the property owner.
- I. The Zoning Administrator shall have the right to periodically examine the operation of the specific use to determine compliance with the requirements and any conditions. If the Zoning Administrator determines that the requirements and conditions are being violated,

a written notice shall be issued to the owner of the property outlining the nature of the violation and giving the owner of the property a maximum of ten (10) days to come into compliance. If after ten (10) days the violations continue to exist, the Zoning Administrator shall forward a report to the Board of Commissioners through the Planning Commission which may recommend that action be taken to remove the conditional use permit from the property.

- J. Upon approval by the Board of Commissioners, a conditional use permit shall be identified on the official zoning maps.
- K. Upon approval by the Board of Commissioners of a conditional use permit, the owner of the property shall be issued a notice from the Zoning Administrator which states the specific use permitted, the requirements of this Section and any conditions attached to the approval.
- L. The Zoning Administrator shall not issue a Certificate of Occupancy for the specific use unless all requirements and conditions of the conditional use permit have been fulfilled by the owner of the property.
- M. At the hearing on a conditional use permit application, the staff shall appear and present its analysis and findings to the Board verbally, in addition to submitting its report to the Board at least one week before the hearing. The Board members shall have the opportunity to ask questions of the staff, and of the applicant, supporters and opponents. The hearing shall be transcribed or recorded so that it may be transcribed later if necessary. The applicant and supporters shall be granted equal time as opponents. More time than the minimum ten minutes may be allowed by the Board or the Chairman if the application is complex, or the number of witnesses warrants a further extension. If the Chairman determines that there are a great number of opponents with the same interest (for example, members of the same neighborhood), the Chairman may require that a spokesman be designated. The opponents may also be represented by an attorney. The applicant, supporters and opponents shall have the right to provide testimony, including expert testimony, in support of their position. Each party shall have a reasonable opportunity to ask questions of the other side, in an orderly manner as controlled by the Chairman.
- N. The Board shall only consider evidence presented with the application or at the hearing. The Board members shall not accept any ex parte evidence, and all evidence submitted (including the staff analysis) shall be disclosed at or before the public hearing, to allow all sides the opportunity to review it.
- O. At the close of the evidence, the Board shall discuss the application. At the close of discussion, the Board shall recess the hearing to allow the County Attorney's office time to prepare proposed written decision(s). The County Attorney's office shall meet with each Board member individually and ascertain his or her reasons for approval or denial, and shall prepare a written decision or decisions to be voted on by the Board at a hearing within 45 days. Board members may also prepare their own proposed decisions. Written

decisions should be based on the evidence in the record and the criteria in the ordinance. At the hearing, the Chairman shall call for motions and any member may put forward a written decision to be voted on. Written decisions may be supplemented with further conditions proposed at that hearing. No vote shall be final until a written decision is adopted by the Board.

**Sec. 625-030 RE-APPLICATION FOLLOWING DENIAL OF REQUEST**

If a conditional use permit request for a property is denied by the Board of Commissioners, then the same property may not again be considered until the expiration of at least six (6) months immediately following the denial of the conditional use permit by the Board of Commissioners.

**DIVISION 630: ADMINISTRATIVE VARIANCES**

**Sec. 630-010 ADMINISTRATIVE VARIANCES**

The Zoning Administrator is hereby authorized to consider and grant or deny, pursuant to the procedures and standards contained in this Section, a variance from the following regulations:

- A. Reduce by variance any front, side or rear yard setback or any transitional buffer by an amount not to exceed 10 percent of the district requirement, but not including any transitional buffer zone or any setback which is a condition of zoning or conditional use permit approval, pursuant to the standards specified in Section 620-060 (A).
- B. Reduce by variance the required spacing between buildings in districts where multiple buildings are authorized on a single lot in an amount not to exceed 10 percent of the requirement, but not in an amount which is less than the minimum requirement imposed.
- C. Reduce by variance the off-street parking or loading requirements imposed by this Ordinance in an amount not to exceed 10 percent of the district requirement in accordance with Section 515-020 and Section 515-030 of the Zoning Ordinance and Sections 605-100, 630-030 and 630-040 of the Development Regulations.
- D. Any request for administrative variance permitted by this Section shall be filed in writing with the Zoning Administrator. The Administrator shall review and decide upon each such application pursuant to the applicable standards referred to in each subsection above, and shall make a written decision on each such application no later than 30 days from the date such application was filed. No administrative variance shall be authorized to delete, modify, or change in any manner any condition imposed by the Board of Commissioners or the Board of Zoning Appeals.
- E. Any appeal of an administrative variance may be filed in writing to the Board of Zoning Appeals by an aggrieved party and shall be heard by the Board of Zoning Appeals in accordance with Section 605-020 (D).

**Sec. 630-020      UPDATING OF ZONING MAPS**

Where base maps become available which update property boundary lines, streets or other features, or utilize improved mapping technology, the Board of Commissioners may incorporate such maps as updates of the Official Zoning Maps, so long as no changes are made to zoning district boundaries. Notations shall be made on each set of maps showing dates of such changes and shall be signed by designated representatives of the governing authorities, and all out-dated maps shall be retained permanently as a matter of record.

**Sec. 630-030      MAP AMENDMENTS**

If, in accordance with provisions of this Ordinance, changes are made in the district boundaries or other information portrayed in the Official Zoning Maps, changes shall be made on the Official Zoning Maps promptly after the amendment has been approved by the Board of Commissioners of Newton County, together with a numerical entry on the Official Zoning Maps, referring to the application on file which states the date of the official action and the brief description of the nature of the changes. No amendments to this Ordinance which involve matters portrayed on the Official Zoning Maps shall become effective until after such change and entry have been made on said map.



**ARTICLE 7 – ENFORCEMENT AND PENALTIES**

**DIVISION 700: ENFORCEMENT AND PENALTIES**

**Sec. 700-010 ENFORCEMENT**

- A. The Planning Director, the Building Official or a designee has the power to make inspections of buildings or structures (their construction and use) and land (its use, development and subdivision) to determine if they conform to the requirements of this Ordinance. Inspections shall be carried out during reasonable business hours, unless an emergency exists.
  
- B. If the Planning Director, or Building Official shall determine that any such building or land does not conform to this Ordinance, the owner shall be notified by written notice, registered mail return receipt requested of the manner in which such building or land does not conform and the owner shall have thirty days in which to remedy the conditions therein specified; provided, however, that the Planning Director or Building Official , may, at his discretion, extend the time for compliance with any such notice.
  
- C. Enforcement of Section 515-010 Off-Street Parking and Loading Regulations, General Requirements, shall be as follows:

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

- a. A description of the violation;
- b. The steps to be taken to remedy the violation;
- c. The time period within which the violation must be remedied. Said time period shall not be less than thirty (30) days; and
- d. Notice of the opportunity to file an application for a variance from the terms of section 515-010 within thirty days of receipt of the warning notice. Variance applications are heard by the Board of Zoning Appeals in accordance with Division 605 of the Zoning Ordinance (rev 06/08/05)

**Sec. 700-020 PENALTIES**

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



**Sec. 700-030     REMEDIES**

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