

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

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

Section 1

Newton County does hereby amend the 2003 Zoning Ordinance, Newton County, Georgia as provided in Exhibits "A" and "B", attached hereto and incorporated herein by reference thereto.

Section 2

All ordinances or regulations or parts thereof in conflict herewith are hereby repealed.

Adopted and approved by the Board of Commissioners on the 20th day of November, 2007, after a public hearing on said date.



NEWTON COUNTY BOARD OF COMMISSIONERS

By: *Aaron Varner*
Aaron Varner, Chairman

Attest: *Jackie Smith*
Jackie Smith, Clerk

Recommended for approval and adoption by the Newton County Planning Commission on June 26, 2007 and August 28, 2007, after public hearings on said dates.

Glover Anderson
Glover Anderson, Chairman
Newton County Planning Commission

EXHIBIT "A"

Amendment One

Sec. 510-650 TEMPORARY USE, COMMERCIAL – is hereby deleted in its entirety and replaced with the following:

Sec. 510-650 TEMPORARY USE, COMMERCIAL

- A. The following uses are permitted for a period not to exceed 20 days or as otherwise indicated. A temporary permit is applied for and approved by the Zoning Administrator using an application form.
1. The sale of fruits or vegetables.
 2. Charitable or non-profit events not to exceed four (4) days.
 3. Fall seasonal sales such as Christmas trees, pumpkin patches, and corn mazes between September 1 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.
 6. Garage sales over 2 (two per year). Garage sales may be held for up to 4 days and no more than 4 times per year.
- 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 may be permitted per Sec. 525-020 and 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 if written permission is obtained, if provided on adjoining property.
- F. All other requirements for licenses and regulations of Newton County shall be met.
- G. A period of not less than 6 months must pass before a temporary use permit on the same property may be applied for or renewed. The six month period shall be from the date of any prior approval of a temporary use. One extension, up to 10 days, may be granted by the Director. Additional documentation or justification may be required.

Amendment Two

Sec. 500-005 PRIMARY RESIDENCE – is hereby added as follows:

Sec. 500-005 PRIMARY RESIDENCE

Unless otherwise authorized by this Ordinance, there shall be only one primary residence per lot of record.

Amendment Three

Sec. 510-020 ACCESSORY STRUCTURES AND USES, subsection A. – is hereby deleted in its entirety and replaced with the following:

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, but not in the front yard between the house and the street.
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.

Amendment Four

Sec. 620-060 STANDARDS OF REVIEW, subsections A. and B. – are hereby revised as follows:

Sec. 620-060 STANDARDS OF REVIEW

A. In ruling on any application for a zoning map amendment, or Comprehensive Plan Future Land Use Maps amendment, 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 and the Board of Commissioners in its consideration and final decision concerning a petition requesting a zoning map amendment, will consider one or more of the following factors as they may be relevant to the application:

B. Conditional Use Permit Criteria

The following criteria shall be applied, as applicable, 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; 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:

Amendment Five

Sec. 630-010 ADMINISTRATIVE VARIANCES, subsection C. – is hereby deleted in its entirety and replaced with the following:

Sec. 630-010 ADMINISTRATIVE VARIANCES

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 and 630-030 of the Development Regulations.

Amendment Six

Sec. 230-050 PROPERTY DEVELOPMENT STANDARDS, subsection D. – is hereby deleted in its entirety and replaced with the following:

Sec. 230-050 PROPERTY DEVELOPMENT STANDARDS

D. Minimum Yard Requirements:

Side: 7.5 feet

Amendment Seven

Sec. 510-630, subsection H. SUPPORT STRUCTURES AND ANTENNAS IN RESIDENTIAL AREAS – is hereby deleted in its entirety and replaced with the following:

Sec. 510-630

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. In no case shall a tower be closer than three times the tower height from all property lines which adjoin a residential zoning district or a property with a residential structure. 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. For the purposes of this subsection, the phrase "residential structure" shall not apply to a residence located on the property from which the tower property has or will be sold or leased. All other requirements of this section shall apply and must be satisfied prior to a permit being granted in these zoning districts.

2. 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).

Amendment Eight

DIVISION 615, subsection C. BOARD OF COMMISSIONERS – is hereby added as follows:

DIVISION 615: BOARD OF COMMISSIONERS

- C. Receive from the Zoning Administrator corrections to the Official Zoning Map when found that a graphic or scrivener error has been made.

Amendment Nine

DIVISION 530 NON-CONFORMING USES AND STRUCTURES – is hereby added as follows:

DIVISION 530: NON-CONFORMING USES AND STRUCTURES

Within the zoning districts established by this Ordinance there may exist lots, structures, and uses of both land and structures which were lawful before this Ordinance was adopted or subsequently amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance as adopted or subsequently amended. Nonconforming lots, uses, and structures may continue in their nonconforming status with the following limitations and/or requirements.

Amendment Ten

Sec. 530-010, subsections C. and D. NON-CONFORMING LOTS AND USES – are hereby added as follows:

Sec. 530-010 NON-CONFORMING LOTS AND USES

C. Non-Conforming Uses of Structures

If a lawful use of structure, or of a structure and lot in combination, exists at the effective date of adoption of the Ordinance or its subsequent amendment that would not be allowed under the provision of this Ordinance as adopted or amended, the use may be continued as long as it complies with other regulations, subject to the following conditions:

- 1. No existing structure devoted to a use not permitted by this Ordinance shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a permitted use.
- 2. Any nonconforming use may be extended throughout any part of a building that was arranged or designed for such use at the time the use became nonconforming, but no such use shall be extended to occupy any land outside such building.

3. If no structural alteration is made any nonconforming use of a structure or structure and land may be changed to another nonconforming use of the same or more restrictive nature.
4. When a nonconforming use of a structure or a structure and land in combination is replaced with a conforming use; such structure or land may not later revert to a non-conforming use.
5. When a nonconforming use of a structure or structure and land in combination is discontinued or abandoned for one year, the structure or structure and land in combination shall not thereafter be used except in conformance with the regulations of the district in which it its located.
6. A nonconforming use of a structure and/or a nonconforming use of land shall not be extended or enlarged by attachment to a building or land, or by additional signs which can be seen from off the land, or by the addition of other uses of a nature which would be prohibited generally in the district.

D. Nonconforming structures

If a structure exists at the effective date of adoption of the Ordinance or its subsequent amendments that could not be built under the provision of this Ordinance because of restrictions on building area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may remain as long as it complies with other regulations, subject to the following conditions:

1. No structure shall be enlarged, or structurally altered in a way which increases its nonconformity.
2. Any non-conforming structure hereafter damaged or demolished to more than seventy-five (75) percent of the returned value on the tax digest of Newton County, shall require that the structure be reconstructed in conformity with the provisions of this ordinance, except as allowed in Sec. 530-020.
3. Any structure which is moved, for any reason and for any distance whatever shall conform to the regulations for the district in which it is located.

Amendment Eleven

Sec. 105-020 SPECIFIC DEFINITIONS – is hereby added to, deleted from or revised as follows:

Sec. 105-020 SPECIFIC DEFINITIONS

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

Automobile Recovery

A use involving the recovery or repossession of automobiles and trucks, and temporary storage of said vehicles. Also includes wrecker service. Salvage, abandonment or demolition is not included in this use.

Automobile Repair Shop

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

Automobile Repair / Body Shop

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

Building, Accessory

A subordinate building, the use of which is incidental to that of the dominant use of the principal building or land. See Section 510-020. An accessory structure attached to the principal building by a breezeway, shall be considered an accessory building.

Commercial Nursery

A business which sells trees, shrubs, flowers and other plants for transplanting, and the retail sale of any related garden supplies such as chemical fertilizer, tools and other similar goods and/or equipment, or the retail sale of plants not grown on the property. Also known as Garden Center.

Department

The Newton County Planning and Development Department.

Department Store

A retail store for the sale of many kinds of goods arranged in departments.

Dwelling, Townhouse

A dwelling unit in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by a common party wall.

Gunsmith Shop

A facility where guns are made or repaired. No retail sales of guns permitted.

Home Office

A home occupation in which the residents operate the administrative function of a business only.

Industrialized Home

7. A landing must be installed at each doorway. The minimum size of the landing shall be four feet by six feet (excluding steps) at each doorway. The structure must include steps which lead to ground level, and both landing and steps must meet the requirements of the International Residential Code (IRC) and Georgia State Amendments.

Kennel

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

Kennel, Commercial

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

Kennel

An establishment for the raising, breeding, boarding, caring for and/or keeping of more than 3 dogs (except litters of animals of not more than 6 months of age). Similar facilities may include boarding of other domestic animals.

Landscape Business

A business whose primary operation is the sale and/or installation of organic and inorganic material, plants, pine straw, and other limited accessory products for the landscape industry, and the storage and use of associated landscape vehicles and equipment.

Livestock

The term "livestock" as used herein shall mean and include cattle, horses, goats, sheep, swine, and other hoofed animals; poultry, ducks, geese and other species of the aviary family; and rabbits, mink, foxes, and other fur or hide-bearing animals customarily bred or raised in captivity for the harvesting of their skins; whether owned or kept for pleasure, utility or sale. See Section 510-380.

Manufactured Home, Class A

6. The dwelling must be placed on a permanent foundation, either slab or pier, which meets the requirement of the International Residential Code (IRC) and Georgia State Amendments. In addition, the dwelling shall be completely underpinned with masonry, stone, or other similar materials for the purpose of underpinning as approved by the Zoning Administrator.
8. A landing must be installed at each doorway, if door opens outward. The minimum size of the landing shall be four feet by six feet (excluding steps) at each doorway. The structure must include steps which lead to ground level, and both landing and steps must meet the requirements of the International Residential Code (IRC) and Georgia State Amendments.

Metal Smelting

A process of melting or fusing so as to separate impurities from pure metal

Metal Forging Works

The process of forming metal into a shape, by heating, hammering, by smithing or wroughting.

Modular Home - See Industrialized Home

Outside Storage

Storage of incidental equipment, merchandise, refuse, recyclable material. Also to include outside work areas or service yards.

Pavement

An all weather surface treatment, including gravel, which is applied to and maintained so as to prevent erosion, and to prevent vehicle wheels from making direct contact with soil, sod or mud; and which effectively prevents the depositing of soil, sod or mud onto streets.

Nursery, ~~Commercial~~ Plant Nursery, Greenhouse, Wholesale

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

Residential Appearance

An outward visual appearance or façade of a non-residential building with architectural features similar to a single-family residence. Some features may include dormers, pitched roofs, and typical residential building materials.

Residential District

A term which applies to all single family dwelling districts, including RE, AR, R1, R2, R3 and MSR, two-family districts, DR, multi-family districts, RMF, mobile home districts, MHP and MHS, and any residential portion of a CORD.

Recreation Center, ~~Club~~ Private Neighborhood

A facility located within a residential area, dedicated for recreational purposes, to primarily serve the residents of a development. May include club house, pool, tennis courts, play grounds, etc. Also known as Amenity Area.

Site-Built Home

A dwelling unit constructed on the building site from basic materials delivered to the site, and which is constructed in accordance with the International Residential Code (IRC) and Georgia State Amendments, and meeting the following development standards:

1. A minimum width in excess of twenty-eight (28) feet.
2. A minimum roof pitch of 5:12, which means having a pitch equal to at least five inches of vertical height for every twelve inches of horizontal run. Any dwelling unit for which a building permit was obtained prior to the adoption of this Ordinance may be extended, enlarged or repaired as otherwise provided by this Ordinance with the same roof pitch as that allowed by the previous building permit. Minimum pitch does not apply to architectural features such as porches, bay windows, etc.
3. A minimum roof overhang of 12 inches is required. All roof surfaces exposed to view shall be covered with asphalt or fiberglass shingles, wood shakes or shingles, standing seam (non-corrugated tin or steel), clay tiles, slate, or similar materials.
4. Exterior siding consisting of wood, hardboard, vinyl, brick, masonry, stone, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint), or similar material as approved by the Zoning Administrator.

Taxidermy

The preparation, stuffing and mounting of the skins of animals. May not include the processing of carcasses for meat.

Tree Service

A business whose primary operation is the trimming or removal of trees and the storage and use of associated equipment and vehicles. Does not include stock piling of by-product for more than 30 days.

Truck Parking, Dispatch

A business where the primary use of the property is where truck/trailers are temporarily stored, maintained or based.

Yard

An area between a lot line and a principal building.

Yard, Front

An area extending across the full width of the parcel between the front lot line and the building. On corner, reverse or double frontage lots the same yard applies to the area between the building and the lot lines abutting any street, except as allowed in Sec. 500-020 of the Zoning Ordinance.

Yard, Minimum

An area between a building or specified structure and a lot line, as specified by the district regulations.

Yard, Rear

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

Yard, Side

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

Amendment Twelve

SECTION 510-300 GUEST HOUSE, TENANT HOUSE, CARETAKER HOUSE – is hereby deleted in its entirety and replaced as follows:

SECTION 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. Living (heated) space of the guest house, tenant house or caretaker house can be no more than 50% of the heated square feet of the primary residence or 800 square feet, whichever is greater.
- 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.
- E. The set back for guest homes shall be a minimum 20 feet from the side or rear property line.

- Examples:
- 1,600 square foot home (or less) – 800 square foot guest house
 - 1,800 square foot home – 900 square foot guest house.
 - 2,500 square foot home – 1,250 square foot guest house
 - 3,000 square foot home – 1,500 square foot guest house

Amendment Thirteen

SECTION 500-090: DEVELOPMENT OF REGIONAL IMPACT – is hereby deleted in its entirety and replaced as follows:

SECTION 500-090: DEVELOPMENT OF REGIONAL IMPACT

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

Type of Development	DRI Intensity Threshold
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.
Type of Development	DRI Intensity Threshold
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.

Amendment Fourteen

Sec. 510-020, subsection C.4. ACCESSORY STRUCTURES AND USES – is hereby deleted in its entirety and replaced as follows:

Sec. 510-020 ACCESSORY STRUCTURES AND USES

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:

4. In the R-1, R-2, R-3, DR, RMF, MHP, and MHS districts, unless otherwise allowed by this Ordinance, 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.

Amendment Fifteen

Sec. 510-060, subsection C. ANIMAL HOSPITAL OR VETERINARY CLINIC – is hereby deleted in its entirety and replaced as follows:

Sec. 510-060 ANIMAL HOSPITAL OR VETERINARY CLINIC

C. Kennel or boarding operations incidental to the principal use (for medical care) shall be permitted only within an enclosed fence, building or structure.

Amendment Sixteen

Sec. 510-095 ASSISTED LIVING FACILITY – is hereby added as follows:

Sec. 510-095 ASSISTED LIVING FACILITY

- A. The facility 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 facility shall meet all state requirements and all applicable rules and regulations as specified by the Department of Human Resources of the State of Georgia.

Amendment Seventeen

Sec. 510-093 AUTOMOBILE AUCTION – is hereby added as follows:

Sec. 510-093 AUTOMOBILE AUCTION

- A. All operations shall have direct access to at least a minor collector street.
- B. All 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 storage areas 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.

Amendment Eighteen

Sec. 510-120 AUTOMOBILE WASH SERVICE – is hereby revised as follows:

Sec. 510-120 AUTO WASH PRINCIPAL, ACCESSORY, DETAIL OR MOBILE

- A. Wastewater from all auto wash services shall be pre-treated prior to being drained directly into the public sanitary sewer, or into any stormwater structure.
- B. Prior to issuance of a business license, new or renewal, submit a Wastewater Management/Disposal plan to the Department. A fee of \$100 is required.
- C. 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.
- D. No storage or repair of vehicles shall be allowed within the car washing facility.
- E. The use shall provide a safe access to the street. Access shall only be through defined driveway locations.
- F. A transitional buffer shall be provided adjacent to residential property in conformance with Section 520-020.

Amendment Nineteen

Sec. 510-105 AUTOMOBILE SALES AND RENTAL – is hereby added as follows:

Sec. 510-105 AUTOMOBILE SALES AND RENTAL

- 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 display area with appropriate drainage (water quality measures).
- C. All lighting for vehicle sales shall be in accordance with the Newton County Development Regulations.
- D. All 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.

Amendment Twenty

Sec. 510-095 AUTOMOBILE RECOVERY – is hereby added as follows:

Sec. 510-095 AUTOMOBILE RECOVERY

- A. The use shall not be established on any lot which is either adjacent to or directly across from any residentially zoned district.
- B. Outdoor storage area for vehicles must be screened by a 6-foot 100% opaque fence.
- C. Outdoor storage area is limited to twenty-five (25) percent of the total lot.

Amendment Twenty One

Sec. 510-395 MANUFACTURED HOME AS ACCESSORY USE – is hereby deleted in its entirety and replaced with Sec. 510-145 CARETAKER'S DWELLING, NON-RESIDENTIAL as follows:

Sec. 510-145 CARETAKER'S DWELLING, NON-RESIDENTIAL

- 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 District.

Amendment Twenty Two

Sec. 510-670 VEHICLE AND EQUIPMENT SALES AND RENTAL – is hereby deleted in its entirety and replaced with Sec. 510-165 COMMERCIAL VEHICLE AND EQUIPMENT SALES AND RENTAL as follows:

Sec. 510-165 COMMERCIAL VEHICLE AND EQUIPMENT SALES AND RENTAL

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

Amendment Twenty Three

Sec. 510-235 DRUG STORE/PHARMACY – is hereby added as follows:

Sec. 510-235 DRUG STORE/PHARMACY

- A. Allowed in OI (Office Institutional) only if within a medical office building or complex.

Amendment Twenty Four

Sec. 510-290 FLEA MARKET – is hereby deleted in its entirety and replaced with the following:

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. Said site plan shall be provided prior to issuance of a business license, building permit or in conjunction with a Land Disturbance Permit.
- 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. Outside display of merchandise which is being offered for sale on-premise shall be permitted in any yard, but not within the minimum yard.
- F. Signs are permitted in accordance with Division 525.
- G. The use shall provide any required buffers and screening in conformance with Division 520. No storage, display or parking may occur within the transitional buffers or landscaping areas.

Amendment Twenty Five

Sec. 510-310 HOME OCCUPATION – is hereby deleted in its entirety and replaced with the following:

Sec. 510-310 HOME OCCUPATION

- A. Operators of home occupation must obtain a Home Occupation Business License.
- B. 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.
- C. The home occupation shall be carried on only by a member or members of the family residing in the residence.
- D. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
- E. No more than 25 percent of the principal structure (maximum 800 square feet), may be used for the home occupation.
- F. No more than two home occupation permits shall be granted per dwelling unit. No more than one home occupation permit shall be granted per dwelling unit that requires a Conditional Use Permit.
- G. The following uses may not be considered for home occupations: Auto repair, sales, or similar operations, restaurants, funeral homes, keeping of animals, retail or wholesale shops, motel type establishments, adult entertainment, any business involving alcohol, drugs or medications, retail sales of firearms, or any occupation that is in conflict with the intent of this Ordinance.
- H. Home occupations involving customer contact require approval through a Conditional Use Permit. Customer parking is limited to only one patron at a time.
- I. The use shall be conducted entirely within the dwelling unit. Approval through a conditional use permit is required for home occupations located in accessory buildings (with the provision that the accessory building be no larger than 1,000 square feet).
- J. There shall be no direct retail sales on the premises in connection with such home occupation.
- K. There shall be no warehousing of material, equipment, or merchandise on the premises.
- L. No traffic shall be generated by such home occupation in greater volumes than would be expected in residential neighborhood.
- M. Outdoor storage and outdoor lights are prohibited.
- N. 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.

- O. No signs other than those otherwise authorized within the applicable zoning district shall be erected.
- P. No commercial vehicles except as authorized by Sec.515-010.

Amendment Twenty Six

Sec. 510-330 INDUSTRIALIZED HOME, PLACEMENT OR MOVEMENT OF – is hereby added as follows:

Sec. 510-330 INDUSTRIALIZED HOME, PLACEMENT OR MOVEMENT OF

- A. Prior to the placement of an Industrialized Home, a Building Permit must be obtained. In addition to the regular process and fees related to the building permit, the applicant must also provide the following.
- 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 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.

Amendment Twenty Seven

Sec. 510-350 KENNEL – is hereby deleted in its entirety

Amendment Twenty Eight

Sec. 510-355 KENNEL, COMMERCIAL – is hereby deleted in its entirety and replaced with Sec. 510-355 KENNEL, 4 OR MORE as follows:

Sec. 510-355 KENNEL, 4 OR MORE

- A. Any building or enclosed structures for the housing of animals shall have a minimum setback of at least 100 feet from all property lines and at least 150 feet from any public right-of-way.
- B. All areas housing animals shall be completely enclosed by walls or fences at least five (5) feet in height.
- C. No kennel shall be located within 500 feet of a residential district.
- D. Outside pens must be located a minimum of 50 feet from an intermittent stream and 150 feet from a perennial stream.

Amendment Twenty Nine

Sec. 510-365 LANDSCAPE BUSINESS – is hereby added as follows:

Sec. 510-365 LANDSCAPE BUSINESS

- A. Outside storage is permitted only in the rear yards and located at least 25 feet from any property zoned or used for residential. Such storage shall be screened from neighboring residential properties and streets with an opaque fence or a vegetative screen, subject to the approval of the County Arborist.
- B. Parking of vehicles such as tractors, mowers, vehicles with trailers, shall not be parked in the front yard. Employee parking may not be within the front yard if adjacent or across the street from residential property, zoned or used.
- C. No storage or parking may occur within the transitional buffers or landscaping areas.

Amendment Thirty

Sec. 510-370 LIBRARY AND MUSEUM – is hereby revised as follows:

Sec. 510-370 LIBRARY, PRIVATE

Amendment Thirty One

Sec. 510-380, subsection C. LIVESTOCK QUARTERS AND ENCLOSURES – is hereby revised as follows:

Sec. 510-380 LIVESTOCK QUARTERS AND ENCLOSURES

- 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, llamas, and large aviary species, such as emus, shall be equal to two (2) animals per fenced acre.

Amendment Thirty Two

Sec. 510-390 MANUFACTURED HOME OR INDUSTRIALIZED HOME, PLACEMENT OR MOVEMENT OF A – is hereby deleted in its entirety and replaced as follows:

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

- A. In addition to a Building Permit, placement of a Class A Manufactured Home or Class B Manufactured Home requires an additional 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 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.

1. **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.

Amendment Thirty Three

Sec. 510-405 MASSAGE STUDIO – is hereby added as follows:

Sec. 510-405 MASSAGE STUDIO

- A. All masseuse/massage therapists must be state certified. Proof of Certification must be provided when obtaining a new business license, and annually when business license is renewed.

Amendment Thirty Four

Sec. 510-480 PLACE OF WORSHIP – is hereby deleted in its entirety and replaced as follows:

Sec. 510-480 PLACE OF WORSHIP

- A. If located in a residential district, 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 in a separate residential structure, 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; Driveways and parking areas must set back 25 feet from side property lines;
 3. No school, child care, adult day care, gymnasium, homeless shelter, and caretaker's housing within the church building, amphitheater, or lighted ball field shall be allowed without a conditional use.
 4. Active recreation fields, such as for baseball, football or soccer, or any amphitheater must be located at least 100 feet from any property line adjacent to a residential district or 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.

Amendment Thirty Five

Sec. 510-520 QUARRY (RESOURCE EXTRACTION) – is hereby deleted in its entirety and replaced with the following:

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. The operators and owners of the quarry shall present to the Board of Commissioners a truck route. A bond shall be placed on the county roads used during the operation and hauling of the resource.
- D. 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.
- E. 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.
- F. 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.
- G. 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.

Amendment Thirty Six

Sec. 510-540 RECREATION CENTER AND CLUB, PRIVATE – is hereby deleted in its entirety and replaced with Sec. 510-540 RECREATION CENTER NEIGHBORHOOD as follows:

Sec 510-540 RECREATION CENTER NEIGHBORHOOD

- 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. Recreation facilities within residential developments shall comply with Section 520-010 of the Development Regulations.
- C. Outdoor activity shall cease by 11:00 p.m.

Amendment Thirty Seven

Sec. 510-230 DRIVE-THROUGH/DRIVE-IN RESTAURANT – is hereby deleted in its entirety and replaced with Sec. 510-545 RESTAURANT DRIVE-THROUGH/DRIVE-IN RESTAURANT as follows:

Sec. 510-545 RESTAURANT DRIVE-THROUGH/DRIVE-IN RESTAURANT

- A. The outdoor speaker must be located at least 250 feet from any single-family residential district.
- B. Must meet the parking standards as required in this ordinance and the Newton County Development Regulations.

Amendment Thirty Eight

Sec. 510-547 RETAIL/OFFICE, WITH OUTSIDE STORAGE/FLEET PARKING – is hereby added as follows:

Sec. 510-547 RETAIL/OFFICE, WITH OUTSIDE STORAGE/FLEET PARKING

- A. Outside storage is permitted only in the rear yard and located at least 25 feet from any property lines. Such storage shall be screened from neighboring residential properties and concealed if facing across a street. Screening shall be an opaque fence or a vegetative screen not less than 8 feet high. Plantings and specifications subject to the approval of the County Arborist.
- B. Outside display of merchandise which is being offered for sale on –premise shall be permitted in any yard, but not within the minimum yard.
- C. Fleet Parking of heavy vehicles such as tractors, earthmoving equipment, dump trucks, heavy construction equipment, flatbed trucks, box vans, vehicles with trailers, semi-tractor cabs with or without trailers shall not be parked in the front yard.
- D. No storage, display or parking may occur within the transitional buffers or landscaping areas.

Amendment Thirty Nine

Sec. 510-570 SCHOOL, K-12, PRIVATE – is hereby deleted in its entirety and replaced as follows:

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

1. 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.

2. Active Recreation fields, such as for baseball, football or soccer must be located at least 100 feet from any property line adjacent to a residential zone or use.

3. A minimum buffer of 50 feet shall be required adjacent to any residential use or zone. No play area may be within the buffer or landscape area.

Amendment Forty

Sec. 510-625 TAXIDERMY – is hereby added as follows:

Sec. 510-625 TAXIDERMY

1. Must be located on at least one acre.
2. Must provide a letter outlining what non-domestic waste produced and how waste will be disposed of prior to the issuance of a business license.
3. Must provide copy of state license.
4. Processing of carcasses for meat is prohibited.

Amendment Forty One

Sec. 510-640 TEMPORARY BUILDING – is hereby deleted in its entirety and replaced as follows:

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 used at development construction sites shall require a building permits only. (moving permit not applicable)
- C. Temporary buildings shall be located at least 50 feet from any residence or street right-of-way line.
- D. Temporary buildings shall be removed when the construction has been completed.

Amendment Forty Two

Sec. 510-655 TREE SERVICE – is hereby added as follows:

Sec. 510-655 TREE SERVICE

- A. Parking of vehicles and equipment shall be set back no less than 100 feet from property zoned or used as residential and 50 feet from any right-of way.

- B. No activity such as grinding, mulching may occur within 100 feet of all property lines. Burning is prohibited.

- C. Provide a minimum 50-foot buffer, or 25-foot buffer with an 8-foot high opaque wooden fence, adjacent to all interior property lines, and a 25-foot buffer along any public right of way.

- D. Stock piling of by-product is limited to no more than 30 days.

Amendment Forty Three

Sec. 415-060, subsection B. BUFFERS – is hereby revised as follows:

Sec. 415-060 BUFFERS

- B. A natural and undisturbed buffer shall be maintained for a distance of 150 feet from the boundary of any water supply reservoir. In addition to the 150-foot natural and undisturbed buffer from the boundary of any water supply reservoir, a 40-foot building setback shall be required.

Amendment Forty Four

Sec. 430-050 RESIDENTIAL LOTS – is hereby deleted in its entirety and replaced as follows:

Sec. 430-050 RESIDENTIAL LOTS

The number of residential lots allowed in an Open Space Conservation Residential Overlay district shall be calculated by the Zoning Administrator based on the density allowed for the underlying zoning district of which the parcel is a part. The maximum number of residential lots permitted shall be the result of dividing the total acreage of the parcel by the minimum lot size in the underlying zoning district, or the watershed protection overlay. (Example for R-1, not in watershed: 25 acres x 43,560 square feet ÷ 25,500 square feet = 42 lots; Example for AR in a watershed: 25 acres x 43,560 square feet ÷ 87,120 = 12 lots)

OPEN SPACE DEVELOPMENT DENSITY TABLE

Zoning District	Minimum lot size In the underlying zoning district (sq. ft.)		
	1 - Well and Septic	2 - Water and Septic	3- Water and Sewer
A	10 Acres		
RE/ Water-shed Overlay*	2 acres		
AR	51,000	43,560	43,560
R-1	51,000	25,500	25,500
R-2	NA	25,500	25,000
R-3	NA	25,500	22,000

*See Division 415 and Division 420, Part One

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

Amendment Forty Five

Sec. 510-210 DAY CARE, CHILD – is hereby deleted in its entirety and replaced as follows:

Sec. 510-210 DAY CARE, CHILD

- A. The use must provide outdoor recreation area as required by state day care requirements.
- B. The outdoor play area must be enclosed with a four 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.

Amendment Forty Six

Amend all references to section numbers as needed throughout ordinance.

Amendment Forty Seven

The following sections and subsections shall be amended to add the phrase “unless otherwise allowed under Sec. 110-020 of the Newton County Development Regulations”:

Sec. 100-040 F.

Sec. 205-050 D.

Sec. 210-050 D.

Sec. 215-050 D.

Sec. 220-050 E.1. and E.2.

Sec. 225-050 E.1. and E.2.

Sec. 230-050 E.1. and E.2.

Sec. 235-050 E.

Sec. 236-050 D.

Sec. 240-050 D.

EXHIBIT "B"

Amendment One

Division 505: PERMITTED AND CONDITIONAL USES, USE TABLE – is hereby deleted in its entirety and replaced as follows:

DIVISION 505: PERMITTED AND CONDITIONAL USES

USE TABLE

Type of Use	Applicable Use Standards	Zoning Districts																	
		A	RE	AR	R1	R2	R3	MSR	DR	RMF	MHP	MHS	OI	CN	CH	CG	M1	M2	
Accessory Agricultural Bldgs.	510-020	A	A	A															
Accessory Commercial/ Office Bldgs.	510-020												A	A	A	A	A		A
Accessory Convenience Retail Business	510-020												A	A	A	A	A		A
Accessory Industrial/ Manufacturing Bldgs.	510-020																		A
Accessory Residential Bldgs.	510-020	A	A	A	A	A	A	A	A	A									A

Type of Use	Applicable Use Standards	Zoning Districts																
		A	RE	AR	R1	R2	R3	MSR	DR	RMF	MHP	MHS	OI	CN	CH	CG	MI	M2
Adult Entertainment ¹	510-040																CU	CU
Air Terminal (Port)																	A	A
Aircraft Factory																		A
Airstrip, Private	510-030	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	AU
Animal Hospital, Vet Clinic	510-060	A															A	A

Type of Use	Applicable Use Standards	Zoning Districts																	
		A	RE	AR	R1	R2	R3	MSR	DR	RMF	MHP	MHS	OI	CN	CH	CG	M1	M2	
Antenna, Amateur Radio	510-070	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Antenna, Satellite TV	510-080	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Appliance Store	510-S47														A	A	A		
Arcade, Game Room, Bowling, Billiard, Indoor Skating Rink															A	A			
Art Studio													A	A	A	A	A		
Asphalt Plant	510-090																		CU
Assembly Plant Light																		A	
Assembly Plant Heavy																			A

Type of Use	Applicable Use Standards	Zoning Districts																	
		A	RE	AR	R1	R2	R3	MSR	DR	RMF	MHP	MHS	OI	CN	CH	CG	M1	M2	
Assisted Living																			
Auto Auction	510-093									A			CU		A		CU		CU
Auto Parts, Accessories															A				A
Auto Recovery (new)	510-095															A		A	A
Auto Repair, Major or Minor/Body Shop	510-100														A		A	A	A
Auto Sales or Rental	510-105														A		A	A	A
Auto Service Station	510-110														A		CU	A	A
Auto Wash, Principal or Mobile	510-120														A			A	A

Type of Use	Applicable Use Standards	Zoning Districts																
		A	RE	AR	R1	R2	R3	MSR	DR	RMF	MHP	MHS	OI	CN	CH	CG	M1	M2
Bakery														A	A	A		
Bank													A	A	A			
Bar, Night Club															CU	A	A	A
Bed and Breakfast	510-130	CU	CU	CU	CU	CU	CU	CU				CU	CU	CU	CU	A		
Bicycle Shop														A	A	A		
Boarding House													CU	CU	A	A		
Broadcast Studio															A	A	A	A
Building Material Yard (Milling Operation)																	A	A

Type of Use	Applicable Use Standards	Zoning Districts																	
		A	RE	AR	R1	R2	R3	MSR	DR	RMF	MHP	MHS	OI	CN	CH	CG	M1	M2	
Building Supplies, Wholesale, Retail ²																	A	A	A
Bus Terminal																	A	A	A
Campground, Recreational Vehicle Park, Private	510-140	CU	CU											CU	A	A	CU	CU	CU
Caretakers Dwelling, Non-Residential	510-395													CU	CU	CU	CU	CU	CU
Cemetery	510-150	A	A	A	A	A		A									A	A	A
Chemical Plant																			A
Club/Order/Lodge, Private		CU	CU	CU													A	A	A
Cold Storage Plant																		A	A

Type of Use	Applicable Use Standards	Zoning Districts																
		A	RE	AR	RI	R2	R3	MSR	DR	RMF	MHP	MHS	OI	CN	CH	CG	MI	M2
College, University	510-160	CU	CU	CU	CU								A	A	A	A	A	A
Composting Facility ²	510-170																	CU
Commercial Nursery, Garden Center	510-547													A	A			
Commercial Vehicle & Equipment Sales/Rental	510-670													A	A	A	A	
Concrete or Masonry Plant	510-180																	CU
Confined Feeding Lot	510-190	A																
Convenience Store	510-200													A	A	A	A	A
Crematory															A	A	A	A

Type of Use	Applicable Use Standards	Zoning Districts																	
		A	RE	AR	R1	R2	R3	MSR	DR	RMF	MHP	MHS	OI	CN	CH	CG	MI	M2	
Dance School or Studio														A	A	A		CU	CU
Day Care, 3-6	510-210	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU	
Day Care, 7-12	510-210	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	
Day Care, over 12	510-210													AU	AU	AU	AU	AU	
Day Spa														A	A	A			
Department Store																CU	A		
Drug Store	510-235													A	A	A	A	A	
Dry Cleaning, Institutional																		A	A

Type of Use	Applicable Use Standards	Zoning Districts																	
		A	RE	AR	R1	R2	R3	MSR	DR	RMF	MHP	MHS	OI	CN	CH	CG	M1	M2	
Dry Cleaning, Neighborhood														A	A	A			
Dwelling, Multi-Family	510-410													A					
Dwelling, Single Family		A	A	A	A	A	A	A	A	A	A								
Dwelling, Two-Family								A		A									
Dwelling, Townhouse										A									
Dye Casting Works																			CU
Electric, Petroleum or Gas Substation	510-240													CU	CU	A	A	A	A
Equipment Sales and Service, Heavy	510-670																		A

Type of Use	Applicable Use Standards	Zoning Districts																	
		A	RE	AR	R1	R2	R3	MSR	DR	RMF	MHP	MHS	OI	CN	CH	CG	MI	M2	
Explosives Plant/Storage	510-530																		CU
Fallout Shelter	510-250	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Farm Equipment, Sales, Rental, Repair	510-260	CU	CU											A	A	A	A	A	A
Farming, Commercial	510-270	A	A	CU													A	A	A
Farming, General	510-280	A	A	A													A	A	A
Feed Processing																			A
Feed, Seed Store	510-260, 510-547													A	A	A	A	A	A
Fertilizer Plant																			CU

Type of Use	Applicable Use Standards	Zoning Districts																	
		A	RE	AR	R1	R2	R3	MSR	DR	RMF	MHP	MHS	OI	CN	CH	CG	M1	M2	
Flea Market	510-290														A	A	A		
Flower Shop	510-547														A	A	A		
Food Processing Plant																			A
Funeral Home																A	A		
Furniture Store																A	A		
Furniture, Wood Working Shop																A	A	A	A
Garden, Private		A	A	A	A	A	A	A	A						A	A	A	A	A
Gift, Specialty Shop	510-547														A	A	A		

Type of Use	Applicable Use Standards	Zoning Districts																	
		A	RE	AR	R1	R2	R3	MSR	DR	RMF	MHP	MHS	OI	CN	CH	CG	M1	M2	
Golf Course, Country Club	510-295	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU			CU	CU	CU	CU	CU
Glass Sales, Storage															A	A	A	A	A
Group Residence, 4 or less	510-298	A	A	A	A	A	A	A	A	A	A	A	CU	CU	CU	CU	CU	CU	CU
Group Residence, 5-6	510-298	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Group Residence, Over 6	510-298												CU	CU	CU	CU	CU	CU	CU
Guest House, Tenant, Caretakers Dwelling, Residential	510-300	A	A	A	A	A	A												
Gunsmith Shop													CU	CU	A	A	A	A	A
Hardware, Paint Store	510-547												A	A	A	A	A	A	A

Type of Use	Applicable Use Standards	Zoning Districts																	
		A	RE	AR	R1	R2	R3	MSR	DR	RMF	MHP	MHS	OI	CN	CH	CG	M1	M2	
Home Occupation	510-310	A	A	A	A	A	A	A	A	A									
Homeless Shelter														CU	CU	CU	CU	CU	CU
Hospital	510-320	CU	CU	CU									CU	CU	A	A	A	A	A
Hotel, Motel														A	A				
Ice Cream, Confectionery Shop													CU	A	A	A			
Industrial, Heavy																		CU	
Industrial, Light																	CU	CU	CU
Industrial, Outdoor																			CU

Type of Use	Applicable Use Standards	Zoning Districts																
		A	RE	AR	R1	R2	R3	MSR	DR	RMF	MHP	MHS	OI	CN	CH	CG	M1	M2
Industrialized Home/Modular	510-330	A	A	A	A	A	A	A	A	A		A						
Intermodal Terminal Facility	510-340																	A
Kennel, 4 or more	510-355	CU	CU	CU										CU	CU	CU	CU	CU
Landfill, Privately Owned and Operated ³	510-360																	CU
Landscaping Business	510-365	CU												A	A	A	A	A
Laundromat													CU	A	A			
Library, Private	510-370	CU	CU	CU	CU	CU	CU	CU	CU	CU			A	A	A	A		
Livestock Quarters and Enclosures	510-380	A	A	A														

Type of Use	Applicable Use Standards	Zoning Districts																	
		A	RE	AR	R1	R2	R3	MSR	DR	RMF	MHP	MHS	OI	CN	CH	CG	M1	M2	
Locksmith Shop													A	A	A				
Manufacturing, Heavy																		CU	
Manufacturing, Light																CU	CU	CU	
Manufacturing, Outdoor																	CU		
Medical, Dental Laboratory															A	A	A	A	
Medical, Dental Clinic													A	A	A	A	A	A	
Manufactured Housing Development														A					
Manufactured Home, Accessory Use (Hardship)	610-030 E-	A	A	A	A	A	A	A	A							A	A		

Type of Use	Applicable Use Standards	Zoning Districts																	
		A	RE	AR	R1	R2	R3	MSR	DR	RMF	MHP	MHS	OI	CN	CH	CG	M1	M2	
Manufactured Home, Sales, Rental, Repair															A	A			A
Manufactured Home, Class A	510-390	A		A	A	A	A	A	A	A	A	A	CU	CU	CU	CU			
Manufactured Home, Class B	510-390										A	A							
Manufactured, Modular Homes Sales, Display	510-400													CU	A	A		A	A
Massage Studio	510-405													A	CU	A			
Massage School													CU			CU			
Metal Smelting																		CU	CU
Metal Forging Works																		A	A

Type of Use	Applicable Use Standards	Zoning Districts																
		A	RE	AR	R1	R2	R3	MSR	DR	RMF	MHP	MHS	OI	CN	CH	CG	M1	M2
Mini-Warehouse	510-420														A	A	A	A
Museum	510-370	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Newspaper/ Magazine Publication, Distribution															A	A	A	A
Nursing Home	510-425						CU	A					CU	CU	A	A		
Office Supply Sales, Service															A	A		
Office, Professional		CU	CU	CU			CU								A	A		
Outdoor Recreational Facilities, Commercial	510-430														CU	CU	A	A
Paper/Pulp Mill	510-530																	CU

Type of Use	Applicable Use Standards	Zoning Districts																
		A	RE	AR	R1	R2	R3	MSR	DR	RMF	MHP	MHS	OI	CN	CH	CG	M1	M2
Parking Lot, Garage														CU	A	A		
Parks and Open Areas	510-450	A	A	A	A	A	A	A	A	A				A	A	A	A	A
Pawn Shop													CU	CU	A			
Personal Care Home, 4 or less residents	510-460	A	A	A	A	A	A	A	A	A	A			CU	CU	CU		
Personal Care Home, 5-6 residents	510-460	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU			CU	CU	CU		
Personal Care Home, Over 7 residents	510-460													CU	CU	CU		
Personal Services														A	A	A	A	A
Pest Control															A	A	A	A

Type of Use	Applicable Use Standards	Zoning Districts																	
		A	RE	AR	RI	R2	R3	MSR	DR	RMF	MHP	MHS	OI	CN	CH	CG	M1	M2	
Petroleum Refinery/ Processing Plant	510-530																		CU
Place of Public Assembly	510-470	CU	CU	CU	CU	CU	CU	CU	CU				CU	CU	A	A	CU	CU	CU
Place of Worship	510-480	AU	AU	AU	AU	AU	AU	AU	AU	AU		AU	AU	AU	AU	AU	AU	AU	AU
Plant Nursery, Greenhouse, Wholesale	510-490, 510-547	A														A	A	A	A
Printing Shop																	A	A	A
Processing Plant for Hazardous Materials	510-500																		CU
Produce Stand, Farmers Market	510-510																	CU	A
Quarrying, Resource Extraction	510-520	CU	CU	CU															CU

Type of Use	Applicable Use Standards	Zoning Districts																
		A	RE	AR	R1	R2	R3	MSR	DR	RMF	MHP	MHS	OI	CN	CH	CG	MI	M2
Recreation Center, Neighborhood	510-540 & 520-010 in Dev. Regs	A	A	A	A	A	A	A	A	A								
Recovered Materials Processing, Recycling Station	510-530																A	A
Restaurant, Drive-Through/Drive-In	510-545												A	A	A	A	A	A
Restaurant													A	A	A	A	A	A
Retail Establishment Under 5,000 SF													A	A	A	A	A	
Retail Establishment Over 5,000 SF														A	A	A	A	A
Retail/Office with Outdoor Storage/Fleet Parking	510-547													A	A	A	A	A
Rubber/Tire Plant																	CU	CU

Type of Use	Applicable Use Standards	Zoning Districts																	
		A	RE	AR	R1	R2	R3	MSR	DR	RMF	MHP	MHS	OI	CN	CH	CG	MI	M2	
Salvage Operation/ Junk Yard	510-550																CU		CU
Sawmill, Planing Mill	510-560	CU																	A
School, Business or Trade, Private		CU	CU	CU				CU	CU	CU	CU	CU	CU	CU	A	A	CU	CU	CU
School K-12, Private	510-570	CU	CU																
School, Private Residential	510-580	CU	CU	CU															
Site Built Residential Dwelling		A	A	A	A	A	A	A	A	A									
Soft Drink Bottling/ Distribution Plant																	CU	CU	A
Solid Waste Transfer Station	510-590													CU	CU	CU	A	A	A

Type of Use	Applicable Use Standards	Zoning Districts																
		A	RE	AR	R1	R2	R3	MSR	DR	RMF	MHP	MHS	OI	CN	CH	CG	MI	M2
Sporting Goods Store	510-547													A	A	A	A	
Storage Tank, Bulk, Flammable	510-600																CU	A
Storage Yard, Lumber															CU	CU	A	A
Subdivision, Residential		A	A	A	A	A	A	A	A									
Subdivision, Commercial																	A	A
Subdivision, Industrial																	A	A
Tannery, Leather Processing																	CU	CU
Tattoo Body Piercing Parlor/Studio	510-620															CU	CU	CU

Type of Use	Applicable Use Standards	Zoning Districts																
		A	RE	AR	RI	R2	R3	MSR	DR	RMF	MHP	MHS	OI	CN	CH	CG	MI	M2
Taxidermy	510-625	A	A	A											A	A	A	A
Telecommunications Support Structure	510-630	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	A	A
Temporary Building	510-640	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Temporary Use, Commercial	510-650	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Tire Processing Plant, Scrap	510-530																CU	A
Tire Store, Retail	510-547														A	A	A	A
Theater													CU	CU	A	A	A	
Theater, Drive-In																A	A	A

Type of Use	Applicable Use Standards	Zoning Districts																	
		A	RE	AR	R1	R2	R3	MSR	DR	RMF	MHP	MHS	OI	CN	CH	CG	MI	M2	
Tree Service	510-655	CU														CU		A	A
Truck Stop, Parking, Dispatch	510-660														CU	CU		A	A
Warehousing, Industrial, Wholesale																		A	A
Zero Lot Line Development	510-680								A	A									

- Notes:
1. A permit is required under the Adult Entertainment Ordinance
 2. In MHP and MHS, see sections 245-010 and 250-010, Purpose and Intent
 3. See Newton County Solid Waste Ordinance

Amendment Two

Article 2: Base District Regulations, Development Standards for Residential Zoning Districts Table -- is hereby deleted in its entirety and replaced with the following:

ARTICLE 2: BASE DISTRICT REGULATIONS

DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DISTRICTS TABLE (rev.02/21/06)

District Name	Min Lot Area (sq. ft.)			Min Width At Building Line (feet)		Min Front Setback (feet)		Min Side Setback (feet)	Min Rear Setback (feet)	Min Road Frontage (feet)	Min House Size (sq. ft.) (heated floor area)	Max Lot Coverage
	Well & Septic	Water & Septic	Water & Sewer	Water & Septic	Water & Sewer	Major/Minor Arterial or Collector	Other					
A	10 acres			400		60		25	40	40	1,000	15%
RE	2 acres			200		60		25	40	40	1,800	15%
A-R	60,000	43,560	43,560	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%
R2	*	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	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	NA	25,500 ⁵	12,000 ⁵	100		60	25	15/20 ⁷	35/20 ⁸	75	750 ⁵	70%

MHP per unit	15 acres per park		85	50	35	50/20 ⁹	10	200	720	40%
	51,000	25,500								
MHS	10 acres per subdivision		100	60	35	12/10 ⁶	35	200	720	25%
Per unit	51,000	25,500								

1. For single-family units.
2. For single-family detached units.
3. For two-family units.
4. For single family attached units
* Not permitted
+ for total development
5. Per dwelling unit. Average heated floor area for the entire project must be 900 sq. ft. or greater
Max density of 8 dwelling units per acre.
6. 12 feet where lot width is 100 feet; 10 feet where width is 85.
7. 15 feet from property line; no less than 20 feet between detached buildings.
8. 35 feet from property line; no less than 20 feet between detached buildings.
9. 50 feet from property lines; at least 20 feet between dwelling units.
10. In Cut-de-sacs the min width at building line is 40 feet.