Newton County Zoning Ordinance

Sec. 405-050 EXEMPT USES
A. Legally established land uses existing prior to the establishment of the River Corridor Protection Overlay District.

B. Utilities, except as discussed above, if such utilities cannot feasibly be located outside the buffer area, provided that:
   1. The utilities must be located as far from the river bank as reasonably possible.
   2. The utilities must be installed and maintained so as to protect the integrity of the buffer area as well as is reasonably possible.
   3. The utilities may not impair the drinking quality of the river water.

Sec. 405-060 PROHIBITED USES
The following uses are prohibited within River Corridors:

A. Handling areas for the receiving and storage of hazardous waste.

B. Hazardous waste or solid waste landfills.

C. Automobile parking lots.

D. Except as provided in Section 405-030 (A) concerning single-family dwellings, septic tanks and septic tank drain fields.

DIVISION 410: GROUNDWATER RECHARGE AREA PROTECTION OVERLAY

Sec. 410-010 PURPOSE AND INTENT
Pursuant to O.C.G.A. 12-2-8 and the Georgia Department of Natural Resources, Environmental Protection Division’s Rules for Environmental Planning Criteria Chapter 391-3-16, the Groundwater Recharge Area Protection Overlay District establishes regulations to protect significant groundwater recharge areas from pollution by spills, discharges, leaks, impoundments, applications of chemicals, injections, and other development.

Sec. 410-020 GROUNDWATER RECHARGE AREA PROTECTION OVERLAY DISTRICT
The Newton County Groundwater Recharge Area Protection Overlay District Map, which is available for inspection during office hours in the Newton County Planning Department, is delineated according to the Georgia Department of Natural Resources’ “Significant Recharge Areas, Hydrological Atlas 18 (1989 Edition)” and the Georgia Department of Natural Resources’ “Pollution Susceptibility Map,” which categorizes Newton County by areas of high, medium, and low groundwater pollution potential.
Section 410-030 DEVELOPMENT STANDARDS

All uses allowed in the underlying zoning districts, except those specifically prohibited in Section 410-040, are permitted in the Groundwater Recharge Area Protection Overlay District, subject to the following standards:

A. New sanitary landfills must have synthetic liners and leachate collection systems.

B. New above-ground chemical or petroleum storage tanks, having a minimum volume of 660 gallons, shall meet the requirements of U.S. EPA rules for oil pollution prevention, 40 CFR 112.1. Such tanks used for agricultural purposes are exempt, provided they comply with all federal regulations.

C. New agricultural waste impoundment sites must be lined if they are within:

1. A high pollution susceptibility area;

2. A medium pollution susceptibility area and exceed 15 acre-feet;

3. A low pollution susceptibility area and exceed 50 acre-feet.

At a minimum, the liner shall be constructed of compacted clay having a thickness of one-foot and a vertical hydraulic conductivity of less than $5 \times 10^{-7}$ cm/sec or other criteria established by the U.S. Soil Conservation Service.

D. Subject to minimum lot sizes established in Article 2 of this Zoning Ordinance, new homes served by septic tank/drain field systems must be on lots having the following minimum size limitations as identified on Table MT-1 of the Department of Human Resources’ Manual for On-Site Sewage Management Systems (DHR Table MT-1):

1. 150 percent of the subdivision minimum lot size of DHR Table MT-1 if they are within a high pollution susceptibility area.

2. 125 percent of the subdivision minimum lot size of DHR Table MT-1 if they are within a medium pollution susceptibility area.

3. 110 percent of the subdivision minimum lot size of DHR Table MT-1 if they are within a low pollution susceptibility area.

E. Subject to minimum lot sizes established in Article 2 of this Zoning Ordinance, new manufactured home parks served by septic tank/drain field systems must have lots or spaces having the following size limitations as identified on Table MT-2 of the Department of Human Resources’ Manual for On-Site Sewage Management Systems (DHR Table MT-2):

1. 150 percent of the subdivision minimum lot size of DHR Table MT-2 if they are within a high pollution susceptibility area.
2. 125 percent of the subdivision minimum lot size of DHR Table MT-2 if they are within a medium pollution susceptibility area.

3. 110 percent of the subdivision minimum lot size of DHR Table MT-2 if they are within a low pollution susceptibility area.

F. No construction may proceed on a building or manufactured home to be served by a septic tank unless the Newton County Health Department first approves the proposed septic tank installation as meeting the requirements of the DHR manual and subsections (D) and (E) above.

G. New facilities which handle hazardous materials, of types and amounts determined by the Department of Natural Resources, shall perform their operations on impermeable surfaces having spill and leak collection systems, as prescribed by the Department of Natural Resources.

H. Any project involving the spray irrigation of wastewater sludges in areas of high pollution susceptibility must conform with requirements specified in the Department of Natural Resources’ “Criteria for Slow Rate Land Treatment.”

I. Exclusive of mining settling basins, all new wastewater treatment basins must have an impermeable liner in areas having high pollution susceptibility.

Sec. 410-040 PROHIBITED USES
The following uses are prohibited:

A. The land disposal of hazardous wastes.

B. Permanent stormwater infiltration basins in areas of high pollution susceptibility.

DIVISION 415: WATERSHED PROTECTION OVERLAY

Sec. 415-010 SCOPE AND APPLICABILITY
Pursuant to O.C.G.A. 12-2-8 and the Georgia Department of Natural Resources, Environmental Protection Division’s Rules for Environmental Planning Criteria Chapter 391-3-16, the Watershed Protection Overlay District for Small Water Supply Watersheds establishes standards and procedures that apply to any development, use, or alteration of land or structures on any lot which is in whole or in part contained within the boundaries of the Watershed Protection Overlay District for Small Water Supply Watersheds. The procedures, standards, and criteria apply only to that portion of the subject property within the boundaries of the Watershed Protection Overlay District for Small Water Supply Watersheds.

Sec. 415-020 PURPOSE AND INTENT
The purpose of the Watershed Protection Overlay District for Small Water Supply Watersheds is to establish regulations to:
A. Protect watersheds and drinking water supplies from activities that could degrade drinking water quality in streams, rivers, lakes, and reservoirs.

B. Protect water supply reservoirs from sedimentation, which would reduce their storage capacity, shorten their useful life, and reduce their drought withstanding capabilities.

Sec. 415-030 WATERSHED PROTECTION OVERLAY DISTRICT
A. To achieve the purpose and intent of this Section, all of the land that drains to the public water supply intake is declared to be within the Watershed Protection Overlay District for Small Water Supply Watersheds. Watershed protection areas include:

1. Cornish Creek Reservoir (Lake Varner)
2. Proposed Bear Creek Reservoir
3. Big Haynes Creek Watershed
4. City Pond

The boundaries of these districts are defined by the ridgelines of the respective watersheds and are drawn on the Newton County Watershed Protection Overlay District Map available for inspection during office hours in the Newton County Planning Department.

Sec. 415-040 USE RESTRICTIONS
A. Underground fuel or chemical storage tanks located within permitted areas of the Watershed Protection Overlay District for Small Water Supply Watersheds shall meet all applicable requirements set by the Georgia Department of Natural Resources, Environmental Protection Division.

B. Unless existing and legally established prior to the adoption of the Watershed Protection Overlay District for Small Water Supply Watersheds, and notwithstanding anything contained in the Use Table (Division 505) to the contrary, the following uses shall require a Conditional Use Permit:

1. Industries or businesses that distribute or warehouse hazardous material.
2. Uses that provide for the sale of fuel for motor vehicles.
3. Confined animal feeding operations.
4. Landfills or wastewater disposal facilities of any kind (except for septic tanks approved by the Newton County Health Department).
5. Underground or above ground fuel or chemical storage tanks.
6. The manufacture of chemicals and allied products, dairy products, fats and oils, leather tanning, meat, fish and poultry packing, paper and allied products, petroleum and related industries, primary metal, rubber and plastics, or concrete products.
7. Junkyards and auto wrecking facilities.
8. Bulk storage of petroleum.
10. Railroad terminals, classification yards or intermodal freight terminals.
11. Auto and truck rental and repair shops.
12. Auto and truck washes.

Sec. 415-050 DEVELOPMENT STANDARDS
Within the watershed, disturbance of any of the following types of lands is prohibited, except for perpendicular crossings of roadways, drainage ways, trails, paths, and utility easements, as approved by the Planning Director based on a site plan conforming to the standards of the Newton County Development Regulations:

A. Riparian buffers as described in Section 105-020 and Section 415-060;

B. Wetlands as determined from field delineations without a permit authorized by Section 404 of the federal Clean Water Act;

C. Areas within the 100-year floodplain;

D. Areas which have a natural slope in excess of 15 percent; and

E. Soils with severe limitations according to the SCS soils maps.

Sec. 415-060 BUFFERS
A. All development and disturbance of land within the watershed shall preserve a natural and undisturbed buffer 100 feet in width along the shorelines of lakes and banks of rivers or perennial streams identified on the U.S. Geological Survey 7.5 minute quadrangle map. All structures, septic tanks and septic tank drain fields shall be set back a minimum of 150 feet from the shorelines of lakes and banks of rivers or perennial streams identified in the U.S. Geological Survey 7.5 minute quadrangle map. Roadways, drainage ways, paths, trails, and utility easements, are allowed to cross riparian buffers in a perpendicular manner, subject to the approval of the County Engineer.

B. A natural and undisturbed buffer shall be maintained for a distance of 150 feet from the boundary of any water supply reservoir.

Sec. 415-070 IMPERVIOUS SURFACE
The impervious surface area, including all public or private structures, utilities or facilities, of the entire water supply watershed must be limited to twenty-five (25) percent, or existing impervious surface, whichever is greater. In order to achieve a maximum impervious surface coverage of 25 percent, all lots in the Watershed Protection Overlay District for Small Water Supply Watersheds must be a minimum of two (2) acres.

Sec. 415-080 STREET STANDARDS
Within the Watershed Protection Overlay District for Small Water Supply Watersheds, new collector and local streets may be designed using 10 foot travel lanes without curb and gutter subject to approval by the Planning Department. Drainage may be provided through open swale and natural filtration systems unless required otherwise by the County Engineer.
because of topographical or engineering conditions, or in order to ensure compatibility with publicly funded improvements.

Sec. 415-090 REQUInEATED PARKING AREAS
Within the Watershed Protection Overlay District, minimum parking requirements shall be reduced by ten percent for all non-residential uses. Parking spaces in excess of the minimum number required by this Section shall be constructed of porous or pervious block surfaces, gravel, grass, or other materials approved by the Planning Department.

Sec. 415-100 EXEMPTIONS
The following uses are exempt from the riparian buffer and setback requirements if they meet the stipulated conditions:

A. Legally established land uses existing prior to the establishment of the Watershed Protection Overlay District.

B. Mining Activities
Mining activities are subject to prior approval by the Department of Natural Resources under the Surface Mining Act.

C. Utilities
1. The utilities must be located as far from the stream bank as reasonably possible.
2. The utilities must be installed and maintained to protect the integrity of the buffer and setback areas as best as reasonably possible.
3. The utilities may not degrade the quality of the drinking water stream.

D. Forestry and Agricultural Activities
1. The activity is consistent with Best Management Practices established by the Georgia Forestry Commission or the Georgia Department of Agriculture.
2. The activity shall not impair the quality of drinking water.

E. Conservation Easements. Land subject to a perpetual conservation easement at least as restrictive as the provisions of this Division.

DIVISION 420: WATERSHED PROTECTION OVERLAY FOR LARGE WATERSHEDS

PART ONE: ALCOVY RIVER / LITTLE RIVER WATERSHED PROTECTION DISTRICT

Sec. 420-010 Purpose
In order to protect the vital resources of river water in this County; to preserve the quality of the water for future use; to protect the wildlife living in the area; and to preserve the aesthetic beauty of the river corridor, Newton County has adopted the following regulations.
Newton County Zoning Ordinance

Sec. 420-020 Scope
All land within the Alcovy River watershed and all land within the Little River watershed (excepting land otherwise protected by Division 415), is contained within the Alcovy River / Little River Watershed Protection District. The respective watersheds are defined by the ridgelines of the watersheds (excepting the areas protected by Division 415), and the boundaries of the Alcovy River / Little River Watershed Protection District are indicated on the Newton Watershed Protection Overlay Map available for inspection during office hours in the Newton County Planning Department.

Sec. 420-030 Use Restrictions
A. Underground fuel or chemical storage tanks located within permitted areas of the Alcovy River / Little River Watershed Protection District shall meet all applicable requirements set by the Georgia Department of Natural Resources, Environmental Protection Division.

B. Unless existing and legally established prior to the adoption of the Alcovy River / Little River Watershed Protection District, and notwithstanding anything contained in the Use Table (Division 505) to the contrary, the following uses shall require a Conditional Use Permit:

1. Industries or businesses that distribute or warehouse hazardous material.
2. Uses that provide for the sale of fuel for motor vehicles.
3. Confined animal feeding operations.
4. Landfills or wastewater disposal facilities of any kind (except for septic tanks approved by the Newton County Health Department).
5. Underground or above ground fuel or chemical storage tanks.
6. The manufacture of chemicals and allied products, dairy products, fats and oils, leather tanning, meat, fish and poultry packing, paper and Allied products, petroleum and related industries, primary metal, rubber and plastics, or concrete products.
7. Junkyards and auto wrecking facilities.
8. Bulk storage of petroleum.
10. Railroad terminals, classification yards or intermodal freight terminals.
11. Auto and truck rental and repair shops.
12. Auto and truck washes.

Sec. 420-040 Development Standards
Within this District, disturbance of any of the following types of lands is prohibited, except for perpendicular crossing of roadways, drainage ways, trials, paths and utility easements, as approved by the Planning Director based on a site plan conforming to the standards of the Newton County Development Regulations.

A. Riparian buffers as described in Section 105-020 and Section 050;

B. Wetlands as determined from field delineation without a permit authorized by Section 404 of the Federal Clean Water Act;
C. Areas within the 100 year floodplain;

D. Areas not located in a designated Development Node\(^1\) which have a natural slope in excess of 15 percent; and

E. Soils with severe limitations according to the United States Department of Agriculture, Natural Resources Conservation Service “Soil Survey for Newton and Rockdale Counties, Georgia, 1999.”

**Sec. 420-050 Riparian Buffers**

A. All development and disturbance of land within this District not located in a designated Development Node shall preserve a natural and undisturbed riparian buffer of 100 feet in width along the shorelines of lakes and banks of rivers or perennial streams identified on the U.S. Geological Survey 7.5 minute quadrangle map.

B. All development and disturbance of land located within a designated Development Node within this District shall preserve a natural and undisturbed riparian buffer of 50 feet in width along the shorelines of lakes and banks of rivers or perennial streams identified on the U.S. Geological Survey 7.5 minute quadrangle map. An additional 50 feet shall be a buffer that may be minimally disturbed by natural trails (no impervously surfaced trails permitted), or naturally landscaped and replanted areas (no sod or grass permitted).

C. All impervious surfaces, structures, septic tanks, and septic tank drain fields shall be set back a minimum of 150 feet from the shorelines of lakes and banks of rivers or perennial streams identified on the U.S. Geological Survey 7.5 minute quadrangle map.

D. Roadways, drainage ways, paths, trails, and utility easements are allowed to cross riparian buffers in a perpendicular manner, subject to the approval of the County Engineer, and the natural vegetative buffer shall be restored as quickly as possible following any land-disturbing activity within the buffer area.

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

A. The total impervious surface area, including all public or private structures, utilities or facilities, of this entire District shall be limited to twenty-five percent (25%). In order to accomplish this, maximum impervious surface area for property within a designated Development Node within this District is limited to fifty percent (50%) for non-residentially zoned property and thirty percent (30%) for residentially zoned property. The maximum impervious surface area for property outside a designated Development Node but within this District is limited to forty percent (40%) for non-residentially zoned property and fifteen (15%) for residentially zoned property. If the underlying zoning district contains a more severe restriction on impervious surface area, that restriction shall control. In no event shall development be approved which would exceed the twenty-five percent (25%) maximum on the entire district.

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\(^1\) For purposes of Division 420, Part One only, the term “Development Node” shall refer to those areas designated as Development Nodes on the Newton County Future Land Use Map and all property zoned Multi-County Mixed-Use Business Park.
B. The minimum lot size for any lot within this District shall be two (2) acres. These minimum lot sizes shall not apply in the designated Development Nodes. Approved Conservation Subdivision Overlay average lot size shall be two (2) acres.

C. Individual lots located within planned developments or subdivisions may be developed at higher impervious surface limits consistent with the development regulations for the underlying zoning districts provided that the permitted impervious surface limit for the overall planned development or subdivision is not exceeded.

Sec. 420-070  Street and Parking Standards
A. Within this District, new collector and local streets may be designed using ten (10) foot travel lanes without curb and cutter subject to approval by the Planning Department. Drainage may be provided through open swale and natural filtration systems unless required otherwise by the County engineer because of topographic or engineering conditions, or in order to insure compatibility with public funded improvements.

B. Within this District, minimum parking requirements shall be reduced by ten percent (10%) for all non-residential uses not located within a designated Development Node.

Sec. 420-080  Exemptions
The following uses are exempt from the riparian buffer and setback requirements if they meet the stipulated conditions:

A. Legally established land uses existing prior to the establishment of this District, which shall become nonconforming and shall not be expended, provided they shall not impair or degrade the water quality.

B. Mining Activities. Mining activities are permitted only if authorized by the Department of Natural Resources under the Surface Mining Act. The activity shall not impair or degrade the water quality.

C. Utilities. Utilities must be located as far from the stream bank as reasonably possible; installed and maintained to protect the integrity of the buffer and setback areas as best as reasonably possible; and shall not impair or degrade the water quality. Sanitary sewer lines may be installed pursuant to best engineering practices within the buffer, but after installation, the natural vegetative buffer shall be restored as quickly as possible following any land-disturbing activity within the buffer area.

D. Forestry and Agricultural activities that are consistent with Best Management Practices established by the Georgia Forestry Commission for the Georgia Department of Agriculture are permitted, provided such activity shall not impair or degrade the water quality.

E. Conservation Easements. Land subject to a perpetual conservation easement at least as restrictive as the provisions of this Division.
PART TWO: SOUTH RIVER / YELLOW RIVER WATERSHED PROTECTION DISTRICT

Sec. 420-100  Purpose
In order to protect the vital resources of river water in this County; to preserve the quality of the water for future use; to protect the wildlife living in the area; and to preserve the aesthetic beauty of the river corridor, Newton County has adopted the following regulations.

Sec. 420-110  Scope
All land within the South River watershed and all land within the Yellow River watershed (excepting land otherwise protected by Division 415), is contained within the South River / Yellow River Watershed Protection District. The respective watersheds are defined by the ridgelines of the watersheds (excepting the areas protected by Division 415), and the boundaries of the South River / Yellow River Watershed Protection District are indicated on the Newton Watershed Protection Overlay Map available for inspection during office hours in the Newton County Planning Department.

Sec. 420-120  Riparian Buffers
A. All development and disturbance of land within this District not located in a designated Development Node\(^2\) shall preserve a natural and undisturbed riparian buffer of 100 feet in width along the shorelines of lakes and banks of rivers or perennial streams identified on the U.S. Geological Survey 7.5 minute quadrangle map.

B. All development and disturbance of land located within a designated Development Node within this District shall preserve a natural and undisturbed riparian buffer of 50 feet in width along the shorelines of lakes and banks of rivers or perennial streams identified on the U.S. Geological Survey 7.5 minute quadrangle map. An additional 50 feet shall be a buffer that may be minimally disturbed by natural trails (no imperviously surfaced trails permitted), or naturally landscaped and replanted areas (no sod or grass permitted).

C. All impervious surfaces, structures, septic tanks, and septic tank drain fields shall be set back a minimum of 150 feet from the shorelines of lakes and banks of rivers or perennial streams identified on the U.S. Geological Survey 7.5 minute quadrangle map.

D. Roadways, drainage ways, paths, trails, and utility easements are allowed to cross riparian buffers in a perpendicular manner, subject to the approval of the County Engineer, and the natural vegetative buffer shall be restored as quickly as possible following any land-disturbing activity within the buffer area.

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\(^2\) For purposes of Division 420, Part Two only, the term “Development Node” shall refer to those areas designated as Development Nodes on the Newton County Future Land Use Map.
Sec. 420-130 Exemptions
The following uses are exempt from the riparian buffer and setback requirements if they meet the stipulated conditions:

A. Legally established land uses existing prior to the establishment of this District, which shall become nonconforming and shall not be expended, provided they shall not impair or degrade the water quality.

B. Mining Activities. Mining activities are permitted only if authorized by the Department of Natural Resources under the Surface Mining Act. The activity shall not impair or degrade the water quality.

C. Utilities. Utilities must be located as far from the stream bank as reasonably possible; installed and maintained to protect the integrity of the buffer and setback areas as best as reasonably possible; and shall not impair or degrade the water quality. Sanitary sewer lines may be installed pursuant to best engineering practices within the buffer, but after installation, the natural vegetative buffer shall be restored as quickly as possible following any land-disturbing activity within the buffer area.

D. Forestry and Agricultural activities that are consistent with Best Management Practices established by the Georgia Forestry Commission for the Georgia Department of Agricultural are permitted, provided such activity shall not impair or degrade the water quality.

E. Conservation Easements. Land subject to a perpetual conservation easement at least as restrictive as the provisions of this Division.

DIVISION 425: WETLANDS PROTECTION OVERLAY

Sec. 425-010 PURPOSE AND INTENT
Pursuant to O.C.G.A. 12-2-8 and the Georgia Department of Natural Resources, Environmental Protection Division’s Rules for Environmental Planning Criteria Chapter 391-3-16, the Wetlands Protection Overlay District establishes regulations to promote the wise use of wetlands and protect them from alterations that will significantly affect or reduce their primary functions for water quality, floodplain and erosion control, groundwater recharge, aesthetic natural areas and wildlife habitat areas.

Sec. 425-020 WETLANDS PROTECTION OVERLAY DISTRICT
These regulations affect all wetlands in Newton County as generally designated in the Newton County Wetlands Protection Overlay District Map available for inspection during office hours in the Newton County Planning Department.

Sec. 425-030 WETLANDS DEVELOPMENT PERMIT REQUIREMENTS
No activity or use except those identified in Section 425-040 shall be allowed in the Wetlands Protection Overlay District without issuance of a local development permit. Local permits will only be issued if the proposed use is in compliance with the requirements of the
underlying zoning district and the Wetlands Protection Overlay District. Furthermore, if the area of proposed development is located within 100 feet of the wetlands boundaries as established by the Wetlands Protection Overlay District Map, a U.S. Army Corps of Engineers delineation is required under Section 404 of the Clean Water Act. If wetlands are altered or degraded, mitigation to offset losses may be required as a condition of a Section 404 permit. Local development permits will not be issued until after any necessary Section 404 permits have been secured.

Sec. 425-040 PERMITTED USES
Subject to federal and state requirements, the following uses are permitted by right in the Wetlands Protection Overlay District to the extent that they are not prohibited by any other ordinance or law and provided that they do not require structures, grading, filling, draining, or dredging unless a permit pursuant to Section 404 of the Clean Water Act is obtained.

A. Forestry practices applied in accordance with Best Management Practices approved by the Georgia Forestry Commission.

B. Conservation or preservation of soil, water, vegetation, fish or other wildlife, provided they do not affect waters of the State of Georgia or of the United States in such a way that they would require an individual permit pursuant to Section 404 of the Clean Water Act.

C. Outdoor passive recreation activities, including fishing, bird watching, hiking, boating, horseback riding, and canoeing.

D. Natural water quality treatment or purification.

E. Normal agricultural activities, including the planting and harvesting of crops and pasturing of livestock. Such activities shall be subject to Best Management Practices approved by the Georgia Department of Agriculture.

F. Other uses permitted under Section 404 of the Clean Water Act.

Sec. 425-050 PROHIBITED USES
A. Receiving areas for toxic or hazardous waste or other contaminants.

B. Hazardous or sanitary waste landfills.
DIVISION 430: OPEN SPACE CONSERVATION RESIDENTIAL OVERLAY

Sec. 430-010 PURPOSE AND INTENT

It is the purpose of this Section to create an Open Space Conservation Residential Overlay district that will:

A. Preserve unique areas of Newton County that are in the path of development, and contain natural beauty, scenic views, historic rural character, and amenity that are irreplaceable;

B. Create accessible open space and recreation amenity that adds value to contiguous land development;

C. Minimize the environmental impacts of development;

D. Improve water quality and reduce runoff by reducing soil erosion and the area of impervious surfaces;

E. Provide for a more flexible and attractive arrangement of subdivisions;

F. Reduce the cost of development by reducing the length of utilities and the amount of impervious surface area;

G. Reduce capital and operating costs of garbage collection, street and utility maintenance; and

H. Save energy.

These purposes are to be achieved by allowing the transfer of density in the subdivision of a parcel into residential lots whereby individual lots are reduced in size and clustered on the most buildable portion of the parcel in exchange for reserving in perpetuity a significant amount of open space, natural habitat, and recreational area, including the natural areas of the parcel that are the most vulnerable to land disturbance.

Sec. 430-020 APPLICATION

The Open Space Conservation Residential Overlay district shall be applied as follows:

A. The owner of a parcel of land, or two or more contiguous parcels of land in single ownership or control, may make application to the Zoning Administrator to apply the provisions of this overlay district, provided that:

1. The property is zoned for residential use,

2. The property is a minimum of 25 acres;
3. The property is proposed to be divided into at least 10 residential lots;

4. At least one-third (33.3%) of the parcel is to be conserved in minimally disturbed natural areas, hereinafter referred to as "open space", maintained for one or more of the following permitted uses:

   a) The preservation of undisturbed natural areas such as wetlands, forest, woodlands, buffer zones, meadows, wildlife corridors and game preserves;
   b) The preservation of historic and cultural resources;
   c) Agricultural, horticultural, silvicultural or pasture uses;
   d) Passive recreation areas such as parks, community gardens and play fields;
   e) Pedestrian trails, bike paths, etc.; or
   f) Utility easements and corridors

5. At least one-quarter (25%) of the open space to be conserved shall consist of land outside of the mandatory conservation areas.

6. The areas required to be included in the area to be conserved, the mandatory conservation areas, consist of the following:

   a. Wetlands as designated by the National Wetlands Inventory or a delineation verified by the U.S. Army Corps of Engineers;

   b. Land within the 100-year floodplain as identified on Federal Insurance Rate Maps;

7. The areas encouraged for conservation include:

   a. Steep slopes exceeding 25 percent;

   b. Areas of exposed rock;

   c. Private cemeteries and burial grounds;

   d. Stream buffers provided for by the Newton County Soil Erosion and Sedimentation Ordinance; and

   e. Stream Buffers provided for by other portions of the Zoning Ordinance of Newton County

B. All federal, state, and county regulations that pertain to property developed pursuant to the underlying zoning district shall remain in force, except as otherwise provided by the provisions of this Section.
Newton County Zoning Ordinance

C. Except for minimum lot sizes which shall be governed by this section, the provisions of other overlay zones regarding watershed protection, aquifer recharge areas, wetlands, and floodplain must also be met where applicable to such a parcel.

D. If a parcel lies in more than one zoning district, then the allowed uses and the standards required of the most restrictive district shall apply to the entire parcel.

Sec. 430-030 STANDARDS FOR OPEN SPACE

Open space required to be conserved pursuant to this overlay district shall be governed by the following standards:

A. Essential access roads and utility lines shall be limited to the fewest number of perpendicular crossings necessary.

B. Unless expressly permitted by the Planning Director pursuant to Section 430-070, no more than ten percent (10%), up to a maximum of 10 acres, of the open space to be conserved pursuant to this Section shall be comprised of areas subject to land disturbing activities.

C. Impervious surfaces such as parking lots, drives, walks, and buildings, within a conservation area or recreation area shall not be counted as required open space.

D. Up to one-half of utility easements may be counted as required open space provided that such easements are unfenced; a minimum of 10 feet wide and the easement provides access to, or is improved for, public recreation use.

E. Non-contiguous “pocket parks” shall be a minimum of one-half an acre to be included as open space for purposes of obtaining the minimum necessary open space to qualify for this overlay district. Unless expressly permitted by the Planning Director pursuant to Section 430-070, no more than ten percent (10%), up to a maximum of 10 acres, of the open space to be conserved pursuant to this Section shall be comprised of “Pocket parks”.

F. Accessibility of Open Space. Open space shall be designed and located for the convenient access and enjoyment of all residents of the subdivision.

G. Interconnected Open Space Network with Adjoining Property. It is the intent of this Division that the protected open spaces, trails, and outdoor recreation areas in each subdivision be contiguous with open space and compatible areas containing similar features on abutting property. The design of developments utilizing this Section should, where feasible, provide for maximum connections providing pedestrian and bike access to off-site and on-site attractions such as public trails, parks, wildlife refuges, public facilities such as community centers, schools, libraries, fire and police stations, senior centers, railroad right-of-way, utility easements, and institutions such as universities, churches, museums and other cultural facilities.
Sec. 430-040 USE STANDARDS

Within the Open Space Conservation Residential Overlay District, all uses permitted in the underlying zoning district shall be permitted. In addition, the following uses may also be permitted:

A. Non-residential uses permitted in the C-N Zoning District may be permitted by conditional use, provided that:

1. The Open Space Conservation development contains at least 100 residential building lots;

2. Non-residential uses are principally for the convenience of residents of the Open Space Conservation development;

3. No non-residential use is contained in a building with a floor plate larger than 3,000 square feet of gross floor area;

4. The total land occupied by buildings containing non-residential uses, along with their related parking and driveways, does not exceed 5 percent of the total land area of the Open Space Conservation development; and

5. Non-residential uses meet all standards relating to non-residential uses in the C-N Zoning District and all standards of the Newton County Development Regulations.

B. Mixture of Residential and Non-Residential Uses

1. Buildings containing a mixture of residential and non-residential uses are permitted as conditional uses provided that non-residential uses are limited to the ground floor only.

2. Residential uses above non-residential, ground floor uses shall not be included for the purposes of calculating residential unit density.

3. Residential uses above non-residential uses shall be developed in accordance with the Development Regulations of Newton County adopted March 4, 2003 as amended.

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.

OPEN SPACE DEVELOPMENT DENSITY TABLE
### Newton County Zoning Ordinance

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<td>2 - Water and Septic</td>
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<tr>
<td>A</td>
<td>10 Acres</td>
<td>1</td>
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<tr>
<td>RE</td>
<td>2 acres</td>
<td>.05</td>
</tr>
<tr>
<td>AR</td>
<td>51,000</td>
<td>43,560</td>
</tr>
<tr>
<td>R-1</td>
<td>51,000</td>
<td>25,500</td>
</tr>
<tr>
<td>R-2</td>
<td>NA</td>
<td>25,500</td>
</tr>
<tr>
<td>R-3</td>
<td>NA</td>
<td>25,500</td>
</tr>
</tbody>
</table>

In zoning districts or overlay district requiring a minimum lot size of 2 acres or more, if a minimum of one-half (50%) of the parcel is conserved as open space, the maximum number of residential lots calculated above may be increased by multiplying that number by 1.3.

**Examples:**

50-acre tract served by water but not sewer zoned:

- **A (33%)** 50 acres (divided by) 10-acre minimum lot size *(permits)* 5 lots
- **A (50%)** 50 acres (divided by) 10-acre minimum lot size *(permits)* 7 lots
- **RE (33%)** 50 acres (divided by) 2-acre minimum lot size *(permits)* 25 lots
- **RE (50%)** 50 acres (divided by) 2-acre minimum lot size *(permits)* 33 lots
- **AR** 50 acres (divided by) 1-acre minimum lot size *(permits)* 50 lots
- **R-1** 50 acres (divided by) 25,500 sq. ft. minimum lot size *(permits)* 85 lots

50-acre tract served by water and sewer zoned:

- **R-1** 50 acres (divided by) 25,500 sq. ft. minimum lot size *(permits)* 85 lots
- **R-2** 50 acres (divided by) 20,000 sq. ft. minimum lot size *(permits)* 109 lots
- **R-3** 50 acres (divided by) 17,000 sq. ft. minimum lot size *(permits)* 128 lots

**Sec. 430-060 DEVELOPMENT STANDARDS FOR LOTS AND BUILDINGS**

Within the Open Space Conservation Residential Overlay District, the following development standards for lots and buildings shall apply:

**A. Minimum Lot Size**

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

1. One-half the minimum lot size in the underlying zoning district; or
Article Four • Overlay District Regulations

2. The minimum size approved by the Newton County Environmental Health Department if the lot is to be served by a septic system.

B. Minimum Lot Widths

1. Minimum Width Building Line: 75 feet, except for cul-de-sac lots.

2. Minimum Road Frontage: 50 feet

C. Minimum Yard Requirements

The following minimum yard requirements for individual single-family detached dwelling units within this overlay district shall apply:

1. Front yard: none, except that where dwellings have front entry garages, the front of the garage shall be set back at least 22 feet from the front property line;

2. Interior side yards: 7 1/2 feet on each side;

3. Side yard along side street on corner lot: 15 feet;

4. Rear yard: 20 feet.

C. Conservation Area

Within this overlay district, no portion of any building lot shall contain land classified as 100-year floodplain.

D. Minimum Floor Area

Within this overlay district, the minimum heated floor area and maximum building height shall be as specified in the underlying zoning district.

E. Land Use Transitions

1. A 50-foot undisturbed or 25-foot planted buffer shall be maintained, in accordance with Division 520: Buffering – Screening, adjacent to any exterior road right-of-way.

2. A 25-foot undisturbed or 10-foot planted buffer shall be maintained, in accordance with Division 520: Buffering – Screening, adjacent to any residential property.

Sec. 430-070 IMPROVEMENT STANDARDS

Within the Open Space Conservation Residential Overlay district the following exceptions may be made by the Planning Director in order to allow greater flexibility and innovation in site design when site conditions would allow such exceptions without undue harm to the public safety, health, and general welfare and without undue environmental impact:
Newton County Zoning Ordinance

A. Setbacks between structures may be reduced.

B. Front yard setbacks may be reduced for lots without front-entry garages.

C. Buffers and screening between adjacent uses within the development may be reduced or waived when the proposed development is adjacent to another property developed pursuant to this overlay district.

D. The minimum number of off-street parking places may be reduced.

E. Stormwater detention ponds and swales may be placed in required open space.

F. Pervious paving materials may be approved in lieu of standard paving for use in parking lots, trails, paths, crosswalks, alleys and sidewalks.

G. Community on-site septic systems may be used with approval of the Newton County Environmental Health Department.

H. Other innovative techniques for wastewater treatment may be permitted with the approval of the Newton County Environmental Health Department.

Sec. 430-080 OWNERSHIP, MAINTENANCE, AND CONTROL OF OPEN SPACE

Common open space within a development shall be owned, administered, and maintained by any of the following methods, either individually or in combination, and subject to approval by the County:

A. Dedication to the County

Open space or common areas within open space residential developments may be offered for dedication to the public at the time of application. Dedication shall take the form of a fee simple ownership. The County may, but shall not be required, to accept undivided fee simple open space, provided that:

1. The size, location, type of development or cost of development or maintenance of such open space or the availability of public open space would make public use desirable or necessary;

2. Such land is accessible to the public;

3. There is no cost of acquisition other than any cost incidental to the transfer of ownership such as title insurance; and
Where the County accepts dedication of open space that contains improvements, (i.e. pedestrian and bike paths) the County may require the posting of financial security by the developer to ensure structural integrity and maintenance of improvements for a term not to exceed 24 months from the date of acceptance of dedication. The amount of financial security shall not exceed 15 percent of the actual cost of installation of said improvements.

B. Homeowners’ Association

The open space and associated facilities may be held in ownership by a homeowners’ association established in accordance with the laws of the State of Georgia. The association shall be formed and operated under the following additional provisions:

1. The developer shall provide a description of the association, including its by-laws and methods for maintaining the open space.

2. The association shall be organized by the developer and shall be operated by the developer until the sale of two-thirds of the lots within the development.

3. Membership in the association is mandatory for all purchasers of property and their successors.

4. The association shall be responsible for maintenance of insurance and taxes on open space, enforceable by liens placed by the County on the association. The association may place liens on the homes or house lots of its members who fail to pay their association dues in a timely manner. Such liens may require the imposition of penalty and interest charges.

5. The association shall continually maintain the open space. The members of the association shall share equitably the cost of maintaining and developing such open space. Shares shall be defined within the association by-laws. “Maintaining” the open space shall specifically include the elimination of plants identified as “noxious” or “undesirable” by the State, such as poison ivy and kudzu.

6. In the event of a proposed transfer of open space land by the homeowners’ association, notice of such action shall be given to all property owners within the development.

7. The purposes of overlay district shall be enforced and the property protected in perpetuity by a conservation easement in favor of Newton County.

C. Private Conservation Organization

An owner may transfer easements over the open space to a private, nonprofit organization, among whose purposes it is to conserve open space, provided that:
Newton County Zoning Ordinance

1. The organization is a bona-fide conservation organization with perpetual existence approved in advance by the County;

2. The conveyance contains appropriate provisions for proper reversion or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions; and

3. A maintenance agreement acceptable to the County is entered into by the developer and the organization.

D. Ownership by the Residents of the Subdivision in Common

1. Subject to restrictive covenants limiting the use of open space area to the permitted uses, an owner may transfer undivided fee simple ownership to all the residents of the subdivision.

2. Ownership of the open space shall be mandatory for all purchasers of property and their successors.

3. Each of the residents shall have the right to use and maintain the open space.

4. The purposes of overlay district shall be enforced and the property protected in perpetuity by a conservation easement in favor of Newton County.

Sec. 430-090 APPLICATION, REVIEW, AND APPROVAL PROCESS

A. Pre-Application Process

Prior to submission of an application for development pursuant to an Open Space Conservation Residential Overlay District, the applicant shall meet with the Planning Department to discuss the purpose, standards, and procedures of the Open Space Conservation Overlay District as it relates to the applicant’s property. The pre-application meeting shall take note of natural and historic resources, scenic vistas, pedestrian and vehicular access points, connectivity with trails, and the need for external transitions to abutting property and land uses.

B. Evaluation of Application

The Zoning Administrator shall review the application and related documentation in order to determine that the application is complete. If incomplete, the Zoning Administrator shall notify the applicant in writing noting the reasons that the application or supporting documentation is incomplete.

C. Review of Application
Article Four • Overlay District Regulations

The application shall be reviewed in accordance with the procedures established in Section 300-040 of this Ordinance. In reviewing an application and documentation for conformity with the requirements of this Division and other applicable state, federal, and local regulations as may be determined consideration shall be given to the following review standards:

1. Individual lots, buildings, streets, and parking areas are designed and situated to maximize open space, produce a more efficient and practicable development, reduce the construction of roads and other impervious surfaces, and minimize alteration of natural site features such as steep slopes, stream valleys, desirable vegetation or farmland.

2. The open space shall include and conserve, to the extent feasible, natural features located on the tract, such as stream beds, significant stands of trees, and individual trees of a significant size.

3. The open space intended for recreational or public use is accessible to pedestrians.

4. The relationship of the development and open space to the surrounding properties.

5. The subdivision shall be developed in accordance with the established character of the area. To accomplish this end, the subdivision shall be designated to maintain the character of the area by preserving, where applicable, rural views along major roads and from surrounding properties through the use of open space buffers, minimum yard requirements, varied lot sizes, landscaping or other measures.

D. Within 30 days following receipt of a complete application the Planning Commission shall either approve or disapprove the application in writing. The written response shall note the reasons for disapproval.

1. If disapproved, the applicant may re-submit a completed application and the accompanying documentation within 12 months of the date of disapproval without paying an additional application fee.

2. Approval of the application shall constitute approval of the Open Space Conservation Residential Overlay District as it applies to the subject property and constitute approval of a Concept Plan for a Major Subdivision as provided in Section 415-020 of the Newton County Development Regulations. From that date forward, the developer shall proceed with the development following the remaining provisions of the Newton County Development Regulations.

E. Prior to dedication or conveyance of open space, the following documents shall be submitted to and approved by the County:

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1. Specification of the proposed ownership of the open space and a plan for successor ownership of the open space if the proposed owner fails to maintain the open space as provided for in the section;

2. The articles of incorporation, by-laws or other organizational documentation for the non-profit organization proposed to be an owner of the open space or the owner of an easement over the open space.

3. The covenants or restrictions related to the use of open space, including the system and amounts of assessments for perpetuation and maintenance, demonstrating that such proposed uses are consistent the permitted uses of open space to be conserved under this section.

4. A document granting the right of entry upon such open space to County law enforcement officers, rescue squad personnel, and fire fighting personnel while in the pursuit of their duties; and, in the case of private streets and common driveways, permitting the enforcement of cleared emergency vehicle access.

5. Where applicable, a copy of the proposed notice that will be given to prospective buyers regarding the organization, assessments, and fiscal program.

6. Where applicable, a specification of compulsory membership and compulsory assessment provisions.

7. Where applicable, a copy of the conservation easement protecting the purposes of this section and the property in perpetuity. A sample conservation easement is included at the end of this section.

8. A copy of the Deed of Conveyance and a Title Certificate or, at the direction of the Director, a commitment for a policy of title insurance issued by an insurance company authorized to do business in the State of Georgia, assuring unencumbered title for all lands proposed to be conveyed to the County, other appropriate governmental agency, or other organization, including the nonprofit organization.

The documents set forth above shall be reviewed and approved by the Zoning Administrator and the County Attorney, and such approval shall be obtained before any final plat is recorded or final site plan is approved. Such documents, once approved, shall become part of the recorded subdivision plat or approved site plan.
DEED OF CONSERVATION EASEMENT

THIS GRANT DEED OF CONSERVATION EASEMENT is made this ______ day of ______, 20____, by ___________________________ , having an address at ___________________________ ("Grantor"), in favor of NEWTON COUNTY, GEORGIA a political subdivision of the State of Georgia, having an address at ___________________________ ("Grantee").

WITNESSETH:

WHEREAS, Grantor is the sole owner in fee simple of certain real property in Newton County, Georgia, more particularly described in Exhibit A attached hereto and incorporated by this reference (the "Property"); and

WHEREAS, the property possesses certain natural, scenic and open space values (collectively, "conservation values") of great importance to Grantor, the people of Newton County and the people of the State of Georgia and

WHEREAS, in particular, the property contains natural beauty, scenic views and historic rural character which are irreplaceable, adds value to contiguous land development, minimize the environmental impacts of development, and protect water quality; and

WHEREAS, the specific conservation values of the Property are documented in an inventory of relevant features of the Property, dated ________________, 20____, on file at the offices of Grantee's Department of Planning and Zoning and incorporated by this reference ("Baseline Documentation"), which consists of reports, maps, plats, and other documentation that the parties agree provide, collectively, an accurate representation of the Property at the time of this grant and which is intended to serve as an objective information baseline for monitoring compliance with the terms of this grant; and

WHEREAS, Grantors intend that the conservation values of the Property be
preserved and maintained by the continuation of land use patterns, existing at the time of this grant, that do not significantly impair or interfere with those values; and

WHEREAS, Grantors further intend, as owners of the Property, to convey to Grantee the right to preserve and protect the conservation values of the Property in perpetuity; and

WHEREAS, Grantee is a governmental unit as described in Section 170 (b)(1)(A)(V) of the Internal Revenue Code, and

WHEREAS, Grantee agrees by accepting this grant to honor the intentions of Grantors stated herein and to preserve and protect in perpetuity the conservation values of the Property for the benefit of this generation and the generations to come such being a legitimate public purpose.

NOW, THEREFORE, in consideration of the above and the mutual covenants, terms, conditions, and restrictions contained herein, and pursuant to the laws of Georgia and in particular the Georgia Uniform Conservation Easement Act, O.C.G.A. 44-10-1, et. seq., Grantors hereby voluntarily grant and convey to Grantee a conservation easement in perpetuity over the Property of the nature and character and to the extent hereinafter set forth ("Easement").

1. Purpose. It is the purpose of this Easement to assure that the Property will be retained forever in its natural condition and to prevent any use of the Property that will significantly impair or interfere with the conservation values of the Property. Grantors intend that this Easement will confine the use of the Property to:

[Describe permitted uses proposed for the open space property. If different uses are proposed for different area of open space, those areas should be specifically referenced.]

2. Rights of Grantee. To accomplish the purpose of this Easement the following rights are conveyed to Grantee by this Easement:

(a) To preserve and protect the conservation values of the Property;

(b) To enter upon the Property at reasonable times in order to monitor Grantors' compliance with and otherwise enforce the terms of this Easement; provided that such entry shall be upon prior reasonable notice to Grantors, and Grantee shall not unreasonably interfere with Grantors' use and quiet enjoyment of the Property; and

(c) To prevent any activity on or use of the Property that is inconsistent with the purpose of this Easement and to require the restoration of such areas or features of the Property that may be damaged by any inconsistent activity or use, pursuant to paragraph 6.
(d) The right of entry upon such open space to County law enforcement officers, rescue squad personnel, and fire fighting personnel while in the pursuit of their duties; and, in the case of private streets and common driveways, permitting the enforcement of cleared emergency vehicle access.

3. **Prohibited Uses.** Any activity on or use of the Property inconsistent with the purpose of this Easement is prohibited.

4. **Reserved Rights.** Grantors reserve to themselves, and to their personal representatives, heirs, successors, and assigns, all rights accruing from their ownership of the Property, including the right to engage in or permit or invite others to engage in all uses of the Property that are not expressly prohibited herein and are not inconsistent with the purpose of this Easement. [Without limiting the generality of the foregoing, the following rights are expressly reserved:]

   [Insert Express Reservations, if desired with reference to whether prior notice to Grantee is required]

5. **Notice of Intention to Undertake Certain Permitted Actions.** The purpose of requiring Grantors to notify Grantee prior to undertaking certain permitted activities, as provided in paragraph 4, if any, is to afford Grantee an opportunity to ensure that the activities in question are designed and carried out in a manner consistent with the purpose of this Easement. Whenever notice is required Grantors shall notify Grantee in writing not less than sixty (60) days prior to the date Grantors intend to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable, and any other material aspect of the proposed activity in sufficient detail to permit Grantee to make an informed judgment as to its consistency with the purpose of this Easement.

   5.1 **Grantee's Approval.** Where Grantee's approval is required, as set forth in paragraph 4, if any, Grantee shall grant or withhold its approval in writing within thirty (30) days of receipt of Grantors' written request therefor. Grantee's approval may be withheld only upon a reasonable determination by Grantee that the action as proposed would be inconsistent with the purpose of this Easement.

6. **Grantee's Remedies.** If Grantee determines that Grantors are in violation of the terms of this Easement or that a violation is threatened, Grantee shall give written notice to Grantors of such violation and demand corrective action sufficient to cure the violation and, where the violation involves injury to the Property resulting from any use or activity inconsistent with the purpose of this Easement, to restore the portion of the Property so injured. If Grantors fail to cure the violation within thirty (30) days after receipt of notice thereof from Grantee, or under circumstances where the violation cannot reasonably be cured within a thirty (30) day period, fail to begin curing such violation within the thirty (30) day period, or fail to continue diligently to cure such violation until finally cured, Grantee may bring an action at law or in equity in a court of competent jurisdiction to enforce the terms of this Easement, to enjoin the violation, ex parte as necessary, by temporary or permanent injunction, to recover any damages to which it may be entitled for violation of the terms of this Easement or injury to any conservation values protected by this Easement, including damages for the loss of scenic, aesthetic, or environmental values, and to require the restoration of the Property to the
condition that existed prior to any such injury. Without limiting Grantors' liability therefor, Grantee, in its sole discretion, may apply any damages recovered to the cost of undertaking any corrective action on the Property. If Grantee, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the conservation values of the Property, Grantee may pursue its remedies under this paragraph without prior notice to Grantors or without waiting for the period provided for cure to expire. Grantee's rights under this paragraph apply equally in the event of either actual or threatened violations of the terms of this Easement, and Grantors agree that Grantee's remedies at law for any violation of the terms of this Easement are inadequate and that Grantee shall be entitled to the injunctive relief described in this paragraph, both prohibitive and mandatory, in addition to such other relief to which Grantee may be entitled, including specific performance of the terms of this Easement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies. Grantee's remedies described in this paragraph shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity.

6.1 Costs of Enforcement. Any costs incurred by Grantee in enforcing the terms of this Easement against Grantors, including, without limitation, costs of suit and attorneys' fees, and any costs of restoration necessitated by Grantors' violation of the terms of this Easement shall be borne by Grantors. If Grantors prevail in any action to enforce the terms of this Easement, Grantors' costs of suit, including, without limitation, attorneys' fees, shall be borne by Grantee.

6.2 Grantee's Discretion. Enforcement of the terms of this Easement shall be at the discretion of Grantee, and any forbearance by Grantee to exercise its rights under this Easement in the event of any breach of any term of this Easement by Grantors shall not be deemed or construed to be a waiver by Grantee of such term or of any subsequent breach of the same or any other term of this Easement or of any of Grantee's rights under this Easement. No delay or omission by Grantee in the exercise of any right or remedy upon any breach by Grantors shall impair such right or remedy or be construed as a waiver.

6.3 Waiver of Certain Defenses. Grantors hereby waive any defense of laches, estoppel, or prescription.

6.4 Acts Beyond Grantors' Control. Nothing contained in this Easement shall be construed to entitle Grantee to bring any action against Grantors for any injury to or change in the Property resulting from causes beyond Grantors' control, including, without limitation, fire, flood, storm, and earth movement, or from any prudent action taken by Grantors under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes.

7. Access. No right of access by the general public to any portion of the Property is conveyed by this Easement.

8. Costs and Liabilities. Grantors retain all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Property, including the maintenance of adequate comprehensive general liability insurance.
coverage. Grantors shall keep the Property free of any liens arising out of any work performed for, materials furnished to, or obligations incurred by Grantors.

8.1 Taxes. Grantors shall pay before delinquency all taxes, assessments, fees, and charges of whatever description levied on or assessed against the Property by competent authority (collectively "taxes"), including any taxes imposed upon, or incurred as a result of, this Easement, and shall furnish Grantee with satisfactory evidence of payment upon request. Grantee is authorized but in no event obligated to make or advance any payment of taxes, upon ten (10) days prior written notice to Grantors, in accordance with any bill, statement, or estimate procured from the appropriate authority, without inquiry into the validity of the taxes or the accuracy of the bill, statement, or estimate, and the obligation created by such payment shall bear interest until paid by Grantors at the maximum rate allowed by law.

8.2 Hold Harmless. Grantors shall hold harmless, indemnify, and defend Grantee and its members, directors, officers, employees, agents, and contractors and the heirs, personal representatives, successors, and assigns of each of them (collectively "Indemnified Parties") from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, or judgments, including, without limitation, reasonable attorneys' fees, arising from or in any way connected with: (1) injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Property, regardless of cause, unless due solely to the negligence of any of the Indemnified Parties; (2) the obligations specified in paragraphs 8 and 8.1; and (3) the existence or administration of this Easement.

9. Extinguishment. If circumstances arise in the future such as render the purpose of this Easement impossible to accomplish, this Easement can only be terminated or extinguished, whether in whole or in part, by judicial proceedings in a court of competent jurisdiction, and the amount of the proceeds to which Grantee shall be entitled, after the satisfaction of prior claims, from any sale, exchange, or involuntary conversion of all or any portion of the Property subsequent to such termination or extinguishment, shall be determined, unless otherwise provided by Georgia law at the time, in accordance with paragraph 9.1. Grantee shall use all such proceeds in a manner consistent with the conservation purposes of this grant.

9.1 Proceeds. This Easement constitutes a real property interest immediately vested in Grantee, which, for the purposes of paragraph 9, the parties stipulate to have a fair market value determined by multiplying the fair market value of the Property unencumbered by the Easement (minus any increase in value after the date of this grant attributable to improvements) by the ratio of the value of the Easement at the time of this grant to the value of the Property, without deduction for the value of the Easement, at the time of this grant. The values at the time of this grant shall be those values used to calculate the deduction for federal income tax purposes allowable by reason of this grant, pursuant to Section 170(h) of the Internal Revenue Code of 1954, as amended.

For the purposes of this paragraph, the ratio of the value of the Easement to the value of the Property unencumbered by the Easement shall remain constant.
9.2 Condemnation. If the Easement is taken, in whole or in part, by exercise of the power of eminent domain, Grantee shall be entitled to compensation in accordance with applicable law.

10. Assignment. This Easement is transferable, but Grantee may assign its rights and obligations under this Easement only to the Newton County Land Trust Alliance, Inc. or to an organization that is a qualified organization at the time of transfer under Section 170(h) of the Internal Revenue Code of 1954, as amended (or any successor provision then applicable), and the applicable regulations promulgated thereunder, and authorized to acquire and hold conservation easements under O.C.G.A. 44-10-1, et. seq. (or any successor provision then applicable). As a condition of such transfer, Grantee shall require that the conservation purposes that this grant is intended to advance continue to be carried out.

10.1 Executory Limitation. If Grantee shall cease to exist or to be a qualified organization under the Internal Revenue Code, as amended, or to be authorized to acquire and hold conservation easements under O.C.G.A. 44-10-1 et. seq., and a prior assignment is not made pursuant to paragraph 10, then Grantee's rights and obligations under this Easement shall become immediately vested in the Newton County Land Trust Alliance, Inc. If the Newton County Land Trust Alliance, Inc. is no longer in existence at the time the rights and obligations under this Easement would otherwise vest in it, or if the Newton County Land Trust Alliance, Inc. is not qualified or authorized to hold conservation easements as provided for an assignment pursuant to paragraph 10, or if it shall refuse such rights and obligations, then the rights and obligations under this Easement shall vest in such organization as a court of competent jurisdiction shall direct pursuant to the applicable Georgia law and with due regard to the requirements for an assignment pursuant to paragraph 10.

11. Subsequent Transfers. Grantors agree to incorporate the terms of this Easement in any deed or other legal instrument by which they divest themselves of any interest in all or a portion of the Property, including, without limitation, a leasehold interest. Grantors further agree to give written notice to Grantee of the transfer of any interest to any person or entity other than a resident of the development or a homeowners association at least twenty (20) days prior to the date of such transfer. The failure of Grantors to perform any act required by this paragraph shall not impair the validity of this Easement or limit its enforceability in any way.

12. Estoppel Certificates. Upon request by Grantors, Grantee shall within thirty (30) days execute and deliver to grantors any document, including an estoppel certificate, which certifies Grantors' compliance with any obligation of Grantors contained in this Easement and otherwise evidences the status of this Easement as may be requested by Grantors.

13. Notices. Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage prepaid, addressed as follows:
To Grantors:  Newton County Georgia
1113 Usher Street, NE
Covington, GA 30014

To Grantee:

or to such other address as either party from time to time shall designate by written notice to the other.

14. Recordation. Grantee shall record this instrument in timely fashion in the official records of Newton County, Georgia and may re-record it at any time as may be required to preserve its rights in this Easement.


(a) Controlling Law. The interpretation and performance of this Easement shall be governed by the laws of the State of Georgia.

(b) Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Easement shall be liberally construed in favor of the grant to effect the purpose of this Easement and the policy and purpose of O.C.G.A. 44-10-1 et. seq. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purpose of this Easement that would render the provision valid shall be favored over any interpretation that would render it invalid.

(c) Severability. If any provision of this Easement, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this Easement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.

(d) Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to the Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Easement, all of which are merged herein. No alteration or variation of this instrument shall be valid or binding unless contained in an amendment that complies with paragraph 17 of this Easement.

(e) No Forfeiture. Nothing contained herein will result in a forfeiture or reversion of Grantor's title in any respect.

(f) Joint Obligation. The obligations imposed by this Easement upon Grantors shall be joint and several.

(g) Successors. The covenants, terms, conditions, and restrictions of this Easement shall be binding upon, and inure to the benefit of, the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall continue
as a servitude running in perpetuity with the Property.

(h) Termination of Rights and Obligations. A party's rights and obligations under this Easement terminate upon transfer of the party's interest in the Easement or Property, except that liability for acts or omissions occurring prior to transfer shall survive transfer.

(i) Captions. The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

(j) Counterparts. The parties may execute this instrument in two or more counterparts, which shall, in the aggregate, be signed by both parties; each counterpart shall be deemed an original instrument as against any party who has signed it. In the event of any disparity between the counterparts produced, the recorded counterpart shall be controlling.

(k) No Public Access. UNLESS EXPRESSLY GRANTED TO GRANTEE HEREIN, ACCESS TO GRANTEE AND THE GENERAL PUBLIC IS NOT GRANTED HEREBY AND, EXCEPT FOR THE RIGHT OF GRANTEE TO ENTER THE PROPERTY TO MONITOR GRANTOR'S COMPLIANCE AND FOR ENFORCEMENT PURSUANT TO SECTION 2(b) HEREOF, ACCESS TO THE PROPERTY SHALL NOT BE PERMITTED WITHOUT THE CONSENT OF GRANTOR.

16. Arbitration. If a dispute arises between the parties concerning the consistency of any proposed use or activity with the purpose of this Easement, and Grantors agree not to proceed with the use or activity pending resolution of the dispute, either party may refer the dispute to arbitration by request made in writing upon the other. Within thirty (30) days of the receipt of such request, the parties shall select a single arbitrator to hear the matter. If the parties are unable to agree on the selection of a single arbitrator, then each party shall name one arbitrator and the two arbitrators thus selected shall select a third arbitrator; provided, however, if either party fails to select an arbitrator, or if the two arbitrators selected by the parties fail to select the third arbitrator within fourteen (14) days after the appointment of the second arbitrator, then in each such instance a proper court, on petition of a party, shall appoint the second or third arbitrator or both, as the case may be, in accordance with Georgia statute. The matter shall be settled in accordance with the rules of the American Arbitration Association then in effect, and a judgment on the arbitration award may be entered in any court having jurisdiction thereof. The prevailing party shall be entitled, in addition to such other relief as may be granted, to a reasonable sum as and for all its costs and expenses related to such arbitration, including, without limitation, the fees and expenses of the arbitrators and attorneys' fees, which shall be determined by the arbitrators and any court of competent jurisdiction that may be called upon to enforce or review the award.

17. Amendment. If circumstances arise under which an amendment to or modification of this Easement would be appropriate, Grantors and Grantee are free to jointly amend this Easement; provided that no amendment shall be allowed that will affect the qualification of this Easement or the status of Grantee under any applicable laws, including O.C.G.A. 44-10-
1, et. seq. or Section 170(h) of the Internal Revenue Code of 1954, as amended, and any amendment shall be consistent with the purpose of this Easement, and shall not affect its perpetual duration. Any such amendment shall be recorded in the official records of Newton County, Georgia.

TO HAVE AND TO HOLD unto Grantee, its successors, and assigns forever.

IN WITNESS WHEREOF Grantors and Grantee have set their hands on the day and year first above written.

Grantors

Grantee
NEWTON COUNTY, GEORGIA

By:
As Its:
ATTEST:

(SEAL)

By:
As Its:

EXHIBIT “A”

LEGAL DESCRIPTION OF PROPERTY
Division 430: Rural Village Overlay

Sec. 430-010 PURPOSE AND INTENT

It is the purpose of this Section to create a Rural Village Overlay Zone that will:

A. Promote the economic, cultural, educational, and general welfare of the public by fostering sustainable growth within key areas of the rural part of Newton County;

![Image](430.1_Brick_Store_Historical_Park)

B. Preserve Newton County's rural ambiance and historic nature by avoiding the emergence and expansion of long, linear, commercial strips and by blending new developments into rural areas without compromising the unique character of these areas;

C. Encourage compatibility of forms, scale, massing and materials such that new structures will conform to community features and standards and thereby more closely reflect the nature of the community.

Sec. 430-020 ESTABLISHMENT OF RURAL VILLAGE OVERLAY DISTRICTS

The boundaries of Rural Village Overlay Districts shall be established by the Newton County Board of Commissioners in the following manner:

A. The Board of Commissioners shall initiate the establishment of a Rural Village Overlay District by authorizing the Planning Staff to prepare a generalized boundary for the potential overlay district. The proposed overlay district shall be not less than 100 acres. The proposal for an overlay district shall then be submitted to the Planning Commission.
B. The Planning Commission shall hold a properly advertised public hearing in accordance with Section 620-020 and Section 620-030 of the Newton County Zoning Ordinance in order to make a recommendation regarding the proposed Rural Village Overlay District. The recommendations of the Planning Commission may include any of the following:

1. to recommend that the Board of Commissioners approve the proposed Rural Overlay District as proposed; or
2. to recommend that the Board of Commissioners approve the proposed Rural Overlay District with modifications to the boundaries or other stipulations; or
3. to recommend that the Board of Commissioners deny the proposed Rural Overlay District; or
4. to table action to a date certain in order to continue its consideration of the proposal.

C. Subsequent to receiving the recommendation of the Planning Commission, the Board of Commissioners shall hold a properly advertised public hearing in accordance with Section 620-020 and Section 620-030 of the Newton County Zoning Ordinance. The actions of the Board of Commissioners may include any of the following final decisions:

1. to approve the proposed Rural Overlay District as proposed; or
2. to approve the proposed Rural Overlay District with modifications to the boundaries or other stipulations; or
3. to deny the proposed Rural Overlay District; or
4. to table action to a date certain in order to continue its consideration of the proposal.

Sec. 430-030 PERMITTED USES

A. Uses permitted within the Rural Village Overlay District are those permitted in the underlying zoning district.

B. The Rural Village Overlay District is superimposed over other existing zoning districts, and the special requirements of this district shall apply in addition to the requirements of the use district within which a specific property is located.

Sec. 430-040 SITE DESIGN STANDARDS

A. Design Standards for subdivisions of single-family detached dwellings (see Graphic 430-2):

1. Buildings shall be consistent with the architectural style typical of the historic rural character of Newton County and shall utilize the

430-2. Typical Neighborhood
following design features to provide visual relief along the front of the residence (see Graphics 430-3 through 10):

a. Dormers  
e. Covered front porches  
b. Gables  
f. Recessed entries  
c. Pillars  
g. Cupolas  
d. Posts  
h. Bay window (min. 24" projection)

Design Elements for Single-Family Detached Dwellings
Design Elements for Single-Family Detached Dwellings

2. For buildings that face a public street other than an alley, at least 20% of the wall space facing the street shall consist of windows or doors.

3. For houses less than fifty (50) feet from the right of way, primary entries shall be accessed directly from the public street and sidewalk.

4. Windows shall be provided with an architectural surround at the jamb.

5. Exterior finished materials shall be subject to approval by the Planning Commission.

6. Landscaping

   a. Landscaping design shall include a variety of deciduous and evergreen trees and shrubs and flowering plant species well adapted to the local climate.
b. Where feasible, at least 25 percent of existing healthy trees within each lot shall be preserved and incorporated into the required landscaping of the site.

c. Landscaped areas of at least 10 feet in width shall be provided adjacent to public or private streets.

7. Parking - See Planning Department for details.
   a. With the approval of the Planning Director, on-street parking for amenity areas (such as club houses and pools, etc.) may be provided within landscape strips adjacent to residential streets, either through formal, paved spaces, or through informal, grassed areas appropriately maintained for parking vehicles.

b. Off-street parking shall be provided within garages or on paved driveways or parking aprons. Detached garages located in rear yards or side-entry garages are preferred. If front-entry garages are necessary, they shall be recessed at least ten feet behind the front facade of the structure and at least 20 feet behind the front property line. If front entry, garage shall not occupy more than 40 percent of the total building frontage on a lot.

8. Signs
   a. Each subdivision entrance may have one permanent ground sign identifying only the name of the residential development. The sign is to be limited in height to six (6) feet and may be no larger than sixteen (16) square feet in area, per side, and setback at least ten feet from the public right of way.

9. Underground utilities
   a. All utilities shall be placed underground except where no utility improvements are required, or when the Planning Director determines that underground utilities are infeasible due to shallow rock, high water table, or other similar geologic or hydrologic conditions.

B. Design Standards for Multi-Family Developments (see Graphic 430-11)
   1. Orientation requirements for developments:
      a. At least 50 percent of the length of building facades facing streets shall be placed within 30 feet of the front property line.

      b. Buildings that are located within thirty (30) feet of property line adjacent to a front yard shall have at least 25 percent of the wall facing the street in window or door areas.

    2. A project may not contain a block of greater than 3 acres. Projects larger than three acres shall develop a public or private street system that creates blocks of three acres or less.

    3. Private Streets shall be required to contain sidewalks and street trees.
4. Streetscape
   a. One street tree for each fifty (50) feet of frontage, chosen from the Newton County Tree Species List, shall be placed on that portion of the project adjacent to the street. Where appropriate, these street trees may be placed in the public right of way.
   b. This street tree requirement is required for private internal streets as well as public streets.
   c. Sidewalks shall be provided along the frontage of all public streets except alleys, as provided in Section 620-20 of the Newton County Development Regulations.
   d. Sidewalks shall be located a minimum of 4½ feet behind the back of curb or edge of pavement of new or existing streets so as to preserve a landscape strip between the street and sidewalk.

5. Landscaping
   a. Within the protected zone, landscaping design shall include a variety of deciduous and evergreen trees and shrubs and flowering plant species well adapted to the local climate.
   b. Where feasible, within each multi-family development, at least 25 percent of the existing healthy trees on the site shall be preserved and incorporated into the required landscaping of the site.
   c. Landscaped areas of at least ten (10) feet in width shall be provided adjacent to public or private streets.
   d. Off-street parking areas shall be landscaped in accordance with Section 630-050 of the Newton County Development Regulations and shall provide a minimum of one tree for each seven (7) parking spaces.

6. Open Space
   a. Provide Open Space in accordance with Section 510-350 of the Newton County Zoning Ordinance, but in no case shall less than 5 percent of the lot area be dedicated for recreational use by the tenants of the development.
   b. Areas covered by shrubs, pine straw, bark mulch and other ground covers which do not provide a suitable surface for human use, may not be counted toward this requirement.
   c. Decks, patios, and similar exterior areas are eligible for open space criteria. Play areas for children are required for projects of greater than 20 units. Developments that prohibit occupancy by children are exempt from these provisions.

7. Special standards for Large Scale Multi-Family Developments (greater than 30 units). The same exterior design may not be used for more than 30 units in a development.
A variety of compatible exterior materials' use and type, building styles, massing, composition, and prominent architectural features, such as door and window openings, porches, rooflines, should be used.

8. Parking

a. Off-street parking shall be provided in interior areas served primarily by private streets and buffered from public streets by buildings or landscaped berms. See graphics 430-11 and 430-14.
9. Signs. Multi-family developments may have no more than one ground sign identifying only the name of the development located at each access point to a public street, set back at least ten feet from the right of way of the public street. Each such sign shall be limited to a maximum of six (6) feet in height and twenty (20) square feet in area per side.

10. Underground utilities

   a. All utilities shall be placed underground except where no utility improvements are required, or when the Planning Director determines that underground utilities are infeasible due to shallow rock, high water table, or other similar geologic or hydrologic conditions.

C. Design Standards for Commercial Uses:

1. Orientation and Scale

   a. Buildings shall have their primary orientation toward the street rather than the parking area. Public sidewalks shall be provided adjacent to a public street along the street frontage.

   b. Refuse containers, mechanical equipment, and similar areas are not permitted to be visible from the street nor are permitted between the building and the street.

   c. Buildings located within 30 feet of the street shall have an entrance for pedestrians from the street to the building interior. This entrance shall be designed to be attractive and functional.

   d. Sub-section 1. c), above, may be waived for buildings that are not intended for direct access by pedestrians, such as warehouses and industrial buildings without attached offices, and automotive service uses such as service stations and tire stores.

2. Streetscape

   a. One street tree shall be placed for each fifty (50) feet of frontage for that portion of the development fronting the street.

   b. Buildings set back more than fifty (50) feet from public streets should be buffered by landscaped areas at least ten (10) feet in width, unless it is demonstrated that this does not further an active streetscape environment. Outdoor storage areas shall be screened from view from adjacent public rights-of-way. Loading facilities shall be screened and buffered when adjacent to residentially zoned land.

   c. Landscaping design shall include a variety of deciduous and evergreen trees and shrubs and flowering plant species well adapted to the local climate.

   d. Where feasible, within each commercial development, at least 10 percent of the
existing healthy trees on the site shall be preserved and incorporated into the required landscaping of the site.

3. Parking - See Planning Department for details.
   
a. Off-street parking areas shall be landscaped in accordance with Section 630-050 of the Newton County Development Regulations and shall provide a minimum of one tree for each seven (7) parking spaces.

b. Off-street parking shall be located in the rear or side yards of commercial buildings, except where approved by the Planning Director. When parking is provided in side yards, it may occupy no more than 50 percent of the frontage of the lot measured parallel to the front property line and be screened from public streets as required in Section 430-040-D.

4. Buildings in a commercial zone may not be clad in metal siding, plain concrete block, or plain concrete walls if visible from the front or two sides. Decorative concrete block or concrete walls with textured surface materials may be permitted.

5. Underground Utilities
   
a. All utilities shall be placed underground except where no utility improvements are required, or when the Planning Director determines that underground utilities are infeasible due to shallow rock, high water table, or other similar geologic or hydrologic conditions.

6. Additional Standards for Large Scale Developments. Developments (1) involving a gross floor area in excess of 60,000 square feet, and (2) located in a non-residential zone shall, in addition to complying to the basic Site Design Standards, conform to the following standard regarding orientation and scale:

   a. Developments shall divide large building masses into heights and sizes that relate to human scale by incorporating changes in building mass or direction, or pitched roofs, or recessed entrances, or a distinct pattern of divisions on surfaces, windows, trees, and small scale lighting. See Graphic 430-12.
b. No new buildings or contiguous groups of buildings shall exceed a combined contiguous building length of 300 feet.

c. All on-site circulation systems shall incorporate a streetscape, which includes curbs, sidewalks, pedestrian scale light standards, and street trees. See Graphic 430-13.
D. Parking Lot Landscaping and Screening Standards.

1. All parking lots, which for purposes of this section, include areas of vehicle maneuvering, parking, and loading, shall be landscaped and screened as per the following standards.

2. Screening at Required Yards. See Graphic 430-14.
   a. Parking abutting a required landscaped front or exterior yard shall incorporate a sight obscuring hedge screen into the required landscaped yard.

430-14. Screening parking lots

b. The screen shall grow to be at least 36 inches higher than the finished grade of the parking area, except for required vision clearance areas.

c. The screen height may be achieved by a combination of earthen berms and plant materials.

3. A screen shall be required when parking abuts a property line. Where a buffer between zones is required, the screening shall be incorporated into the required buffer strip, and will not be an additional requirement.

4. Parking lot landscaping shall consist of a minimum of 5 percent of the total parking area plus a ratio of one (1) tree for each seven (7) parking spaces to create a canopy effect.
   a. The tree species shall be an appropriate large canopied shade tree and shall avoid root damage to pavement and utilities.

   b. Landscaped areas shall be distributed throughout the parking area and parking perimeter as required in Section 630-050 of the Newton County Development Regulations.

5. Parking areas adjacent to residential dwellings shall be set back at least eight (8) feet from the building.

6. Other screening and buffering shall be provided as follows:
a. Refuse Container Screen: Refuse containers or dumpsters shall be screened from view by placement of a solid wood fence or masonry wall from five to eight feet in height, to be determined by dumpster height. Solid wood fences shall be a minimum of 2” x 6” panels on 6” x 6” posts. All refuse materials shall be contained within the refuse area.

b. Service Corridor Screen: Off-street truck loading and unloading areas for commercial and industrial buildings shall be screened when adjacent to residential uses. Siting and design of such service areas shall reduce the adverse effects of noise, odor and visual clutter upon adjacent residential uses.

c. Light and Glare Screen: Artificial lighting shall be so arranged and constructed as to not produce direct illumination on adjacent residential properties.

E. Street Tree Standards. See Graphic 430-15.

1. All development fronting on public or private streets shall be required to plant street trees in accordance with the following standards and chosen from the recommended list of street trees approved by the Newton County Commission.

2. Street trees shall be located behind the sidewalk except in cases where there is a designated planting strip in the right-of-way, or the sidewalk is greater than 8 feet wide and designed to accept trees in tree wells. Street trees shall generally conform to the standard established by the Newton County Board of Commissioners.

3. Spacing, Placement, and Pruning of Street Trees. All tree spacing may be made subject to special site conditions, which may, for reasons such as safety, affect the decision. Any such proposed special condition shall be subject to the Planning Director’s review and approval. The placement, spacing, and pruning of street trees shall be as follows:
430-15. **Street trees**

a. Street trees shall be placed at the rate of one tree for every fifty (50) feet of street frontage.

b. Trees shall not be planted closer than 25 feet from the curb line of intersections of streets or alleys, and not closer than 10 feet from private driveways (measured at the back edge of the sidewalk), fire hydrants, or utility poles.

c. **Street trees shall not be planted closer than 20 feet from light standards.** Except for public safety, no new light standard location shall be positioned closer than 10 feet to any existing street tree, and preferably such locations will be at least 20 feet distant.

d. Trees shall not be planted closer than 2½ feet from the face of the curb.
e. Where there are overhead power lines, tree species are to be chosen that will not interfere with those lines.

f. Trees shall not be planted within 2 feet of any permanent hard surface paving or walkway. Sidewalk cuts in concrete for trees shall be at least 10 square feet, however, larger cuts are encouraged because they allow additional air and water into the root system and add to the health of the tree. Space between the tree and hard surface may be covered by permeable non-permanent hard surfaces such as grates, bricks on sand, or paver blocks.

g. Trees, as they grow, shall be pruned to provide at least 8 feet of clearance above sidewalks and 12 feet above street roadway surfaces.

h. Existing trees may be used as street trees if there will be no damage from the development which will kill or weaken the tree. Sidewalks of variable width and elevation may be utilized to save existing street trees, subject to approval by the Planning Director.

i. Existing street trees removed by development activity shall be replaced by the developer. The replacement trees shall be of size and species similar to the trees that are approved by the Planning Director. New trees shall conform to Section 525-060 and shall be at least 2” DBH and six (6) feet tall at time of planting.

F. Additional Standards for Subdivisions Requiring Site Review

1. Lot Coverage Standards of the zone shall be enforced. In the case of developments which have actual building footprints, lot coverage shall be calculated using the footprint of the buildings and the impervious area of other improvements, including streets, driveways, and sidewalks. If building envelopes are provided, impervious area shall be calculated assuming that the building footprint is one-third the area of the building envelope, or 2,500 square feet, whichever is smaller.

2. The development of the subdivision shall incorporate the natural features of the land to the extent practical, including topography, important stands of trees, streams, wetlands, ponds, and other areas. Open space areas shall incorporate these features where feasible, or they shall be protected by conservation easements, or other suitable means of protection of the natural features of the land. Note: See Division 425 of the Newton County Zoning Ordinance.

G. Access, Parking and Circulation Standards

1. Prior to division of property in a commercial site review, controlled access standards shall be applied and, if necessary, cross easements shall be required as provided in Section 605-100 of the Newton County Development Regulations so that access to all properties created by the subdivision can be shared from one (1) or more points. See Graphic 430-16.

2. All buildings shall provide attractive, safe, and convenient pedestrian access from the
sidewalk to the building frontage and provide other pedestrian connections to adjacent buildings within the same development. Such pedestrian access shall minimize conflicts with automobiles by such means as sidewalks, ornamental pavers, striping, and signs.

3. All mixed density developments, which will have automobile trip generation in excess of two hundred fifty (250) vehicle trips per day, shall provide at least two (2) driveway access points to the development. Trip generation shall be determined by the methods established by the Institute of Engineers.

H. Drive-through Uses

1. Any establishment which by design, physical facilities, service, or by parking procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles, shall be subject to the following conditions.
2. Drive-through uses are subject to site plan review.
3. Approvals of drive-through uses are subject to the following criteria:
   
   a. All facilities providing drive-through service shall provide at least two (2) designated parking spaces immediately beyond the service window or provide other satisfactory methods to allow customers requiring excessive waiting time to receive service while parked.
   
   b. All drive-through uses shall provide a means of egress for vehicular customers who wish to leave the waiting line.
   
   c. Establishments having drive-through facilities shall provide sufficient stacking area to ensure that public right-of-way are not obstructed.
   
   d. The sound level of communications systems shall not exceed fifty-five (55) decibels at the property line and shall otherwise comply with the Newton County Development Regulations regarding sound levels.

I. Light and Glare Performance Standards

1. There shall be no direct illumination of any residential zone from any other residential use, Commercial, Employment, or Industrial zone.

2. Lights shall be fully shielded, as defined below, in order to minimize light trespass on residential zones.

3. “Fully Shielded” means a technique or method of construction or manufacture which does not allow any light dispersion to shine above the horizontal plane from the lowest light emitting point of the light fixture. Any structural part of the light fixture providing this shielding shall be permanently affixed to the light fixture.

4. Fixtures shall be mounted at pedestrian-oriented heights.

J. Landscaping Maintenance

1. All landscaped areas required by this Chapter must be maintained according to the approved landscaping plans.

K. Impervious Surface

1. The maximum impervious surface ratio for developments in this district shall be no more than 60 percent.

L. Designated Creek Protection and Environmental Buffer Access

1. Designated stream protection areas shall be considered positive design elements and incorporated in the overall design of a given project.
2. When a creek area is disturbed or without vegetation, native riparian plant materials shall be planted in and adjacent to the creek to enhance the creek habitat.

M. Signs

1. Signs for individual establishments used for commercial, office, institutional, industrial, or other permitted non-residential uses shall be permitted as follows:

<table>
<thead>
<tr>
<th>Type of Sign</th>
<th>Number Allowed</th>
<th>Maximum Display Area per Sign</th>
<th>Maximum Height</th>
<th>Minimum Setback from Right-of-Way</th>
</tr>
</thead>
<tbody>
<tr>
<td>On premises, business signs identifying individual retail shops, service establishments, offices, or other non-residential uses</td>
<td>One freestanding or projecting sign per building (1); Five wall signs per building</td>
<td>Freestanding - 25 sq. ft.; Projecting - 16 sq. ft.; Wall - Total display of all wall signs not to exceed 5 percent of square footage of front wall of building.</td>
<td>Freestanding - 6 ft.; Projecting - 18 ft.; Wall - no higher than top of wall</td>
<td>Freestanding - 5 ft.</td>
</tr>
<tr>
<td>On-premises real estate signs</td>
<td>One per lot to be freestanding</td>
<td>20 sq. ft.</td>
<td>6 feet</td>
<td>5 feet</td>
</tr>
<tr>
<td>Temporary signs</td>
<td></td>
<td>32 sq. ft.</td>
<td>6 feet</td>
<td>5 feet</td>
</tr>
</tbody>
</table>

Note 1 – Projecting signs may not project more than six (6) feet from the wall.
2. Signs for Community Oriented Residential Development (CORD) consisting of non-residential uses:

<table>
<thead>
<tr>
<th>Type of Sign</th>
<th>Number Allowed</th>
<th>Maximum Display Area per Sign</th>
<th>Maximum Height</th>
<th>Minimum Setback from Right-of-Way</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development identification signs containing only name of and trademark of the planned development</td>
<td>One ground sign at each access point</td>
<td>20 sq. ft.</td>
<td>6 feet</td>
<td>10 feet</td>
</tr>
<tr>
<td>Non-residential building identification</td>
<td>One wall sign or canopy sign per building or tenant</td>
<td>Five percent of the square footage of the building, but not more than 40 sq. ft.</td>
<td>No higher than the top of the wall</td>
<td>10 feet</td>
</tr>
<tr>
<td>Non-residential building identification signs within development</td>
<td>One wall sign or canopy sign (2) per tenant</td>
<td>15 sq. ft.</td>
<td>No higher than the top of the wall</td>
<td></td>
</tr>
</tbody>
</table>

Note 2 – Canopy signs are illustrated in Graphic 430-17.
Newton County Zoning Ordinance

3. Off-premises signs are prohibited within the Rural Overlay District.

4. Weekend direction signs are permitted as provided in Section 525-030-C of the Newton County Zoning Ordinance.

5. Nothing in this section shall be interpreted to preclude Freedom of Speech, or to exclude or prohibit the display of non-commercial messages in a manner which is otherwise consistent with the sign regulations of Newton County.

6. Wall signs shall not damage or obscure architectural details or ornamentation.

7. Projections and wall signs shall be externally illuminated from above.

Sec. 430-050 PLAN REVIEW

A. The following information shall be required for all developments requiring a Certificate of Appropriateness. It may be submitted in one or several maps and written material, as deemed appropriate by the Planning Director.
B. A site plan shall be submitted for the proposed activity that meets the following minimum requirements:

1. Project name
2. Vicinity map
3. Scale
4. North arrow
5. Date

6. Street names and locations of all existing and proposed streets within or on the boundary of the proposed development, pavement widths, sidewalks, and bikeways, and all existing and proposed transit stops.

7. Lot layout with dimensions for all lot lines.

8. Zoning designations of the proposed development.

9. Zoning designations adjacent to the proposed development.

10. Location and use of all proposed and existing buildings, fences and structures within the proposed development. Indicate which buildings are to remain and which are to be removed.

11. Location and size of all existing and proposed public utilities in and adjacent to the proposed development with the locations shown of water lines and diameters, sewers, manholes and cleanouts, storm drains and catch basins, electric and gas, telecommunication.

12. Location of drainage ways, environmental buffer zones, or public utility easements in and adjacent to the proposed development.

13. Locations, sizes and uses of contemplated and existing public areas within the proposed development.

14. A topographic map of the site available at county offices.

15. Location of all parking areas and all parking spaces, ingress and egress on the site, and on site circulation.

16. Site analysis: Identify significant landscape features including, but not limited to, forested areas, creeks, wetlands, 100 year floodplains, and ponds existing on the site. Indicate any planned modifications to a natural feature.

17. A landscape plan showing in detail the location, type, and size of the proposed
landscaping and plantings.

18. The elevations, surface area in sq. ft., illumination type, height, and construction (material and style), and locations of all proposed signs for the development.

C. Architectural elevations for all buildings proposed on the property shall be submitted meeting the following standards.
   1. Indicate the material, color, texture, windows, doors, and other design features of the building, including all visible mechanical equipment, such as for heating and cooling.
   2. Elevations shall be submitted drawn to scale of 1/8"=1'-0" or greater.
   3. In the case of subdivisions which contain attached units or lots of less than 30,000 square feet, plans for homes which may be built on lots may be submitted without specifying which lot the unit is to be located on; however, building envelopes on the lot must be sufficient to accommodate the units planned for the lot. In lieu of plans, the subdivision may adopt design standards as part of the covenants of the development that will assure compliance with these regulations.

D. A written summary of the proposed activity shall be submitted with the following minimum information:

   1. For commercial and industrial developments:
      a. The total area contained in the area proposed to be developed.
      b. The area and percentage of the lot covered by structures.
      c. The area and percentage of the lot covered by other impervious surfaces.
      d. The total number of parking spaces.
      e. The total area of all landscaped areas.
      f. The total area covered by tree canopy at maturity of the trees.

   2. For residential developments:
      a. The total area in the development.
      b. Area and percentage of lot coverage by:
         | Structures      |
         | Streets, roads, and alleys |
         | Sidewalks         |
         | Recreation areas  |
         | Landscaping       |
         | The total area covered by tree canopy at maturity of the trees |
         | Parking areas     |
Articte Four • Overlay District Regulations

Sec. 430-060 CONDITIONS THAT MAY BE APPLIED FOR APPROVAL

A. When approving a Certificate of Appropriateness, the hearing authority may include any
or all of the following conditions if they find it necessary to meet the intent and purpose
and the criteria for approval of this ordinance.

1. Require such modifications in the landscaping plan as will ensure proper screening
and aesthetic appearance.

2. Require plantings and ground cover to be predominant, not accessory, to other
inorganic or dead organic ground cover.

3. Require the modification or revision of the placement, design or remodeling of
structures, signs, accessory buildings, etc., to be consistent with the Standards.

4. Require the modification of the placement, design and appearance of streets,
buildings and other improvements.

5. Require the type and placement or shielding of lights for outdoor circulation and
parking.

6. Require new developments which produce more than 1,000 vehicle trips per day to
provide traffic mitigation by means of traffic signals, traffic controls and turning
islands, landscaping, or any other means necessary to insure the viability, safety and
integrity of the major street as a through corridor.

7. Require developments to provide access to improved streets and, where possible,
provide access to the lower order street rather than a major collector or arterial street.

Sec. 430-070 PLANNING COMMISSION PLANNING RESPONSIBILITIES

A. The Newton County Planning Commission, subject to oversight from the Board of
Commissioners, shall have the following powers and duties relating to planning within
the Rural Village Overlay Zone;

1. Prepare an inventory of all property within the Rural Village Overlay Zone;

2. Recommend to the Board of Commissioners specific actions to preserve and improve
the integrity, aesthetics and safety within the Zone; and

3. Make such investigations and studies of matters relating to area design as the
Planning Commission may, from time to time, deem necessary or appropriate for the
purpose of maximizing the appropriate use and utility of the area.

Sec. 430-080 CERTIFICATE OF APPROPRIATENESS PROCESS
A. Within the Rural Village Overlay District, except for existing single family detached
residential structures or replacement of destroyed single family detached residential
structures, no material change in the appearance of such property, structure, site, or work of art within the Rural Village Overlay District, shall be made or be permitted to be made by the owner or occupant thereof, unless or until application for a Certificate of Appropriateness has been submitted to and approved by the Newton County Commission. In addition to compliance with any other permits, approvals and standards required within the underlying zoning district, development within the Rural Village Overlay District shall comply with the following requirements:

1. Except for property containing an existing single family residential structure, if a property is located within the Rural Village Overlay District, no material change in the appearance of such property (including but not limited to alterations to existing structures and construction of new structures), of a structure, site, or work of art, shall be made or be permitted to be made by the owner or occupant thereof and no building permit shall be issued, unless and until application for a Certificate of Appropriateness has been submitted to and approved by the Planning Commission. Such material changes shall conform in design, scale and setback, to the requirements specified in Section 430 of this ordinance.

2. Where a Certificate of Appropriateness is required by this Section, no building permit shall be issued and no construction or ground disturbance shall be allowed until a Certificate of Appropriateness has been issued in accordance with this Section and all construction shall conform to the Certificate of Appropriateness.

3. An approved Certificate of Appropriateness shall become void unless construction is commenced within six (6) months of date of issuance.

4. Certificates of Appropriateness shall be valid for a period of twenty four (24) months, at which time they shall expire. A new application must submitted and a new Certificate of Appropriateness must be issued by the Planning Commission prior to any construction or modification after expiration of a Certificate of Appropriateness.

B. The review process for a Certificate of Appropriateness shall include the following:

1. An application for Certificate of Appropriateness shall be accompanied by such drawings, photographs, or plans as may be required by the Planning Commission. At least thirty (30) days prior to submitting a final plan and application to the Planning Commission for approval, a preliminary plan should be presented to the Planning Commission for review and recommendations.

2. Notice of public hearings shall consist of a notice published and posted on the property for which the application is pending in accordance with Article 6, Section 620-020 of this Ordinance, and such other notice as may reasonably be required to inform the owners of any property likely to be affected by reason of the application.

3. All decisions on a Certificate of Appropriateness shall be made at a public hearing held by the Planning Commission. Such hearing shall be conducted in accordance with the procedures set forth in Article 6, Section 620-030 and shall give applicant and affected property owners an opportunity to be heard.
C. Decisions on a Certificate of Appropriateness

1. At the conclusion of the hearing required in the above subsection, the Planning Commission shall approve the application and shall issue a Certificate of Appropriateness if it finds that the proposed change(s) in the appearance would be compatible with the standards of the Rural Village Overlay Zone. In making this determination, the Planning Commission shall consider, in addition to any other pertinent factors, the extent to which the proposed project complies with the design guidelines in terms of the proposed architectural style, general design arrangement, texture, and material of the architectural features proposed, the extent to which the proposal is compatible with other structures in the immediate neighborhood.

2. In its review of all applications for Certificate of Appropriateness, the Planning Commission shall not consider interior arrangement or use having no effect on exterior architectural features, safety or utility.

3. The Planning Commission shall deny a Certificate of Appropriateness if it finds that the proposed new structure or change(s) in appearance of an existing structure would be incompatible with the standards of the Rural Village Overlay Zone. The Planning Commission may suggest modifications or alternatives to the proposed alteration or new construction. The applicant may make modifications to the plans and may resubmit a new or revised application for consideration by the Planning Commission.

4. In the event the Planning Commission denies an application, it shall set forth in writing reasons for the denial, and shall transmit a record of its decisions, including its findings for denial to the applicant and to the Board of Commissioners.

5. If a Certificate of Appropriateness is denied by the Planning Commission, the applicant shall have the right of appeal to the Board of Commissioners. Said appeal shall be processed in accordance with Division 620-030 and 620-040, and the decision of the Board of Commissioners shall be final.

6. In cases in which the application for a Certificate of Appropriateness involves a proposal that would require the issuance of a building permit, the denial of the application for a Certificate of Appropriateness by the Planning Commission shall be binding upon the Building Official or other administrative officer charged with issuing building permits, and in such case, no building permit shall be issued.

7. The Planning Commission shall approve or deny an application for a Certificate of Appropriateness within sixty (60) days after the application is filed with the Building Official. Evidence of approval by the Planning Commission shall be by a Certificate of Appropriateness issued by the Planning Commission. Failure of the Planning Commission to act within said sixty (60) days shall be deemed to be approval of the application and no other evidence of approval by them shall be needed.

Definitions
For the purposes of this Article the following terms have the meaning set forth below:

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

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

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

1. A reconstruction or alteration of the size, shape, or facade of a property, including relocation of any doors or windows or removal or alteration of any architectural features, details, or elements, except for a single family detached residence;

2. Demolition of a structure, except for a single family detached residence;

3. Relocation of a building or a structure, except for reconstruction or alteration of a single family detached residence, within the Rural Village Overlay District or from a location outside the District to a location within the District

4. Commencement of excavation, except for reconstruction or alteration of a single family detached residence;

5. A change in the location of advertising visible from the public way on the property; or

6. The erection, alteration, restoration, or removal of any building or other structures within the Rural Village Overlay Zone, except for existing single family detached residences, including walls, fences, steps, and pavements, or other appurtenant features.

DIVISION 440: RESIDENTIAL NEIGHBORHOOD DEVELOPMENT OVERLAY DISTRICT
SEC. 440-000 OVERLAY DISTRICT

A. This overlay district is supplemental to the zoning district classifications established in the Newton County Zoning Ordinance. All development and building permits for lots located within this overlay district shall meet all of the requirements of the base zoning district in which it is located and, in addition, shall meet the requirements of the overlay district applicable to the lot.

B. This overlay district may only be applied within the Multi-County Mixed Use Business Park district pursuant to the process provided in Section 430-060.

C. In any case where the standards and requirements of the overlay district conflict with those of the base zoning district, the standards and requirements of the overlay district shall govern and conflicting standards of the base district shall be void.

SEC. 440-010 PURPOSE AND INTENT

The purpose and intent of the Board of Commissioners in establishing the Residential Neighborhood Development Overlay District is to establish a zoning district classification which promotes the public health, safety, and general welfare by permitting greater flexibility in site planning and building arrangements under a unified plan of development rather than lot-by-lot regulation, consistent with the policies and intent of the Newton County Comprehensive Land Use Plan and Zoning Ordinance. The Residential Neighborhood Development Overlay District is intended to encourage:

A. A quality residential environment in close proximity to a major employment center;

B. More diversity in residential patterns;

2. Creativeness and innovation in land planning;

3. Quality development of attractive and cohesive design;

4. Respect for natural resources and environmental constraints;

5. Conservation of open space;

6. Provision of adequate public facilities and services; and

7. Amenities to serve the recreational, educational, and social needs of residents in order to create a more self-sufficient community.

SEC. 440-020 PRINCIPAL USES AND STRUCTURES

1. Principal uses and structures allowed in the Residential Neighborhood Development Overlay District shall uses authorized in the table below.
2. Application of this table shall be in accordance with the following codes:

- A - An authorized use;
- AC – Authorized as an accessory use; and
- CU - Conditional Use subject to the procedures of the Newton County Zoning Ordinance Division 625.

3. Each authorized or conditional use must meet certain standards peculiar to the use as provided in Division 510 of the Newton County Zoning Ordinance.

4. Uses that are not specifically authorized as a principal, accessory, or conditional use in the table below are prohibited, and may only be authorized if similar to an authorized use listed below and granted by written interpretation of the Planning Director.

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Residential Neighborhood Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory Use, Commercial</td>
<td></td>
</tr>
<tr>
<td>Accessory Use, Residential</td>
<td>A</td>
</tr>
<tr>
<td>Amphitheater/Stadium, Concert Hall</td>
<td></td>
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<tr>
<td>Assembly Plant (light assembly, e.g. electronics)</td>
<td></td>
</tr>
<tr>
<td>Automobile Service Station</td>
<td></td>
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<tr>
<td>Auto Wash</td>
<td></td>
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<tr>
<td>Bakery</td>
<td></td>
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<tr>
<td>Bank</td>
<td></td>
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<tr>
<td>Clothing, Dry Goods</td>
<td></td>
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<tr>
<td>Convenience Store</td>
<td></td>
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<tr>
<td>Day Care, Child</td>
<td>A</td>
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<tr>
<td>Day Care, Adult</td>
<td>A</td>
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<tr>
<td>Department Store</td>
<td></td>
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<tr>
<td>Discount Store</td>
<td></td>
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<tr>
<td>Drug Store</td>
<td></td>
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<tr>
<td>Dry Cleaning</td>
<td></td>
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<tr>
<td>Dwelling, Multi-Family</td>
<td></td>
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<tr>
<td>Dwelling, Single-Family Attached</td>
<td>A</td>
</tr>
<tr>
<td>Dwelling, Single-Family Detached</td>
<td>A</td>
</tr>
<tr>
<td>Dwelling, Zero Lot Line (Townhouse)</td>
<td>A</td>
</tr>
<tr>
<td>Electric Substation</td>
<td></td>
</tr>
<tr>
<td>Electronics, Video sales and rental</td>
<td></td>
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<tr>
<td>Entertainment (Not Adult Entertainment)</td>
<td></td>
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<tr>
<td>Farmers’ Market</td>
<td></td>
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<tr>
<td>Flower Shop</td>
<td></td>
</tr>
<tr>
<td>Home Occupation</td>
<td>A - See Note 1</td>
</tr>
<tr>
<td>Hospital</td>
<td></td>
</tr>
<tr>
<td><strong>Type of Use</strong></td>
<td><strong>Residential Neighborhood Development</strong></td>
</tr>
<tr>
<td>Hotel, Motel</td>
<td></td>
</tr>
</tbody>
</table>
### Article Four • Overlay District Regulations

<table>
<thead>
<tr>
<th>Residential Occupations</th>
<th>Urbanized Home</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ice Cream, Confectionary Shop</td>
<td>A</td>
</tr>
<tr>
<td>Industrialized Home</td>
<td>A</td>
</tr>
<tr>
<td>Library</td>
<td>A</td>
</tr>
<tr>
<td>Manufacturing, Heavy</td>
<td></td>
</tr>
<tr>
<td>Manufacturing, Light</td>
<td></td>
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<tr>
<td>Medical, Dental Laboratory</td>
<td></td>
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<tr>
<td>Medical, Dental Clinic</td>
<td></td>
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<tr>
<td>Office, Professional</td>
<td></td>
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<tr>
<td>Office Supply Sales, Service</td>
<td></td>
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<tr>
<td>Outdoor Recreation</td>
<td>A</td>
</tr>
<tr>
<td>Outdoor Recreation Facilities, Commercial</td>
<td></td>
</tr>
<tr>
<td>Outdoor Storage</td>
<td></td>
</tr>
<tr>
<td>Park, Private</td>
<td>A</td>
</tr>
<tr>
<td>Parking Lot or Deck</td>
<td></td>
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<tr>
<td>Personal Care Home, Group Home</td>
<td></td>
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<tr>
<td>Place of Public Assembly</td>
<td></td>
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<tr>
<td>Place of Worship</td>
<td>A</td>
</tr>
<tr>
<td>Printing Shop, Copy Center</td>
<td></td>
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<tr>
<td>Produce Stand</td>
<td></td>
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<tr>
<td>Professional Services</td>
<td></td>
</tr>
<tr>
<td>Recreation Center and Club, Private</td>
<td>A - See note 2</td>
</tr>
<tr>
<td>Restaurant, Drive-Through</td>
<td></td>
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<tr>
<td>Restaurant</td>
<td></td>
</tr>
<tr>
<td>Retail Sales</td>
<td></td>
</tr>
<tr>
<td>School, Private</td>
<td>CU</td>
</tr>
<tr>
<td>Site Built Home</td>
<td>A</td>
</tr>
<tr>
<td>Site Built Home, Zero Lot Line</td>
<td>A</td>
</tr>
<tr>
<td>Subdivision, Residential</td>
<td>A</td>
</tr>
<tr>
<td>Subdivision, Commercial</td>
<td></td>
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<tr>
<td>Subdivision, Industrial</td>
<td></td>
</tr>
<tr>
<td>Swimming Pool</td>
<td>A</td>
</tr>
<tr>
<td>Telecommunications Tower</td>
<td>CU</td>
</tr>
<tr>
<td>Temporary Building</td>
<td>CU</td>
</tr>
<tr>
<td>Theater</td>
<td></td>
</tr>
<tr>
<td>Utilities, Structures and Bldgs., Public</td>
<td>A - See note 3</td>
</tr>
<tr>
<td>Warehousing, Industrial, Wholesale</td>
<td></td>
</tr>
</tbody>
</table>

**Notes:**
1. Home Occupations shall be subject to Section 510-270 of the Newton County Zoning Ordinance.
2. Private recreation facilities include golf courses, gymnasiums, swimming pools, tennis courts, outdoor play areas, bikeways, walking trails, picnic pavilions, clubhouses, and similar recreation facilities, including accessory uses common to these facilities.
3. Utility structures necessary for the transmission or distribution of service. Private utility facilities necessary for the transmission or distribution of electric power, natural gas, or telephone service. Standard distribution lines shall be placed underground.

**SEC. 440-030  GENERAL REQUIREMENTS**

Developments within the Residential Neighborhood Development Overlay District shall satisfy the following requirements:

A. The proposed Residential Neighborhood Development district accomplishes, by the use of permitted flexibility and variation in design, a development that has a greater net benefit to the County than that resulting from conventional development. Net benefit to the County may be demonstrated by one or more of the following factors:
Newton County Zoning Ordinance

1. Inclusion of a variety of residential uses appropriate within the Mixed-Use Business Park district.

2. Creation of a community of compact scale and design, which encourages pedestrian circulation;

3. Creation of a design featuring amenities and accessory uses that increases the energy efficiency and self-sufficiency of the neighborhood with respect to its use of single-occupant automobiles without undermining the basic residential character of the neighborhood. Community facilities and accessory commercial uses are so located as to be readily accessible to residents of the community;

4. Interconnected usable open space;

5. Recreation facilities;

6. Other public facilities;

7. Aesthetic features and harmonious design.

B. The proposed use would not substantially alter or adversely affect nearby property values.

C. The site plan for the proposed use provides for adequate ingress and egress of vehicular traffic and would not create safety, health or unreasonable traffic problems in the area.

D. There are adequate provisions for community facilities such as water, sewer, recreation, and open space;

E. The Residential Neighborhood Development district results in fewer burdens on present and projected public services and utilities than would result from conventional subdivision development.

SEC. 440-040 STANDARDS OF DEVELOPMENT

The following standards shall apply to each application for the Planned Residential Development District classification:

A. Minimum Size Tract
   All applications for the Residential Neighborhood Development Overlay District designation shall be for a tract of land having a gross area of not less than 30 acres.

B. Density
   No Residential Neighborhood Development Overlay District may exceed an average density of three (3.0) dwelling units per gross acre of land.
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C. Authorized Uses

A development within the Residential Neighborhood Development Overlay District may consist of any authorized principal use or combination of principal uses authorized in the Use Table in Section 505-010 of the Newton County Zoning Ordinance except that the total of single-family detached dwelling units shall comprise not less than 80 percent of the total developed acreage of the Residential Neighborhood Development Overlay District, not including streets, parks, floodplain, other open space and public areas. In addition, the following uses are authorized:

1. Accessory uses and structures as provided by Section 510-020-C010 of the Newton County Zoning Ordinance.

2. Home Occupations subject to Section 510-27010 of the Newton County Zoning Ordinance.

3. Utility structures necessary for the transmission or distribution of service. Private utility facilities necessary for the transmission or distribution of electric power, natural gas, or telephone service. Standard distribution lines shall be placed underground.

4. Recreation facilities including golf courses, gymnasiums, swimming pools, tennis courts, outdoor play areas, bikeways, walking trails, picnic pavilions, clubhouses, and similar recreation facilities, including accessory uses common to these facilities.

D. Open Space Conservation

1. No less than 20 percent of the Residential Neighborhood Development Overlay District shall consist of open space, greenways, trails and outdoor recreation areas. All open space within the Residential Neighborhood Development Overlay District may contribute towards the open space requirements of the Multi-County Mixed Use Business Park District.

2. No more than 10 percent of open space areas may be constructed with impervious areas.

3. The residents of the development shall have access to the open space lands within the Residential Neighborhood Development District.

E. Public Streets Required

1. Streets in a Residential Neighborhood Development Overlay District may be public or private.
2. All streets serving the district must be suitable in design and adequate in capacity to carry then anticipated traffic within and through the district.

3. Private streets shall be constructed to meet Newton County regulations for public streets of the same type.

4. When private streets are provided, the developer shall place a note in the final plat notifying buyers where their access is provided by private streets that Newton County accepts no responsibility for maintaining or repairing private streets.

F. Minimum yard requirements for buildings within a Residential Neighborhood Development Overlay District:

1. Front yard: none, except that where single-family dwellings have front entry garages, the front of the garage shall be set back at least 22 feet from the front property line.

2. Rear yard: 20 feet.

G. Minimum spacing between buildings for Residential Neighborhood Development Overlay Districts shall be as follows:

1. The front or rear face of a dwelling unit shall be not less than fifty (50) feet from the front or rear face of another dwelling unit. The unattached side face of a single-family attached building shall be not less than twenty (20) feet from the side face of another such building and not less than forty (40) feet from the front or rear face of another such building or unit.

2. No dwelling unit shall be situated so as to face the rear of another dwelling unit closer than 50 feet away unless terrain differences or screening will provide effective visual separation.

H. Maximum Height of Buildings - 35 feet.

I. Maximum Lot Coverage

   Lot coverage for individual lots within a Residential Neighborhood Development Overlay District shall not exceed 60 percent.

J. Minimum Dwelling Unit Size Requirements

   The minimum size of any dwelling unit in a Residential Neighborhood Development Overlay District shall be 1,600 square feet of heated area.

K. Alleys

   Alleys are permitted as private streets providing secondary or service access.

   Alleys serving four or more occupied structures shall provide a continuous connection between two public streets and shall meet the following
Article Four • Overlay District Regulations

standards:

1. Alleys shall be paved to a width of not less than 10 feet and constructed to the same paving standards as the connecting streets.

2. No alleys shall be longer than 500 feet;

3. No alley shall have a slope greater than 7 percent;

4. Alleys paved to a width narrower than sixteen feet shall be bordered on both sides by unobstructed four foot wide shoulders constructed of grass or gravel; and

5. Buildings shall be set back at least ten feet from the edge of pavement of an alley.

L. Sidewalk Requirements
   A five-foot wide sidewalk with a five-foot wide landscape strip between the sidewalk and curb shall be provided on each street within the Residential Neighborhood Development Overlay District.

M. Off-Street Parking Requirements
   Off-street parking requirements for uses and structures authorized and permitted in the Residential Neighborhood Development Overlay District are required as follows:

1. There shall be a minimum of 2 off-street parking spaces provided for each single family attached or detached dwelling unit.

2. All other uses shall provide off-street parking as required elsewhere in the Newton County Zoning Ordinance.

N. Buffers
   Transitional buffers are not required between adjacent land uses within the development, but shall be required with respect to property along the external boundary of this district where it abuts other zoning districts and is otherwise required in this Zoning Ordinance.

O. Phasing of Projects
   1. Development within the Residential Neighborhood Development Overlay District may be phased.

   2. In all cases where a project is to be phased, each phase of the project shall contain the required parking spaces, open space, recreation space, landscaping, and utilities required for that phase.

SEC. 440-050  APPLICATION PROCEDURES
Newton County Zoning Ordinance

A. Review and Approval Procedures
Each application for the Residential Neighborhood Development Overlay District classification shall be filed with the Planning Department and shall be reviewed in a two-step process consisting of a concept plan and a preliminary plan, as provided below. Reviews at each step shall be conducted in a public hearing conducted in compliance with Section 300-040 of the Newton County Zoning Ordinance.

B. The application for concept plan approval for a Residential Neighborhood Development Overlay District shall include, at a minimum, the following information:

1. A complete application for zoning approval in a manner consistent with a rezoning application as provided in the Newton County Zoning Ordinance.

2. A narrative addressing the proposed development explaining how it meets the purpose, intent, and standards of this Ordinance. The narrative shall include a tabulation of the approximate number of acres in each land use, the approximate number of dwelling units by type, the approximate gross residential density, the approximate open space acreage, the anticipated number, type and size of recreational facilities and other amenities, creative or innovative features of the development, the relationship of the proposed development to surrounding natural features and existing development, and other distinctive features of the plan.

3. A statement from the Newton County Water and Sewer Authority and the Environmental Health Department that the water supply and wastewater treatment methods and systems proposed for the development are appropriate and adequate.

4. All applications shall be accompanied by six (6) copies of a plan drawn to a designated scale of not less than one inch equals one-hundred feet (1" = 200’), certified by a professional engineer or land surveyor licensed by the State of Georgia, presented on a sheet having a maximum size of 24” x 36”, and one 8½” x 11” reduction of the plan. If presented on more than one (1) sheet, match lines shall clearly indicate where the several sheets join. Such plat shall contain the following information:

   a. Boundaries of the entire property proposed to be included in the Residential Neighborhood Development Overlay district, with bearings and distances of the perimeter property lines and indication of boundaries of each phase of development, if applicable.

   b. Total area of the property in acres.

   c. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
Article Four • Overlay District Regulations

d. Existing topography with a maximum contour interval of five (5) feet and a statement indicating whether it is an air survey or field run.

e. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Newton County; the delineation of any jurisdictional wetlands as defined by Section 404 of the Federal Clean Water Act.

f. Approximate delineation of any significant historic or archaeological feature, grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact it.

g. A delineation of all existing structures and whether they will be retained or demolished.

h. General location of proposed housing unit types.

i. Approximate development density and lot sizes for each dwelling unit type.

j. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets.

k. Location, width, and planting list for required transitional buffers at external site boundaries.

l. Boundaries of all contiguous land under control or ownership of the applicant, and the current location, size, ownership, and use of each parcel adjoining the proposed development.

5. At any time following approval of the conceptual plan, the applicant may file for preliminary plan approval for the Residential Neighborhood Development Overlay District. The preliminary plan application shall include, at a minimum, the following information:

a. A narrative describing changes and refinements in the proposed preliminary plat, compared to the approved concept plan.

6. Six (6) copies of a preliminary plan drawn to a designated scale of not less than one inch equals one-hundred feet (1" = 100’), certified by a professional engineer or land surveyor licensed by the State of Georgia, presented on a sheet having a maximum size of 24" x 36", and one 8½" x 11" reduction of the plan. If presented on more than one (1) sheet, match lines shall clearly indicate where the several sheets join.

7. The drawing of the preliminary plan contain the following information:
a. Boundaries of the property being proposed for preliminary plan approval within the Residential Neighborhood Development Overlay district, with bearings and distances of the perimeter property lines and indication of boundaries of each phase of development, if applicable. The property can consist of all or a portion of the approved Residential Neighborhood Development Overlay District.

b. Total area of the property in acres.

c. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.

d. Existing topography with a maximum contour interval of five (5) feet and a statement indicating whether it is an air survey or field run.

e. Delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Newton County; the delineation of any jurisdictional wetlands as defined by Section 404 of the Federal Clean Water Act.

f. Delineation of any significant historic or archaeological feature, grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact it.

g. Delineation of all existing structures and whether they will be retained or demolished.

h. Location and lot layout of proposed housing units.

i. Development density and lot sizes for each dwelling unit type.

j. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets.

k. Limits of clearing, existing vegetation, and any proposed landscaping and screening, including existing vegetation to be preserved.

l. Preliminary drainage plan with approximate location and size of proposed stormwater management facilities and a statement as to the type of facility proposed.

m. Location, width, and planting list for required transitional buffers at external site boundaries.
Article Four • Overlay District Regulations

n. Designation of minimum lot areas and yards that will be provided on lots adjacent to the external site boundaries of the subdivision.

o. Areas to be held in joint ownership, common ownership or control.

p. Location of proposed trails, recreation areas, parks, schools, libraries, churches, and other public or community uses, facilities, or structures on the site.

q. Location of sidewalks and bicycle facilities.

r. Indication that the property is served by public water and sewer with conceptual layout of utilities and location of all existing or proposed utility easements having a width of twenty-five (25) feet or more.

s. A traffic study prepared consistent with Division 705 of the Newton County Development Regulations if required by Section 500-080 of the Newton County Zoning Ordinance.

t. Seal and signature of professional preparing the plat.

SEC. 440-060  APPROVAL PROCESS

A. Following receipt of a complete application and fee the Zoning Administrator shall prepare the proper advertisement and notice for a public hearing of the Planning Commission and Board of Commissioners to consider whether to approve the proposed Residential Neighborhood Development Overlay District development. The approval process shall comply with the provisions of Section 300-040 of the Newton County Zoning Ordinance.

B. Approval by the Board of Commissioners of the concept plan for the Residential Neighborhood Development Overlay District shall constitute approval of the district, including the district boundaries and the proposed uses, including densities and general arrangement of proposed residential uses.

C. Approval by the Board of Commissioners of a preliminary plan for a Residential Neighborhood Development shall constitute approval of a preliminary plat under the Newton County Development Regulations following submission and staff review and approval of other plans and studies required for preliminary plat approval pursuant to the Newton County Development Regulations.

D. Final Site Plan and Plat
Prior to issuance of any building permit within any Residential Neighborhood Development Overlay District, a final plat shall be submitted to and reviewed by the
Director of Planning for consistency with the preliminary plat. If said final plat is found to be consistent with the preliminary plan approved by the Board of Commissioners unless minor modifications are approved pursuant to Section 430-050 (A) of this Ordinance.

E. Variances and Conditions of Rezoning for Residential Neighborhood Development Overlay District Approval

In enacting an ordinance designating a parcel of land as a Residential Neighborhood Development Overlay District, the Board of Commissioners may enact a plan which provides for variances and conditions of rezoning for a Residential Neighborhood Development approval generally applicable in this district. After approval of any such Residential Neighborhood Development concept or preliminary plan by the Board of Commissioners, no action is required by the Board of Zoning Appeals with respect to such variances or conditions of rezoning approved by the Board of Commissioners.

F. Recording of Final Plat by Director of Planning

After final approval of a final plat for a development in the Residential Neighborhood Development Overlay District by the Board of Commissioners the Director of Planning shall record said final plat with the Clerk of Superior Court of Newton County.

SEC. 440-070 MODIFICATION OF RESIDENTIAL NEIGHBORHOOD DEVELOPMENT PLAN

A. Minor Modifications

The Director is authorized to approve minor changes in any such plan previously submitted as an application, or previously recommended for approval by the Planning Commission, or previously approved by the Board of Commissioners, subject to the limitations in this Section.

1. Minor modifications to an approved concept plan for a Residential Neighborhood Development Overlay District may include, but are not limited to, changes to the location of permitted uses provided such changes do not materially affect the development concepts or nature of the approved development.

2. Minor modifications to a preliminary plan for a development within the Residential Neighborhood Development Overlay District may include, but are not limited to minor shifting of the location of streets, public or private ways, utility easements, parks, or other public open spaces, or other incidental features of the plan, provided that such changes meet all of the following:

a. Do not increase densities;

b. Do not change the outside boundaries of the development tract;
c. Do not affect the form of ownership, control or maintenance of common areas.

B. Major Modification

1. Any modification of an approved preliminary plan for a Residential Neighborhood Development requested by an applicant that does not qualify as a minor modification shall be a major modification.

2. Major modifications in an application for a development within the Residential Neighborhood Development Overlay District shall constitute a new application and shall require re-advertisement of public hearing dates and re-hearing, if applicable. If substantial additional effort and re-study are required, the Planning Director shall require the applicant to pay an additional fee commensurate with a new application. Major modifications requested by the applicant/developer after approval of the Board of Commissioners require that the application or approved plan shall be treated as amendments to the Ordinance.

SEC. 440-080 RELATION OF RESIDENTIAL NEIGHBORHOOD DEVELOPMENT OVERLAY DISTRICT TO SUBDIVISION OR OTHER REGULATIONS

All state and federal regulations apply to development within the Residential Neighborhood Development Overlay District. It is the intent of these regulations to provide greater flexibility with respect to typical zoning standards regarding setbacks, buffers, and yards. Other conflicts between these regulations and land subdivision requirements contained in the Newton County Development Regulations are unintentional and shall be interpreted by the Planning Director. When, in the judgment of the Planning Director, no clear interpretation is possible, the stricter standard shall apply.

DIVISION 445: TOWN CENTER OVERLAY DISTRICT

SEC. 445-000 OVERLAY DISTRICT

A. This overlay district is supplemental to the zoning district classifications established in the Newton County Zoning Ordinance. All development and building permits for lots located within this overlay district shall meet all of the requirements of the base zoning district in which it is located and, in addition, shall meet the requirements of the overlay district applicable to the lot.

B. This overlay district may only be applied within the Multi-County Mixed Use Business Park district pursuant to the process provided in Section 435-060.

C. In any case where the standards and requirements of the overlay district conflict with those of the base zoning district, the standards and requirements of the overlay district shall govern.
SEC. 445-010 PURPOSE AND INTENT

The purpose and intent of the Town Center Overlay District is to establish a zoning district classification that promotes the public health, safety, and general welfare by permitting greater flexibility in site planning and building arrangements within the core area of a mixed-use development guided by an overall master plan. The Town Center Overlay District is intended to promote the following principles:

A. Provide for a variety of supporting and compatible uses in close proximity to major employment centers;

B. Provide a clearly defined focal point and center of activity that serves the commercial, civic, social, and recreation needs of the surrounding community within a walkable area;

C. Provide a network of connected streets with sidewalks and landscaping to facilitate convenient, efficient, and safe movement within the Town Center and between the Town Center and surrounding neighborhoods and business areas;

D. Design streets, sidewalks, and buildings to provide an attractive and lively streetscape that encourages pedestrian activity;

E. Integrate parks, open space, and public space into the Town Center;

F. Use the placement of civic buildings on key sites to create landmarks and a strong sense of place;

G. Provide adequate public facilities and services; and

H. Promote quality development of attractive and cohesive design.

SEC. 445-020 PRINCIPAL USES AND STRUCTURES

A. Authorized Uses

The Town Center Overlay development may consist of any authorized use or combination of principal uses as authorized in the Use Table below, except that the total of single-family detached dwelling units may not occupy more than 50 percent of the total developed acreage of the overall area of the Town Center Overlay district.

Buildings and sites are permitted to contain a mixture of uses.

In buildings with a mixture of residential and non-residential uses, non-residential uses must occupy the ground floor.
1. Accessory dwelling units are permitted in conjunction with single-family detached dwelling units only. No more than one accessory dwelling unit is permitted in conjunction with a single-family dwelling unit.

2. Application of this table shall be in accordance with the following codes:
   - A - An authorized use;
   - CU - Conditional Use

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Town Center Overlay</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory Use, Commercial</td>
<td>A</td>
</tr>
<tr>
<td>Accessory Use, Residential</td>
<td>A</td>
</tr>
<tr>
<td>Amphitheater/Stadium, Concert Hall</td>
<td>A</td>
</tr>
<tr>
<td>Assembly Plant (light assembly, e.g. electronics)</td>
<td>A</td>
</tr>
<tr>
<td>Automobile Service Station</td>
<td>A</td>
</tr>
<tr>
<td>Auto Wash</td>
<td>A</td>
</tr>
<tr>
<td>Bakery</td>
<td>A</td>
</tr>
<tr>
<td>Bank</td>
<td>A</td>
</tr>
<tr>
<td>Clothing, Dry Goods</td>
<td>A</td>
</tr>
<tr>
<td>Convenience Store</td>
<td>A</td>
</tr>
<tr>
<td>Day Care, Child</td>
<td>A</td>
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<tr>
<td>Day Care, Adult</td>
<td>A</td>
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<tr>
<td>Department Store</td>
<td>A</td>
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<tr>
<td>Discount Store</td>
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<tr>
<td>Drug Store</td>
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<tr>
<td>Dry Cleaning</td>
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<tr>
<td>Dwelling, Multi-Family</td>
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</tr>
<tr>
<td>Dwelling, Single-Family Attached</td>
<td>A</td>
</tr>
<tr>
<td>Dwelling, Single-Family Detached</td>
<td>A</td>
</tr>
<tr>
<td>Dwelling, Two-Family</td>
<td>A</td>
</tr>
<tr>
<td>Dwelling, Zero Lot Line (Townhouse)</td>
<td>A</td>
</tr>
<tr>
<td>Electric Substation</td>
<td>A</td>
</tr>
<tr>
<td>Entertainment (Not Adult Entertainment)</td>
<td>A</td>
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<tr>
<td>Farmers’ Market</td>
<td>A</td>
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<tr>
<td>Flower Shop</td>
<td>A</td>
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<tr>
<td>Health Club</td>
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<tr>
<td>Home Occupation</td>
<td>A - See Note 1</td>
</tr>
<tr>
<td>Hospital</td>
<td>A</td>
</tr>
<tr>
<td>Hotel, Motel</td>
<td>A</td>
</tr>
<tr>
<td>Ice Cream, Confectionery Shop</td>
<td>A</td>
</tr>
<tr>
<td>Library</td>
<td>A</td>
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<tr>
<td>Manufacturing, Heavy</td>
<td>A</td>
</tr>
<tr>
<td>Manufacturing, Light</td>
<td>A</td>
</tr>
<tr>
<td>Medical, Dental Laboratory</td>
<td>A</td>
</tr>
<tr>
<td>Office, Professional</td>
<td>A</td>
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<tr>
<td>Office Supply Sales, Service</td>
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<tr>
<td>Outdoor Recreation</td>
<td>A</td>
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<tr>
<td>Outdoor Recreation Facilities, Commercial</td>
<td>A</td>
</tr>
<tr>
<td>Outdoor Storage</td>
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</tr>
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</table>
Newton County Zoning Ordinance

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Town Center Overlay</th>
</tr>
</thead>
<tbody>
<tr>
<td>Park, Private</td>
<td>A</td>
</tr>
<tr>
<td>Parking Lot or Deck</td>
<td>A</td>
</tr>
<tr>
<td>Personal Care Home, Group Home</td>
<td>A</td>
</tr>
<tr>
<td>Place of Public Assembly</td>
<td>A</td>
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<tr>
<td>Place of Worship</td>
<td>A</td>
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<tr>
<td>Printing Shop, Copy Center</td>
<td>A</td>
</tr>
<tr>
<td>Produce Stand</td>
<td>A</td>
</tr>
<tr>
<td>Professional Services</td>
<td>A</td>
</tr>
<tr>
<td>Recreation Center and Club, Private</td>
<td>A - See note 2</td>
</tr>
<tr>
<td>Restaurant, Drive-Through</td>
<td></td>
</tr>
<tr>
<td>Restaurant</td>
<td>A</td>
</tr>
<tr>
<td>Retail Sales</td>
<td>A</td>
</tr>
<tr>
<td>School, Private</td>
<td>CU</td>
</tr>
<tr>
<td>Site Built Home</td>
<td>A</td>
</tr>
<tr>
<td>Site Built Home, Zero Lot Line</td>
<td>A</td>
</tr>
<tr>
<td>Subdivision, Residential</td>
<td>A</td>
</tr>
<tr>
<td>Subdivision, Commercial</td>
<td>A</td>
</tr>
<tr>
<td>Subdivision, Industrial</td>
<td></td>
</tr>
<tr>
<td>Swimming Pool</td>
<td>A</td>
</tr>
<tr>
<td>Telecommunications Tower</td>
<td>CU</td>
</tr>
<tr>
<td>Temporary Building</td>
<td>CU</td>
</tr>
<tr>
<td>Theater</td>
<td>A</td>
</tr>
<tr>
<td>Utilities, Structures and Bldgs., Public</td>
<td>A - See note 3</td>
</tr>
<tr>
<td>Warehousing, Industrial, Wholesale</td>
<td></td>
</tr>
</tbody>
</table>

Notes:
1. Home Occupations shall be subject to Section 510-270 of the Newton County Zoning Ordinance.
2. Private recreation facilities include golf courses, gymnasiums, swimming pools, tennis courts, outdoor play areas, bikeways, walking trails, picnic pavilions, clubhouses, and similar recreation facilities, including accessory uses common to these facilities.
3. Utility structures necessary for the transmission or distribution of service. Private utility facilities necessary for the transmission or distribution of electric power, natural gas, or telephone service. Standard distribution lines shall be placed underground.
4. Uses in the Use Table that are not designated as allowed uses, conditional uses, or accessory uses are prohibited unless similar to uses listed in the table and granted by written interpretation of the Planning Director.

Sec. 445-030 ACCESSORY USES AND STRUCTURES

Accessory uses and structures shall be permitted in the Town Center Overlay District in conformity with the Use Table in Section 435-020 subject to Section 510-020-D of the Newton County Zoning Ordinance.

Sec. 445-040 CONDITIONAL USES

1. Conditional uses in the Town Center Overlay District shall be permitted in conformity with the Use Table in Section 435-020 subject to the procedures of the Newton County Zoning Ordinance, Division 625.

2. Certain authorized, accessory or conditional uses must meet certain standards peculiar to the use as provided in Division 510 of the Newton County Zoning Ordinance.
Sec. 445-050  GENERAL REQUIREMENTS

A. Size of District
   The Town Center Overlay District may be applied to an area that contains no less than 20 acres.

B. Public Streets Required
   1. All streets within the Town Center Overlay district shall be public streets except for alleys.
   2. All public streets serving the district must be suitable in design and adequate in capacity to carry the anticipated traffic within the proposed project and in the vicinity of the overlay district.

C. Sidewalk Requirements
   Sidewalks are required on all streets within the Town Center Overlay District, except for alleys. The location and width of sidewalks shall be established pursuant to the approved Town Center Overlay development plan.

Sec. 445-060  STANDARDS OF DEVELOPMENT

The following standards shall apply to each application for the Town Center Overlay District classification:

A. Density
   Net residential density within the Town Center Overlay District may not exceed 20 units per acre of land for an individual project and average residential density may not exceed 6 units per gross acre of the Town Center Overlay District.

B. Impervious Surface
   The overall impervious surface for the Town Center Overlay Zoning District shall not exceed 75 percent.

C. Parking Requirements
   1. Off-street parking requirements may be met by a combination of off-street, on-street, and shared parking.
   2. Off-street parking requirements provided in Section 100-050 may be reduced by 20 percent in the Town Center Overlay District if shared parking is provided.
Newton County Zoning Ordinance

3. No required parking space shall be more than 700 feet from the exterior entrance to the building that is served by the subject parking space, measured along a convenient route of pedestrian access.

D. Transitional Buffers
   Transitional buffers are not required between adjacent land uses within the Town Center Overlay District.

E. Phasing of Projects
   1. Development of the Town Center Overlay District may be phased.
   2. In all cases where a project is to be phased, each phase of the project shall contain the required parking spaces, open space, landscaping, and utilities required for that phase.

SEC. 445-070 DESIGN AND DEVELOPMENT STANDARDS
The following design and development standards shall apply to the Town Center Overlay District:

A. Minimum yard requirements for buildings within a Town Center Overlay District:
   1. Front yard: none, except that where single-family dwellings have front entry garages, the front of the garage shall be set back at least 22 feet from the front property line.
   2. Rear yard: 20 feet.

B. Minimum spacing between buildings containing attached single-family residences and multi-family dwellings:
   1. The front or rear face of a dwelling unit shall be not less than fifty (50) feet from the front or rear face of another dwelling unit. The unattached side face of a single-family attached building shall be not less than twenty (20) feet from the side face of another such building and not less than forty (40) feet from the front or rear face of another such building or unit. Maximum length of a building shall not exceed two-hundred-fifty (250) feet along any elevation.
   2. No dwelling unit shall be situated so as to face the rear of another dwelling unit closer than 50 feet away unless terrain differences or screening will provide effective visual separation.

C. Minimum Dwelling Unit Size Requirements
   The minimum size of any dwelling unit in a Town Center Overlay district shall be as follows:

   1. Single-family dwelling: average of 1,800 square feet with a minimum of 1,600 square feet of heated area.
2. Other dwellings: minimum of 600 square feet.

D. Maximum Height: Four stories, or 60 feet, whichever is greater.

E. Architectural Standards

1. Buildings other than garages, storage buildings, and accessory structures shall have their principal orientation toward the street rather than toward parking areas.

2. The facades of all buildings facing the street shall be at least two stories or at least 18 feet in height and be constructed with design features along the sidewalks that provide for the interest, comfort and convenience of pedestrians, including at least one of the following features: canopies, awnings, porches, or recessed entries.

3. At least 35 percent of the ground level façade of each non-residential building that faces a sidewalk shall be comprised of windows.

4. For single-family dwellings, garages must be located either in rear yards or have side-entries.

F. Alleys

Alleys are permitted as private streets providing secondary or service access. Alleys serving four or more occupied structures shall provide a continuous connection between two public streets and shall meet the following standards:

1. Alleys shall be paved to a width of not less than 10 feet and constructed to the same paving standards as the connecting streets.

2. No alleys shall be longer than 500 feet.

3. No alley shall have a slope greater than 7 percent.

4. Alleys paved to a width narrower than sixteen feet shall be bordered on both sides by unobstructed four foot wide shoulders constructed of grass or gravel.

5. Buildings shall be set back at least ten feet from the edge of pavement of an alley.

SEC. 445-080   APPLICATION PROCEDURES

A. Review and Approval Procedures

Each application for the Town Center Overlay District classification shall be filed with the Planning Department and shall be reviewed in a two-step process consisting of a concept plan and a preliminary plan, as provided below. Reviews at each step shall be
conducted in a public hearing conducted in compliance with Section 300-040 of the Newton County Zoning Ordinance.

B. The application for concept plan approval for a Town Center Development Overlay District shall include, at a minimum, the following information:

1. A complete application for zoning approval in a manner consistent with a rezoning application as provided in the Newton County Zoning Ordinance.

2. A narrative addressing the proposed development explaining how it meets the purpose, intent, and standards of this Ordinance. The narrative shall include a tabulation of the approximate number of acres in each land use, the approximate number of dwelling units by type, the approximate gross residential density, the approximate commercial density, the approximate open space acreage, the anticipated number, type and size of recreational facilities, institutional uses, and other amenities, creative or innovative features of the development, the relationship of the proposed development to surrounding natural features and existing development, and other distinctive features of the plan.

3. A statement from the Newton County Water and Sewer Authority and the Environmental Health Department that the water supply and wastewater treatment methods and systems proposed for the development are appropriate and adequate.

4. All applications shall be accompanied by six (6) copies of a plan drawn to a designated scale of not less than one inch equals one-hundred feet (1" = 200'), certified by a professional engineer or land surveyor licensed by the State of Georgia, presented on a sheet having a maximum size of 24" x 36", and one 8½" x 11" reduction of the plan. If presented on more than one (1) sheet, match lines shall clearly indicate where the several sheets join. Such plat shall contain the following information:

   a. Boundaries of the entire property proposed to be included in the Town Center Overlay District, with bearings and distances of the perimeter property lines.

   b. Total area of the property in acres.

   c. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.

   d. Existing topography with a maximum contour interval of five (5) feet and a statement indicating whether it is an air survey or field run.

   e. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Newton County; the delineation of any jurisdictional wetlands as defined by Section 404 of the Federal Clean Water Act.
Article Four • Overlay District Regulations

f. Approximate delineation of any significant historic or archaeological feature, grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact it.

g. A delineation of all existing structures and whether they will be retained or demolished.

h. General location, in conceptual form, of proposed uses and housing unit types.

i. Approximate areas and development density for each type of proposed use.

j. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets.

k. Conceptual plans for drainage with approximate location and estimated size of all proposed stormwater management facilities and a statement as to the type of facility proposed.

l. Location, width, and planting list for required transitional buffers at external site boundaries.

m. Boundaries of all contiguous land under control or ownership of the applicant, and the current location, size, ownership, and use of each parcel adjoining the proposed development.

5. At any time following approval of the conceptual plan, the applicant may file for preliminary plan approval for the Residential Neighborhood Development Overlay District. The preliminary plan application shall include, at a minimum, the following information:

a. A narrative describing changes and refinements in the proposed preliminary plan, compared to the approved concept plan.

b. Six (6) copies of a preliminary plan drawn to a designated scale of not less than one inch equals one-hundred feet (1" = 100’), certified by a professional engineer or land surveyor licensed by the State of Georgia, presented on a sheet having a maximum size of 24” x 36”, and one 8½” x 11” reduction of the plat. If presented on more than one (1) sheet, match lines shall clearly indicate where the several sheets join.

6. The preliminary plan drawing shall contain the following information:

a. Boundaries of the property proposed for preliminary plan approval within the Town Center Overlay District, with bearings and distances of the perimeter property lines and indication of boundaries of each phase of development, if applicable. It is anticipated that development within the Town Center Overlay District will be phased
and that the property submitted for preliminary plan approval can consist of all or a portion of the Town Center Overlay District.

b. Total area of the property in acres.

c. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.

d. Existing topography with a maximum contour interval of five (5) feet and a statement indicating whether it is an air survey or field run.

e. Delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Newton County; the delineation of any jurisdictional wetlands as defined by Section 404 of the Federal Clean Water Act.

f. Delineation of any significant historic or archaeological feature, grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact it.

g. Delineation of all existing structures and whether they will be retained or demolished.

h. Location and lot layout of all proposed uses.

i. Development density and lot sizes for each type of use.

j. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets.

k. Limits of clearing, existing vegetation, and any proposed landscaping and screening, including existing vegetation to be preserved.

l. Drainage plan with approximate location and size of proposed stormwater management facilities and a statement as to the type of facility proposed.

m. Location, width, and planting list for required transitional buffers at external site boundaries.

n. Designation of minimum lot areas and yards that will be provided on lots adjacent to the external site boundaries of the development.

o. Areas to be held in joint ownership, common ownership or control.

p. Location of proposed trails, recreation areas, parks, schools, libraries, churches, and other public or community uses, facilities, or structures on the site.

q. Location of sidewalks and bicycle facilities.
Article Four • Overlay District Regulations

r. Location that the property is served by public water and sewer with conceptual layout of utilities and location of all existing or proposed utility easements having a width of twenty-five (25) feet or more.

s. A traffic study prepared consistent with Division 705 of the Newton County Development Regulations if required by Section 500-080 of the Newton County Zoning Ordinance.

t. Seal and signature of professional preparing the plat.

SEC. 445-090 APPROVAL PROCESS

1. Following receipt of a complete application and fee the Zoning Administrator shall prepare the proper advertisement and notice for a public hearing of the Planning Commission and Board of Commissioners to consider whether to approve the proposed Town Center Overlay District development. The approval process shall comply with the provisions of Section 300-040 of the Newton County Zoning Ordinance.

2. Approval by the Board of Commissioners of the concept plan for the Town Center Overlay District shall constitute approval of the district, including the district boundaries and the uses permitted within the district, including the general locations, types, magnitudes, and densities of the proposed uses.

3. Approval by the Board of Commissioners of a preliminary plan for a Town Center Overlay District shall constitute approval of a preliminary plat under the Newton County Development Regulations following submission and staff review and approval of other plans and studies required for preliminary plat approval pursuant to the Newton County Development Regulations.

4. Final Site Plan and Plat

Prior to issuance of any building permit within any Town Center Overlay District, a final plat shall be submitted to and reviewed by the Director of Planning for consistency with the preliminary plat. If said final plat is found to be consistent with the preliminary plan approved by the Board of Commissioners unless minor modifications are approved pursuant to Section 435-050 (A) of this Ordinance.

5. Variances and Conditions of Rezoning for Town Center Overlay District Approval

In enacting an ordinance designating a parcel of land as a Town Center Overlay District, the Board of Commissioners may enact a plan which provides for variances and conditions of rezoning for a Town Center Overlay District generally applicable in this district. After approval of any such Town Center preliminary plan by the Board of Commissioners, no action is required by the Board of Zoning Appeals with respect to such variances or conditions of rezoning approved by the Board of Commissioners.
Newton County Zoning Ordinance

6. Recording of Final Plat by Director of Planning.
   After final approval of a final plat for a development in the Town Center Overlay District
   by the Board of Commissioners the Director of Planning shall record said final plat with
   the Clerk of Superior Court of Newton County.

SEC. 445-0100 MODIFICATION OF TOWN CENTER PLAN

A. Minor Modifications
   The Director is authorized to approve minor changes in any such plan previously
   submitted as an application, or previously recommended for approval by the Planning
   Commission, or previously approved by the Board of Commissioners, subject to the
   limitations in this Section.

1. Minor modifications to an approved concept plan for a Town Center Overlay District
   may include, but are not limited to, changes to the location of permitted uses provided
   such changes do not materially affect the development concepts or nature of the
   approved development.

2. Minor modifications to an approved preliminary plan for a development within the
   Town Center Overlay District may include, but are not limited to minor shifting of
   the location of streets, public or private ways, utility easements, parks, or other public
   open spaces, or other incidental features of the plan, provided that such changes meet
   all of the following:
   a. Do not increase densities;
   b. Do not change the outside boundaries of the development tract;
   c. Do not affect the form of ownership, control or maintenance of common areas.

B. Major Modification

1. Any modification of a Town Center plan or application requested by an
   applicant/developer that does not qualify as a minor modification shall be a major
   modification.

2. Major modifications in an application for a development within the Town Center
   Overlay District shall constitute a new application and shall require re-advertisement
   of public hearing dates and re-hearing, if applicable. If substantial additional effort
   and re-study are required, the Planning Director shall require the applicant to pay an
   additional fee commensurate with a new application. Major modifications requested
   by the applicant/developer after approval of the Board of Commissioners require that
   the application or approved plan shall be treated as amendments to the Ordinance.
SEC. 445-110  RELATION OF TOWN CENTER OVERLAY DISTRICT TO SUBDIVISION OR OTHER REGULATIONS

All state and federal regulations apply to development within the Town Center Overlay District. It is the intent of these regulations to provide greater flexibility with respect to typical zoning standards regarding setbacks, buffers, and yards. Other conflicts between these regulations and land subdivision requirements contained in the Newton County Development Regulations are unintentional and shall be interpreted by the Planning Director. When, in the judgment of the Planning Director, no clear interpretation is possible, the stricter standard shall apply.
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
use permit or preliminary plat review shall include three (3) copies of a completed traffic study prepared in conformity with Division 705 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.

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

Zoning Ordinance Update
Adopted 04/29/03
Newton County Zoning Ordinance

| 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.
## USE TABLE

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>A</th>
<th>R-E</th>
<th>A-R</th>
<th>R-1</th>
<th>R-2</th>
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<th>MS</th>
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**Article Five • Regulations Applying to All Districts**

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<th>Type of Use</th>
<th>Zoning Districts</th>
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<tr>
<td>Auto Parts, Accessories</td>
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<td>Auto Repair</td>
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<td>Auto Sales or Rental¹</td>
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<td>Bank</td>
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<td>Bar, Night Club</td>
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<td><strong>Bed and Breakfast</strong></td>
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<td>Bicycle Shop</td>
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<td>Broadcast Studio</td>
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<td>Building Material Yard (Milling Operation)</td>
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<td>Building Supplies, Wholesale, Retail</td>
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<td>Composting Facility</td>
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## Newton County Zoning Ordinance

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Zoning Ordinance Update
Adopted 04/29/03
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<th>Type of Use</th>
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<td>A R-E</td>
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<td>R-1 R-2 R-3 MS R DR RM F MH P MH S OI CN CH CG M-1 M-2</td>
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<td>Massage Studio</td>
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<td>Metal Smelting/Forging Works</td>
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<td>Parking Lot, Garage</td>
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<td>Personal Care Home Under 6 residents</td>
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<td>Personal Care Home 7-12 residents</td>
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<td>Personal Care Home Over 12 residents</td>
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Zoning Ordinance Update
Adopted 04/29/03
### Article Five • Regulations Applying to All Districts

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<th>Type of Use</th>
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<td>Personal Services</td>
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<td>Plant Nursery, Greenhouse, Wholesale</td>
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<td>Printing Shop</td>
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<td>Produce Stand, Farmers Market</td>
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<td>Quarrying, Resource Extraction</td>
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<td>Recycling Station</td>
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<td>Restaurant, Drive-Through/Drive-In</td>
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<td>Rubber/Tire Plant</td>
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<td>Site Built Home, Zero Lot Line</td>
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<td>Soft Drink Bottling/Distribution Plant</td>
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<td>Solid Waste Transfer</td>
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Zoning Ordinance Update
Adopted 04/29/03
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<th>Type of Use</th>
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<td>Station</td>
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<td>Sporting Goods Store</td>
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<td>Storage Tank, Bulk, Flammable</td>
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<td>Storage Yard, Lumber</td>
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<td>Subdivision, Industrial</td>
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<td>Tannery, Leather Processing</td>
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<td>Tattoo Body Piercing Parlor/Studio</td>
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<td>Telecommunications Support Structure</td>
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<td>Tire Processing Plant, Scrap ²</td>
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<td>Tire Store, Retail</td>
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<td>Theater</td>
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<td>Warehouse, Mini</td>
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<td>Warehousing, Industrial, Wholesale</td>
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Notes: 1. A permit is required under the Adult Entertainment Ordinance.
       2. See Section 510-530 for use standards.

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 hutchcs, 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 stands.
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 AIRSTRIPE, 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.
Article Five ◆ Regulations Applying to All Districts

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.

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;