

DEVELOPMENT SERVICES DEPARTMENT INTER-OFFICE MEMORANDUM



To: Board of Commissioners, County Clerk, County Manager, and Megan Martin, Esq. Jarrard & Davis

From: Judy T. Johnson, Zoning Administrator

Date: October 13, 2016

RE: ZOAMD16-007

The proposed amendment covers changes in both the Newton County Zoning Ordinance and the Development Regulations. The Planning Commission recommended approval (4-0) for both amendments on 9/27/2016.

The 3 primary basis of this Amendment is to:

1. Create a "Family Conveyance" lot - goal is to allow a property zoned A (Agricultural) with a 10 acre minimum to subdivide without rezoning as long as the new lot was for an "immediate family member" and stayed within the density of 1 Single-family Residence per 10 Acres. The new lot does not have to be 10 acres, it can be less, but the overall density would not exceed 1 per 10 acres. Also to allow new family conveyance lot to have permanent easement if desired vs particular amount of road frontage. Lots zoned AR are also eligible under the amendment, but must meet the minimum lot size of the Zoning Ordinance. <--- This is Zoning Ordinance & Development Regulations Amendment.
2. Allow for a Barn in AR by right with a minimum of 5 acres. Currently a barn is considered an accessory structure and must have a primary structure (aka home); however, you can have livestock, farming, etc. without a home in AR - so the goal is to allow for a barn on a property that is used for agricultural purposes. The 5 acre minimum is to help exclude residential subdivisions zoned AR or smaller lots that could not meet the setback for barn used for livestock. <-- This is Zoning Ordinance only
3. Allow for an accessory structure on lakefront lots to be closer to the road than the home - helps maintain the 150' buffer from the water & prevents the majority of Lake Jackson waterfront lots having to seek a variance because we do not allow an accessory in the "front yard" as defined as the line between the primary structure (home) and the road frontage. <-- This is Zoning Ordinance only

WORKSHEET FOR ZOAMD16-007

Part I

ZONING ORDINANCE CHANGES

(Proposed changes shown highlighted in yellow. All existing language removed shown as a strikethrough.)

SECTION 1

Article I, Division 105 of the Newton County Zoning Ordinance is hereby amended so as to add the definition of Waterfront lot, as shown:

SEC. 105-020 DEFINITIONS

Waterfront lot – a lot that adjoins the shorelines of lakes and banks of rivers or perennial streams identified on the U.S. Geological Survey 7.5 minute quadrangle map.

SECTION 2

Add Footnote # 12 to the following

Article 2, Development Standards for Residential Zoning Districts Table of the Zoning Ordinance of Newton County, Georgia is amended by adding Footnote #12 as shown in Exhibit “A”

SECTION 3

Section 510-020 A. of the Newton County Zoning Ordinance is hereby amended so as to delete subsection #2 in its entirety and to insert the following in lieu thereof:

Sec. 510-020 ACCESSORY STRUCTURES AND USES

A. General Standards

2. All accessory buildings or structures shall be located in the rear yard or in the side yard but not in the front yard or between the house and the street, with the following exceptions:
 - a. Where the accessory building or structure can be adequately screened from the adjacent street an administrative variance for the rear yard (per Section 630-010) may be granted for double- or reverse- frontage lots and waterfront lots.
 - b. Accessory structures shall be allowed in the front yard if no closer than ~~1,320~~ 75 feet to the adjacent street on properties zoned Agricultural (A) and Agricultural Residential (AR).

SECTION 4

Section 510-020 B. of the Newton County Zoning Ordinance is hereby amended so as to delete subsection #11 in its entirety and to insert the following in lieu thereof:

Sec. 510-020 ACCESSORY STRUCTURES AND USES

- 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:
 11. Barns and other similar buildings that are customarily incidental to agricultural operations. Barns may also be primary structures with agricultural uses in the A (Agricultural) zoning district or in AR (Agricultural Residential) zoning district with a minimum of 5 acres.

EXHIBIT “A”

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

DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DISTRICTS TABLE

District Name	Min Lot Area (sq. ft.)			Min Width At Bldg Line (feet)		Min Front Setback (feet)		Min Side Setback (feet)	Min Rear Setback (feet)	Min Road Frontage (feet)	Min House Size (sq. ft.) (heated floor area)	Max Lot Coverage
	Well & Septic	Water & Septic	Water & Sewer	Water & Septic	Water & Sewer	Major/Minor Arterial or Collector	Other					
A	10 acres ¹²			400		60		25	40	40	1,000	15%
RE	2 acres			200		60		25	40	40	1,800	15%
A-R	60,000 ¹²	43,560 ¹²	43,560 ¹²	150		60	40	15	40	75	1,800	20%
R-1	51,000	25,500	25,500	100		60	35	12	40	75 ¹⁰	1,800	40%
R-2	*	25,500	25,000	100	85	60	30	10	25	75 ¹⁰	1,800	40%
R-3	*	25,500	22,000	85	75	60	25	7.5	25	60 ¹⁰	1,800	40%
MSR	51,000	25,500	15,000	100	85	60	35	12/10 ⁶	35	50	1,250	40%
DR	51,000 ¹ 80,000 ³	25,500 ¹ 40,000 ³	7,500 ¹ 15,000 ³	100 ¹ 110 ³	85 ¹ 85 ³	60	35	12	35	50	1,200 ² 1,100 ⁴ 2,200 ³	50% ⁺
RMF	*	25,500 ⁵	12,000 ⁵	100		60	25	15/20 ⁷	35/20 ⁸	75	750 ⁵	70%
MHP	15 acres per park			85		50	35	50/20 ⁹	10	200	720/1,800 ¹¹	40%
Per unit	51,000	25,500	12,000									
MHS	10 acres per subdivision			100	85	60	35	12/10 ⁶	35	200	720/1,800 ¹¹	25%
Per unit	51,000	25,500	15,000									

1. For single-family units.
 2. For single-family detached units.
 3. For two-family units.
 4. For single-family attached units.
 5. Per dwelling unit. Average heated floor area for the entire project must be 900 sq. ft. or greater. Maximum density of 8 dwelling units per acre.
- * Not permitted
+ for total development

6. 12' where lot width is 100'; 10' where width is 85'.
7. 15' from property line; no less than 20' between detached buildings.
8. 35' from property line; no less than 20' between detached buildings.
9. 50' from property lines; at least 20' between dwelling units.
10. In Cul-de-sacs the min road frontage is 40'.
11. For site built homes.
12. Family Conveyance Lot below the minimum lot size may be allowed pursuant to Division 405: Exempt Residential Subdivision Procedures

WORKSHEET FOR ZOAMD16-007

Part II

DEVELOPMENT REGULATIONS CHANGES

(Proposed changes shown highlighted in yellow. All existing language removed shown as a strikethrough.)

SECTION 1

Sec. 110-020 B. of the Newton County Development Regulations is amended by adding the following subsection #5:

SEC. 110-020 EXEMPTIONS

B. For the purpose of these Regulations each of the types of activities contained in this Section shall be considered subdivisions but exempt from the procedures and required site improvement provisions of the Development Regulations:

- 5.** The division, among immediate family members, of land in the A (Agricultural) and AR (Agricultural Residential) Zoning Districts as provided in Division 405 of the Development Regulations.

SECTION 2

Sec. 200-020 of the Newton County Development Regulations is amended by adding the following definitions:

SEC. 200-020 DEFINITIONS

Family, immediate - Any person who is a natural or legally defined offspring, spouse, sibling, parent, grandparent, or grandchild. For purpose of a Family Conveyance Lot, an aunt, uncle, cousin, niece or nephew are considered immediate family.

Family Conveyance Lot - A division of a lot or parcel (aka initial lot or parent parcel) for the purpose of sale or gift to a member of the immediate family of the property owner as allowed under Sec. 405-010 C. of these regulations.

SECTION 3

Division 405 of the Newton County Development Regulations is amended by deleting Division 405 in its entirety and replacing with the following:

DIVISION 405: EXEMPT RESIDENTIAL SUBDIVISION

~~Exempt subdivisions meeting the standards of Section 110-020 shall be drawn in accordance with the Final Plat standards and nine (9) copies shall be submitted with appropriate fees to the Director for review and approval. Upon approval, the Plat shall be recorded with the Clerk of Superior Court and building permits issued pursuant to Newton County codes and ordinances.~~

~~Buildings in exempt subdivisions are subject to the requirements of Secs. 425-030 and 425-060 for building permits and certificates of occupancy.~~

Sec. 405-010 EXEMPT RESIDENTIAL SUBDIVISION PROCEDURES

Exempt subdivisions as allowed pursuant to Section 110-020 shall comply with the following requirements:

A. Be drawn in accordance with the Final Plat standards and six (6) copies shall be submitted with appropriate fees to the Director for review and approval. Upon approval, the Plat shall be recorded with the Clerk of Superior Court and building permits issued pursuant to Newton County codes and ordinances. The plat shall meet the minimum standards for plat preparation including, but not limited, to:

1. General

- a. Name, address, and phone number of designer of subdivision plat.
- b. Name, address, and phone number of developer of subdivision.
- c. Name of subdivision or address of project location.
- d. Date of plat preparation with space for revision dates.
- e. North point, identified as magnetic, true or grid.
- f. Sheet size shall be no larger than Fourteen (14) inches wide and sixteen (16) inches long leaving a margin two (2) inches in width on left end for binding purposes, and a one-half ($\frac{1}{2}$) inch margin on the other three sides. If the complete plat cannot be shown on one sheet of this size, it may be shown on more than one sheet with an index map on a separate sheet of the same size.
- g. Minimum Graphic scale of one (1) inch equals 100 feet.
- h. Appropriate legend of symbols used on plat.
- i. List any conditions of zoning, rezoning, variance and date of approval, if applicable.
- j. Street address as assigned by the Tax Assessor.
- k. Certificates of Review of the Environmental Health Dept. (if applicable).

2. Existing Conditions

- a. Zoning district of land to be subdivided and zoning classification of adjoining properties.
- b. Exact boundary lines of the tract indicated by a heavy line giving lengths and bearings. The boundary lines should include the entire tract to be developed. Provide date and source of survey.
- c. Location map showing the parent parcel in relation to the surrounding area at a minimum scale of one inch to 2,000 feet. Include well-known landmarks such as railroads, highways, bridges, creeks, etc. and city and/or county jurisdictional boundaries and land lot lines, if applicable.
- d. Location of natural features including streams and watercourses with direction of flow on the proposed project.

- e. Location and/or size of existing cultural features on or adjacent to the proposed subdivision.
- f. Limits of 100-year floodplain. If none, note indicating such with data source and date.
- g. Location and square footage of wetland areas.
- h. Note as to provision of water supply and sewer disposal.
- i. Existing sewers, water mains, drains, culverts, and other underground facilities or utilities within easements or rights-of-way on or within 300 feet of the tract to be subdivided, as relevant.
- j. Adjoining property information, lot arrangement and/or adjoining property owners' names, rights-of-way and easements within 300 feet of subdivision.
- k. Topographic contours at the following intervals. Identify source, method and date of topographic survey. (U.S.G.S. Quadrangle interpolation shall not be acceptable):

Ground Slope	Slope Interval	(feet)
Flat:	0-2%	2
Rolling:	Over 2%	5

- l. Total acreage, minimum dwelling size and minimum lot size of project.
- B. Buildings in exempt subdivisions are subject to the requirements of Secs. 425-030 and 425-060 for building permits and certificates of occupancy.

C. Family Conveyance Lots shall comply with the following:

1. The property must be zoned A (Agricultural) or AR (Agricultural Residential) to be subdivided under these provisions.
2. The maximum density allowed after subdivision shall not exceed one single-family residence per 10 acres on property zoned A (Agricultural). (Example: The parent parcel is at least 20 acres but not greater than 29.99 acres. The property could be subdivided into a total of 2 lots maximum regardless of the size of each lot.)
3. Properties zoned AR (Agricultural Residential) shall meet the minimum lot size of the Newton County Zoning Ordinance.
4. For the purpose of this section, the property owner (grantor) may be a family trust or family partnership so long as the trustees, beneficiaries and/or partners (grantee) are composed only of members of the immediate family of the landowner as defined in Sec. 200-020 "Definitions".
5. The lot to be conveyed shall only be conveyed to an immediate family member who shall not receive more than one lot under the Family Conveyance Lot.
6. The grantor may not have previously divided any other land within the county by family conveyance subdivision to the same family member.
7. The purpose of a family conveyance transfer must be to provide for the housing needs of the grantee.

8. Each lot proposed to be created must comply with all applicable requirements of the zoning ordinance.
9. The initial or parent parcel may only be subdivided under the provisions of a Family Conveyance Lot once every 2.5 years.
10. All proposed plats for family conveyance subdivision shall include an affidavit which shall be signed by the grantor and grantee under oath and penalty of perjury that identifies the subdivision as being for the purposes of conveyance to a qualifying family member and identifies the receiving family members and their relationship to the grantor.
11. For any newly created Family Conveyance Lot not abutting a public road, access to the public road shall be provided by a permanent easement. Proof of recorded easement must be provided prior to the issuance of a building permit.
12. The family conveyance transfer may not be proposed for the purpose of circumvention of the subdivision ordinance.
13. The provisions of this section shall not prohibit the conveyance of interest in a lot to a third party as security for a mortgage, deed of trust or other secured loan.
14. A Family Conveyance Lot subdivision shall follow the permitting procedures of Sec. 405-010 A. (above).