2. 55 feet from the centerline of a collector street;

3. 45 feet from the centerline of other streets.

G. A raised curb of six (6) inches in height shall be erected along the street property lines, except for driveway openings.

H. Provide transitional buffers as required in Section 520-020.

I. Signs, temporary or permanent, shall not be placed within the public right-of-way and shall be arranged so that they do not obstruct visibility for drivers and pedestrians.

J. All drives, parking, storage, and service areas shall be paved and curbed.

K. Outside above ground tanks for the storage of gasoline, liquefied petroleum gas, oil, and other flammable liquids or gases shall be prohibited at any automobile service station.

Sec. 510-120 AUTOMOBILE WASH SERVICE
A. Wastewater from all auto wash services shall be pre-treated prior to being drained directly into the public sanitary sewer unless otherwise approved by the Newton County Health Department.

B. Paved stacking lanes with the capacity for up to five (5) vehicles shall be provided for vehicles waiting to use automatic car wash facilities and two (2) vehicles per bay for self-service car washes.

C. No storage or repair of vehicles shall be allowed within the car washing facility.

D. The use shall provide a safe access to the street. Access shall only be through defined driveway locations.

E. A transitional buffer shall be provided adjacent to residential property in conformance with Section 520-020.

Sec. 510-130 BED AND BREAKFAST
A. The operator of the establishment shall reside on the site.

B. Where applicable, the use requires conditional use approval by the Planning Commission, Board of Commissioners, and plan approval by the Planning Department and Fire Marshal.

C. The use shall have a lot area of not less than 20,000 square feet and a floor area within the dwelling unit of no less than 2,500 square feet.

D. No guest shall reside in a Bed and Breakfast for a period in excess of fourteen (14) days.

E. One parking space is provided for each guest bedroom and one space is provided for the operator’s or owner’s unit in the building.
Article Five • Regulations Applying to All Districts

F. No signs other than those otherwise authorized within the applicable zoning district shall be erected.

G. The residential character of the neighborhood shall not be changed due to increased traffic in the neighborhood caused by the use.

H. The structure is compatible with the character of the neighborhood in terms of height, setbacks, and bulk. Any modifications to the structure are compatible with the character of the neighborhood.

I. The proposed use will maintain acceptable residential noise standards.

J. No restaurant use is permitted. Breakfast shall be served on the premises only for guests and employees of the Bed and Breakfast.

K. Rooms may not be equipped with cooking facilities.

L. Bed and Breakfast uses must comply with all other applicable provisions in the Newton County Zoning Ordinance.

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

A. No RV Park shall be located except with direct access to an arterial street and with a minimum of 50 feet of road frontage thereon in order to permit appropriate design of entrances and exits to accommodate the size of vehicles that may utilize the RV Park. No entrance or exit from an RV Park shall be permitted through a residential district, nor require movement of traffic from the park through a residential district.

B. The number and location of access drives shall be controlled for traffic safety and protection of surrounding properties; no camping or trailer space shall be designed for direct access to a street outside the boundaries of the park, and the principal interior access drives shall be at least 30 feet in width, dust free or treated to reduce dust.

C. The topography of the site be such as to facilitate adequate drainage.

D. The minimum area for a trailer or camping site shall be maintained in accordance with the approved plan and with corners of each site visibly marked and numbered by a permanent marker. The maximum park area shall be 10 acres.

E. Spaces in an RV Park may be used by recreational vehicles, travel trailers, equivalent facilities constructed in or on automotive vehicles or other short-term housing or shelter arrangements or devices. No manufactured homes or permanent dwellings shall be permitted except for a single unit for the purpose of security/maintenance of the park.

F. Management headquarters, recreational facilities, coin-operated laundry facilities and other uses and structures customarily incidental to operation of a RV Park are permitted as accessory uses.
G. All site lighting shall be directed downward and inward to the site.

H. The park or campground shall be surrounded by a landscaped strip of open space 100 feet wide along the street frontage and 50 feet wide along all lot lines.

I. In a residential district, accessory signs shall be limited to internal directional signs.

J. Proper provision shall be made for storage and refuse collection. Water and sanitary facilities, if provided, shall be subject to approval by the Newton County Health Department.

K. No camp patron shall be allowed to maintain and/or use the camping site or facilities of any camp permitted under this Section for a period longer than 30 days in any one calendar year. The Code Enforcement Director may authorize a one-time 30-day extension upon proof of hardship.

Sec. 510-150 CEMETERY
A. The site shall have direct access to a major or minor arterial or collector street as defined in the Newton County Comprehensive Land Use Plan.

B. The minimum area of any new cemetery shall be 10 acres.

C. All structures, including but not limited to a mausoleum, permanent monuments or maintenance building shall be set back not less than 25 feet from any property line or street right-of-way line.

D. All graves or burial lots shall be set back not less than 25 feet from any property line or minor street right-of-way line and not less than 50 feet from any collector, arterial, expressway, or freeway right-of-way line.

E. Satisfactory arrangements shall be made for the landscaping and perpetual maintenance of the cemetery.

Sec. 510-160 COLLEGE AND UNIVERSITY
A. A traffic study and Development of Regional Impact review application shall be completed as required in Section 500-080 and Section 500-090.

B. When located in A, R-E, A-R, and R-1 districts such uses shall:
   1. Be located on a collector or arterial street;
   2. Provide a 50-foot buffer or 25-foot buffer with opaque screening adjacent to residential zoning.
Article Five • Regulations Applying to All Districts

Sec. 510-170   COMPOSTING FACILITY, WOOD CHIPPING/SHREDDING AND YARD TRIMMING
Composting materials shall be limited to tree stumps, branches, leaves, and grass clippings or similar putrescent vegetative materials, not including manure, animal products or inorganic materials such as bottles, cans, plastics, metals, or similar materials.

Sec. 510-180   CONCRETE PLANT
A. The plant shall be at least 300 feet from a residential use in a non-residential zone.
   Separation requirements shall be measured from the actual concrete plant operations area (including offices, parking, and indoor and outdoor storage areas) to the residential structure.

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

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

D. Operations shall comply with all County noise regulations.

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

Sec. 510-190   CONFINED FEEDING LOT OPERATION
Confined feeding lot operations are permitted as an authorized use in the A-Agricultural District provided that such uses:

A. Comply with Section 510-360;

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

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

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

E. Are located no closer than:
   1. 1,500 feet from the nearest residence;
   2. 500 feet from the nearest potable water well; nor
   3. 2,500 feet from the nearest school or public recreation area.

Sec. 510-200   CONVENIENCE STORE
A. All lighting, including lighting for canopies, shall be designed and installed to prevent glare or excessive light spillover onto adjacent properties. No source of illumination shall be
allowed if such source of illumination would be visible from a residually zoned district to the extent that it is a nuisance and interferes with the residential use of that area.

B. An eight-foot high visual barrier or screen, not less than ninety-five percent opaque, shall be provided between the convenience store and any adjacent residential district.

C. The use shall not exceed a gross leasable floor space of 5,000 square feet.

Sec. 510-210    DAY CARE, CHILD

A. The use must provide at least 100 square feet of outdoor recreation area per child.

B. The outdoor play area must be enclosed with a six-foot high fence.

C. The use shall comply with all applicable state day care requirements for standards, licensing, and inspections.

D. The use shall provide paved driveways with drop-off areas and turn-arounds to be reviewed by the County Engineer so that traffic associated with the use does not impede the flow of traffic on adjacent streets.

E. Uses located within residential districts shall maintain a residential appearance and no signs other than those otherwise authorized within the applicable zoning district shall be erected.

Sec. 510-220    DAY CARE, ADULT

A. The use shall comply with all applicable state day care requirements for standards, licensing, and inspections.

B. Uses located within residential districts shall maintain a residential appearance and no signs other than those otherwise authorized within the applicable zoning district shall be erected.

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

A. Must be located at least 250 feet from any single-family residential district. This standard may be reduced to 100 feet if no outdoor speaker system is used.

B. Must meet the parking standards as required in this ordinance and the Newton County Development Regulations.

Sec. 510-240    ELECTRIC, PETROLEUM OR GAS SUBSTATION

A. Structures shall be placed not less than 50 feet from any property line.

B. Structures are to be enclosed by a chain link fence at least eight (8) feet high.

C. The lot shall be suitably landscaped, including a buffer strip at least ten (10) feet wide along the front, side, and rear property lines; planted with evergreen trees and shrubs that grow at least eight (8) feet tall and provide an effective visual screen.
Article Five • Regulations Applying to All Districts

Sec. 510-250  FALLOUT SHELTER
A. If any portion of the structure extends above ground that portion above ground must comply with applicable yard and lot coverage requirements and must be shown on a plan approved by the Zoning Administrator.

B. If the structure is completely underground, it need not comply with yard requirements or lot coverage requirements.

C. A fallout shelter, underground or above ground, shall be confined to a side or rear yard and shall not be located in the front yard between the principal building and the street on which it fronts.

D. Fallout shelters may be contained within other structures or may be constructed separately.

E. Shelters may be used for any permissible use in the zoning district in which it is located.

Sec. 510-260  FARM EQUIPMENT, SALES, RENTAL, REPAIR/FEED, SEED STORE
A. No outdoor displays shall be permitted in the front yard of the use.

B. Any outdoor storage must be screened in compliance with Section 520-030.

Sec. 510-270  FARMING, COMMERCIAL
A. No building or structure containing livestock, manure, or other odor-producing substances shall be located within 100 feet of a property line or 50 feet from a street right-of-way line.

B. Feeding lots, poultry houses, turkey ranges, or dairy barns shall be prohibited except in the Agricultural district or on parcels with a minimum lot size of 40 acres within an M-1 or M-2 zoning district.

Sec. 510-280  FARMING, GENERAL
No building or structure containing livestock, manure, or other odor-producing substances shall be located within 100 feet of a property line or 50 feet from a street right-of-way line.

Sec. 510-290  FLEA MARKET
A. The outdoor area devoted to storage, parking, and display of goods shall be limited to that area so designated on an approved site plan.

B. The use shall provide adequate off-street parking and safe ingress and egress to the adjacent street.

C. The minimum area shall be 10 acres.

D. Structures shall be located in accordance with the property development standards of the zoning district in which it is located.

E. Signs are permitted in accordance with Division 525.
F. The use shall provide any required buffers and screening in conformance with Division 520.

Sec. 510-295 GOLF COURSE/COUNTRY CLUB
A. Minimum lot size shall be 40 acres.

B. The principal and accessory buildings, including maintenance sheds, shall be set back at least 100 feet from all property and street lines.

C. Accessory buildings, structures and storage areas shall be screened on all sides from adjacent residential areas and public street rights-of-way.

D. Operational hours for maintenance vehicles, course maintenance and/or irrigation shall be restricted to protect nearby residential districts.

Sec. 510-300 GUEST HOUSE, TENANT HOUSE, CARETAKER HOUSE
A. The use must maintain a residential appearance and shall produce no impacts in appearance, noise, light, and traffic that are detrimental to adjacent properties.

B. The size of the guest house, tenant house or caretaker house can be no more than 800 square feet.

C. Any additional parking must be located in the rear yard of the unit.

D. Industrialized homes, may be used as guest houses, tenant houses, or caretaker houses, providing they meet the requirements of this section.

Sec. 510-310 HOME OCCUPATION
A. The dwelling unit must maintain a residential appearance and there shall be no outward evidence of the occupation or impacts in appearance, noise, light, traffic, and utilities.

B. The home occupation shall be carried on only by a member or members of the family residing in the residence.

C. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.

D. No more than 25 percent of the principal structure (maximum 800 square feet), may be used for the home occupation.

E. No more than one home occupation permit shall be granted per dwelling unit.

F. Customer parking must be located in the rear yard of the dwelling unit.

G. There will be no commercial vehicles parked on the premises unless there is adequate space behind the house for parking of such vehicles in order to provide screening from the road and
Article Five • Regulations Applying to All Districts

adjacent properties. Then no more than 2 commercial vehicles maybe parked on the premises. Heavy equipment or vehicles will not be allowed in residentially zoned areas.

H. The use shall be conducted entirely within an enclosed structure.

I. There shall be no sales on the premises in connection with such home occupation.

J. There shall be no warehousing of material, equipment, or merchandize on the premises.

K. No traffic shall be generated by such home occupation in greater volumes than would be expected in residential neighborhood.

L. Outdoor storage and outdoor lights are prohibited.

M. No equipment or processes shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors or electrical interference, outside the dwelling unit. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any television or radio receivers off the premises, or cause fluctuations in line voltage off the premises.

N. No signs other than those otherwise authorized within the applicable zoning district shall be erected.

O. Approval through a conditional use permit is required for home occupations involving customer contact on the property or for those located in accessory buildings (with the provision that the accessory building be no larger than 1000 square feet).

Sec 510-320 HOSPITAL
A. The lot shall have access to a major thoroughfare.

B. Side and rear yards shall be at least 25 feet or the minimum required by the zoning district, whichever is greater.

C. Front building setback shall be at least 50 feet.

Sec. 510-340 INTERMODAL TERMINAL FACILITY
A. All such uses proposed by a public authority shall include a certified copy of the law, ordinance, resolution, or other official act adopted by the governmental entity proposing the use and authorizing the establishment of the proposed use at the proposed location.

B. All applications shall include evidence that the proposed facility will meet the standards and requirements imposed by regulating agencies and all other applicable federal, state or local statutes, ordinances, rules or regulations.

C. A statement shall be provided detailing noise abatement procedures, methods, and devices that will be employed in the operation of the facility and sufficient analysis shall be presented to indicate what adjoining lands will be affected by the anticipated noise.
Newton County Zoning Ordinance

D. All facilities shall be located and so designed that the operation thereof will not seriously affect adjacent residential areas, particularly with respect to noise levels.

E. All facilities shall provide a 200-foot landscaped buffer adjacent to any residentially zoned property.

F. All facilities shall complete a visibility study to ensure that no lights, structures or storage buildings are visible from existing residences.

Sec. 510-350  KENNEL
A. The lot size shall be no less than three (3) acres.

B. Any building or enclosed structures for the housing of animals shall have minimum side and rear setbacks of at least 75 feet and shall be located at least 100 feet from any abutting street right-of-way.

C. All areas housing animals shall be completely enclosed by walls or fences at least five (5) feet in height, and shall be located no closer than 75 feet from property lines or street right-of-way.

Sec. 510-355  KENNEL, COMMERCIAL
A. The lot size shall be no less than five (5) acres.

B. Any building or enclosed structures for the housing of animals shall have minimum side and rear setbacks of at least 150 feet and shall be located at least 200 feet from any abutting street right-of-way.

C. All areas housing animals shall be completely enclosed by walls or fences at least five (5) feet in height, and shall be located no closer than 150 feet from property lines or street right-of-way.

D. No commercial kennel shall be located within 500 feet of a residential district.

Sec. 510-360  LANDFILL, PRIVATELY OWNED AND OPERATED
A. A minimum 200-foot natural, undisturbed buffer shall be provided between all active waste burial areas and exterior property lines except for approved perpendicular access and utility crossings. If the natural buffer does not provide screening adequate meeting the standard of Sec. 520-020(B)(3) it shall be enhance to that standard. Reduction of landfill buffer size, whether under the provisions of Sec. 520-020(C) or any other provisions of this ordinance, is not permitted.

B. A minimum 75-foot natural, undisturbed buffer shall be provided between non-waste disposal operations and exterior property lines except for approved perpendicular access and utility crossings. If the natural buffer does not provide screening adequate meeting the standard of Sec. 520-020(B)(3) it shall be enhance to that standard. Reduction of landfill
Article Five • Regulations Applying to All Districts

buffer size, whether under the provisions of Sec. 520-020(C) or any other provisions of this ordinance, is not permitted.

C. The limits of any 100-year floodplain or a stream buffer of 200 feet, whichever is greater, shall be preserved as natural, undisturbed area except for approved perpendicular access and utility crossings.

D. The entire site shall be fenced with a minimum six-foot high chain link security fence.

E. The landfill shall be located on or have direct private access to a road designated as a major collector, minor arterial, major arterial, or principal arterial in the Newton County Comprehensive Plan.

F. The applicant shall include with the rezoning and/or conditional use permit application, a report detailing the phasing of the landfill and plans for closure and reclamation.

G. The following waste disposal/recycling facilities shall be permitted as accessory uses to landfills meeting the above standards:

1. Composting, Municipal Solid Waste.
2. Composting, Yard Trimmings.
5. Solid Waste Transfer Stations.

H. The landfill shall meet all federal and state requirements and all applicable rules and regulations as specified by the Georgia Department of Natural Resources Environmental Protection Division.

I. No active waste burial area shall be located within 1000 feet of any residentially zoned property or lot. No non-waste disposal operation shall be located within 500 feet of any residentially zoned property or lot. Distances shall be measured from the inner boundary line of the required buffer nearest the residential property or lot.

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

Sec. 510-370  LIBRARY AND MUSEUM
When located in agricultural and residential districts such uses shall:

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

Sec. 510-380    LIVESTOCK QUARTERS AND ENCLOSURES
A. No livestock quarters are to be located closer than 100 feet to any property line.

B. Adequate off-street parking shall be provided for livestock trailers, recreation vehicles, etc. associated with the proposed use in addition to the minimum requirements of the Zoning Ordinance.

C. When such a use is located in zoning districts other than the Agricultural-A District, the maximum number of large, hoofed livestock, including but not limited to cows, hogs, horses, emus and llamas, shall be equal to two (2) animals per fenced acre.

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

A. Placement of an Industrialized Home, Class A Manufactured Home or Class B Manufactured Home requires a permit. Placement of a Class A Manufactured Home also requires the approval of the Planning Commission. Class C Manufactured Homes cannot be placed or moved in the County. Currently existing non-conforming manufactured homes are governed by Division 530 of the Ordinance.

B. The application fee is $100.00, which must be submitted with the application.

C. Application. An applicant must submit an application in writing, signed by the owner of record of the lot, and containing the following information:

1. A legal description of the property upon which placement of the manufactured or industrialized home is sought;

2. The zoning map and parcel number of the property;

3. A statement of the current zoning of the property;

4. A site plan showing the proposed location of the home;

5. A detailed description of the exterior appearance of the home, including exterior dimensions, square footage, exterior siding material, roofing material, roof pitch and all other information required to demonstrate the home meets the compatibility requirements of the applicable definition in Division 105. The applicant shall also supply one or more of the following: photographs, sketches, line drawings, or elevations, plus any plans and specification or promotional materials provided by the manufacturer; and

6. A recent dated photograph of the property upon which placement of the home is sought. Said photograph shall be taken from the road;
7. Such other information as the Zoning Administrator may require.

8. Applicants who seek a permit to place or move a Class B Manufactured Home need not submit items listed in paragraph C.5 above.

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

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

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

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

1. The Zoning Administrator shall cause written notice to be mailed to all adjoining property owners by first class mail, at least two weeks prior to the Planning Commission Hearing. The Zoning Administrator shall rely on the property tax records of the County to determine owners and mailing addresses. Owners not reflected in the property tax records are not entitled to mailed notice.

2. The Zoning Administrator shall cause one sign to be posted on each street on which the subject property has frontage in a conspicuous location within ten feet of the right of way. Signs shall be double faced and posted so that the face of the sign is at a right angle to the street. The lettering on the sign shall be at least one inch. The sign shall state the nature of the request, the application number, and the date, time and place of the hearing where the request will be considered. The sign shall be erected at least 15 days prior to the date of the Planning Commission hearing.

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

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

1. Whether the proposed home is aesthetically compatible with the surrounding properties, considering the criteria contained in the applicable definition in Division 105;

2. Whether the proposed home would have a negative effect on the public health, safety or general welfare;

3. Whether the proposed home complies with all other applicable requirements of the Zoning Ordinance; and

4. Whether the proposed home would impair the purposes and intent of the Zoning Ordinance.

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

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

Sec. 510-395 MANUFACTURED HOME AS ACCESSORY USE

A. The use must satisfy all review criteria for issuance of a temporary permit as specified in this Ordinance.

B. The manufactured home is to be used for the housing of caretaker or security personnel only.

C. The manufactured home must satisfy the yard and area requirements of the MHS District.

D. The manufactured home shall not be visible from a public street.
Article Five • Regulations Applying to All Districts

Sec. 510-400  MANUFACTURE/INDUSTRIAL/MODEL HOME SALES
A. All sales operations shall have direct access to at least a minor collector street.

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

Sec. 510-410  MULTI-FAMILY DEVELOPMENT
A. In approving the site plan for a multi-family development, the County shall determine that the streets, driveways, parking areas, and other public and private drives shown on the plan meet the following standards:

1. Multi-family developments with more than 50 units must have at least one direct access to a collector or arterial street.

2. Private streets may be permitted provided such streets meet the standards of public streets as specified in Division 605 of the Newton County Development Regulations.

3. Adequate provision is made for vehicular traffic to and from the premises and for vehicular traffic and pedestrian traffic to and from the proposed buildings, structures, and parking areas on the premises, including fire fighting and police equipment and personnel, ambulance service, garbage collection service, postal service, delivery service, and other public and private services and individuals who would require access to the premises.

B. An application for rezoning for multi-family developments with more than 300 units, including all phases, must submit a traffic study meeting standards specified in the Development Regulations Division 605.

C. Provide an undisturbed natural buffer of 50 feet in width adjacent to parcels developed with existing single-family detached dwelling units or vacant land with single family residential zoning designations.

D. Multi-family developments may not abut a single-family residential zoning district on more than 75 percent of the boundary of the site.

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

Sec. 510-420  MINI-WAREHOUSE (SELF-SERVICE STORAGE)
A. The perimeter of any self-service storage (mini-warehouse) facility must be completely screened by fencing or landscaping in addition to a 150 foot undisturbed buffer.

B. Accessory uses may include security and leasing offices and the rental of trucks or equipment.

C. Minimum lot size is 5 acres.
D. Must be constructed along major or minor arterial roads.

Sec. 510-425 NURSING HOMES/NURSING CARE FACILITIES
A. The lot serving the nursing home/nursing care facilities shall comply with the minimum area requirement identified for such use within the given district. In addition, there shall be an additional 1 acre of land area provided for every 10 patient beds exceeding 50 patient beds.

B. There shall be a minimum common floor area of 2,000 square feet, plus a minimum of 250 square feet of habitable floor area for each bed.

C. Parking shall be in accordance with the Newton County Development Regulations.

D. Nursing homes/Care facilities shall be set back at least 100 feet from any property line or street right-of-way line, and shall be screened from adjacent residential properties.

E. Nursing homes/Care facilities shall be licensed and operated in accordance with State and Local requirements.

F. A license shall be obtained from the Newton County Business License Clerk.

Sec. 510-430 OUTDOOR RECREATION FACILITY, COMMERCIAL
A. Only accessory services and parking related exclusively to the recreational operations shall be allowed.

B. Total floor area of occupied space shall be a maximum of 2,000 square feet. The building[s] shall be located at least 100 feet from all residentially zoned property.

C. The site shall be at least two (2) acres in size.

D. All activities shall take place at least 100 feet from any property line adjacent to a residential zone or use. A minimum buffer shall be required adjacent to any residential use or zone as in Section 520-020.

E. Outdoor activity areas shall be sufficiently screened and insulated so as to protect adjacent property from noise and other disturbances as in Section 520-020.

F. No outdoor storage shall be allowed.

G. No outdoor public address system shall be allowed.

H. The use of the site, if it is less than 500 feet from a residentially zoned property, after 8:00 p.m. shall be prohibited.

Sec. 510-440 RESERVED
Articke Five • Regulations Applying to All Districts

Sec. 510-450 PARKS AND OPEN AREAS
A. Parks and Open Areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscape or outdoor recreation, community gardens or public squares. Lands tend to have few structures.

B. Accessory uses may include play equipment, restrooms, trails and gardens

C. Exceptions to this are:
   1. Golf courses
   2. Cemeteries
   3. Lighted outdoor and other active recreation use classified as Recreation/Entertainment.

D. No outdoor lighting shall be permitted except for minimal required for security purposes.

Sec. 510-460 PERSONAL CARE HOME/ASSISTED LIVING FACILITY/GROUP HOME
A. The home shall be operated in a manner compatible with the neighborhood and shall not be detrimental to adjacent properties as a result of traffic, noise, light, refuse, parking or other activities.

B. The home shall maintain a residential appearance compatible with the neighborhood.

C. Homes with 6 or fewer persons are allowed by right in all residential zoning districts, and with conditional use in OI, CN, CH, and CG zoning districts.

D. Homes with 7-12 persons are allowed in A, RE, AR, RMF, OI, CN with a conditional use and by right in CH and CG zoning districts.

E. Homes with over 12 persons are allowed by right in CH and CG, and with a conditional use in RMF, OI, and CN.

F. The home shall meet all state requirements and all applicable rules and regulations as specified by the Department of Human Resources of the State of Georgia in "Rules and Regulations for Personal Care Homes,” Chapter 290-5-35.

G. Bedrooms shall have at least 80 square feet of usable floor space per resident. Usable floor space is defined as that floor space under a ceiling at least seven feet in height. The following exception applies to the minimum of 80 square feet of floor space requirement: personal care homes holding permits at the time of adoption of these Rules may have bedrooms with a minimum of 70 square feet of usable floor space per resident. The regular floor space requirements must be met if a home falling under this exception has its permit revoked, changes ownership, changes location, or for any other reason surrenders its permit to the state.

H. There shall be no more than four (4) residents per bedroom.
Newton County Zoning Ordinance

1. To prevent the institutional atmosphere created by the concentration or clustering of several community residences, no more than one (1) group home or care home shall be located on each block.

Sec. 510-470 PLACE OF PUBLIC ASSEMBLY
When located in a residential district, the following conditions shall apply:

A. Place of assembly must be located on a collector or arterial street;

B. A 50-foot buffer or 25-foot buffer with opaque screening adjacent to residential zoning is required;

C. Driveways and parking areas must set back 25 feet from side property lines; and

D. Outdoor activity shall be limited to the hours of 10:00 a.m. to 10:00 p.m. unless a temporary use permit is obtained from the Zoning Administrator.

Sec. 510-480 PLACE OF WORSHIP
A. The site must be a minimum of four (4) acres in size.

B. Accessory uses include Sunday School facilities, recreational areas, parking, cemetery, caretaker's housing, and residential living facilities such as a convent, abbey, or parsonage. All accessory uses must meet the requirements of this ordinance.

C. When located in a residential district, the following conditions shall apply:
   1. Place of worship must be located on a collector or arterial street;
   2. A 50 foot buffer or 25 foot buffer with opaque screening adjacent to residential zoning is required;
   3. Driveways and parking areas must set back 25 feet from side property lines;
   4. No school, child care, adult day care, gymnasium, homeless shelter, or lighted ballfield shall be allowed without a conditional use.

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

E. The provisions of this section are not intended to impose a substantial burden on the exercise of religion by a person, religious assemble or institution, and such burdening of religious exercise is not allowed except for provisions that serve a compelling government interest. In considering a request for a variance from any term imposed under this section, and if the variance is not warranted under the existing standards, the Planning Staff shall consider the following:
   1. Whether the regulation imposes a substantial burden on exercise of a religion;
2. Whether the regulation serves a compelling government interest; and
3. Whether the regulation is the least restrictive means to serve that interest, or whether the request can be granted without harming that interest.

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

Sec. 510-490 PLANT NURSERY, GREENHOUSE
A. Any structure shall be set back at least 100 feet from any residential property line.

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

Sec. 510-500 PROCESSING PLANT AND MANUFACTURING FACILITY FOR HAZARDOUS MATERIALS
A. Every use shall be so operated as to minimize the emission into the air of dirt, dust, fly ash or any other solid matter which causes damage to property or harm or discomfort to persons or animals at or beyond the lot line of the property on which the use is located and shall comply with applicable federal and state air quality regulations.

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

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

Sec. 510-510 PRODUCE STANDS (ROADSIDE)
A. Must be located at least 20 feet from the right-of-way.

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

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

Sec. 510-520 QUARRY (RESOURCE EXTRACTION)
A. Quarry areas being excavated shall be entirely enclosed within a fence located at least ten (10) feet from the edge of any excavation and of such construction and height as to be demonstrably able to exclude children and animals from the quarry area.

B. The operators and owners of the quarry shall present to the Board of Commissioners an acceptable comprehensive plan for the reuse of the property at the cessation of operations.

C. In the case of an existing quarry, an extension of quarry operations beyond the areas being quarried or approved for quarrying at the effective date of this Zoning Ordinance of Newton
Newton County Zoning Ordinance

County, Georgia, shall be permitted and shall not be considered a new operation provided that the extension does not extend to within 1,000 feet of a residential or commercial Zoning District boundary line.

D. No blasting, and no other quarrying operations that generate noise exceeding 80dB at the property line, are permitted prior to 8 a.m. or after 6 p.m. on any weekday or at any time on Saturday or Sunday.

E. No quarrying activity is permitted within 200 feet of the property line. No new quarry will be authorized if any portion of the quarry property is within 800 feet of any residentially or commercially zoned property or lot.

F. Any quarry property shall maintain either a minimum natural, undisturbed buffer or, if the natural buffer does not provide screening adequate meet the standard of Sec. 520-020(B)(3), a buffer enhanced to that standard. The buffer shall be 40 feet unless a greater width is required by the Buffer Standards Table in Sec. 520.

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

A. Activities shall be limited to collection, sorting, compacting, and shipping.

B. Along the entire road frontage (except for approved access crossings), provide a three-foot high landscape earthen berm with a maximum slope of three to one and/or a minimum six-foot high, 100 percent opaque, solid wooden fence or masonry wall. The fence/wall or berm must be located outside of any public right-of-way and interior to any landscaped strip. The finished side of a fence/wall shall face the exterior property lines.

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

D. Lighting for such facilities shall be placed so as to direct away from any nearby residential areas.

E. Materials collected shall not be visible and shall be deposited in a bin or bunker. All sorting and collection bins shall either be enclosed and have chutes available to the public or be located inside a fully enclosed building.

F. No outdoor storage of non-containerized materials shall be allowed.

Sec 510-540  RECREATION CENTER AND CLUB, PRIVATE

A. Buildings and structures shall be set back not less than 100 feet from any property line, except when such property line is a street line. In such case, the front yard setback of the district shall apply.

B. Swimming pools shall comply with the standards established in Section 510-610.

C. Outdoor activity shall cease by 11:00 p.m.
Sec. 510-550    SALVAGE OPERATION, JUNK YARD
A. The yard is located no closer than 300 feet to a residential or commercial zoning district boundary line.

B. The yard is completely enclosed with a solid fence of not less than 8 feet high and no closer than 15 feet from the right-of-way of any adjoining roadway. In no case shall the fence be less than a height necessary to screen effectively all storage and other operations from view.

C. The yard is located no closer than 100 feet from the nearest edge of the right-of-way of any major arterial roadway as defined by Newton County.

Sec. 510-560    SAWMILL, PLANING MILL
The mill and any storage areas must be located at least 200 feet from any property line and 100 feet from abutting right-of-way line.

Sec. 510-570    SCHOOL, K-12, PRIVATE
Minimum lot size for private elementary, middle, and high schools:

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

Sec. 510-580    SCHOOL, PRIVATE RESIDENTIAL
A private school or similar institution may include residential facilities and accessory kitchen, dining, and recreational facilities, provided it is granted a conditional use permit and meets the following standards:

A. The site contains at least ten acres.

B. Residential facilities, dormitories, kitchens, dining halls, and recreation facilities constructed on the premises shall be subordinate and accessory to the principal use of the property as a private school and used exclusively by students, faculty, and staff of the school.

C. Residential facilities, dormitories, kitchens and dining halls occupied for more than 120 days per year shall be permanently constructed facilities meeting provisions of Newton County Ordinances and the applicable County and State Public Health and Building Codes.

D. No occupied structures, parking lots or outdoor lights shall be closer than 100 feet from residential structures on adjacent property.

E. The entire site shall be surrounded by a fifty-foot (50) undisturbed buffer meeting the standards of Section 520-020.

Sec. 510-590    SOLID WASTE TRANSFER STATION
A. Along the entire road frontage (except for approved access crossings), provide a three-foot high landscape earthen berm with a maximum slope of three to one and/or a minimum six-foot high, 100 percent opaque, solid wooden fence or masonry wall. The fence/wall or berm
must be located outside of any public right-of-way and interior to any landscaped strip. The finished side of a fence/wall shall face the exterior property lines.

B. The facility shall not be located adjacent to or across the street from any property used or zoned for single-family residential use.

C. Lighting for such facilities shall be placed so as to direct away from any nearby residential areas.

D. No outdoor storage of non-containerized materials shall be allowed.

Sec. 510-600 STORAGE TANK, BULK, FLAMMABLE LIQUIDS
A. No above ground storage facilities may be located on the same lot as an automobile service station or closer than 500 feet from any residentially zoned property or school.

B. A fire prevention, evacuation, and safety plan must be approved by the Newton County Fire Department.

C. A spill containment and noise and air pollution abatement plan must be approved by County staff.

D. The use must comply with all applicable state and federal laws.

Sec. 510-610 RESERVED

Sec. 510-620 TATTOO AND/OR BODY PIERCING PARLOR/STUDIO
A. Facilities must meet all environmental health requirements of the State of Georgia.

B. Access must be prohibited to any person under the age of 18 years.

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

Sec. 510-630 TELECOMMUNICATIONS SUPPORT STRUCTURES AND ANTENNAS AND ALTERNATIVE SUPPORT STRUCTURES
A. PURPOSE
The purpose of this section is to provide zoning classification requirements for the siting of all wireless, cellular, television and radio telecommunications support structures and antennas; to encourage the location of support structures in non-residential areas; to minimize the total number of support structures within the community necessary to provide adequate personal wireless services to residents of Newton County; to encourage the joint use of new
Article Five • Regulations Applying to All Districts

and existing support structure sites among service providers; to locate telecommunications support structures and antennas in areas where adverse impacts on the community are minimized; to encourage the design and construction of support structures and antennas to minimize adverse visual impacts; and to enhance the ability of the providers of telecommunications services to deliver such services to the community effectively and efficiently.

B. DEFINITIONS

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

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

1. **Alternative support structure** means clock support structures, bell support structures, church steeples, light/power poles, electric transmission support structures, signs, water storage tanks, and similar natural or man-made alternative-design mounting structures that camouflage or conceal the presence of antennas or support structures.

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

3. **Co-location** means the placement of the antennas of two or more service providers upon a single support structure or alternative support structure.

4. **Department** means the Newton County Planning and Zoning Department.

5. **FAA** means the Federal Aviation Administration.


7. **Geographic antenna placement area** means the general vicinity within which the placement of an antenna is necessary to meet the engineering requirements of an applicant’s cellular network or other broadcasting need.
8. **Governing Authority** means the Board of Commissioners of Newton County, Georgia.

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

10. **Preexisting support structure and antennas** means structures as set forth in subsection C.5 of this section.

11. **Scenic Views** means those geographic areas containing visually significant or unique natural features, as identified in the Newton County Comprehensive Plan.

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

13. **Visual Quality** means the appropriate design, arrangement and location of support structures in relation to the built or natural environment to avoid abrupt or severe differences.

C. **APPLICABILITY**

a. No support structure or antenna shall be located in Newton County except as set forth in this Section. Except as set forth in subsection C.4 herein, the provisions, requirements and limitations of this section shall govern the location of all wireless telecommunication, cellular telecommunication, television, microwave or radio transmission support structure or antenna installed within the jurisdiction of the governing authority. The provisions, requirements and limitations of this section shall only apply to wireless telecommunication, cellular telecommunication, television, microwave or radio transmission support structure or antenna installed within the jurisdiction of the governing authority. In addition, any provisions, requirements or limitations contained in other sections of the Zoning Ordinance of Newton County, Georgia, which conflict in any way with the administration of this section or the provisions, requirements or limitations of this section shall be inapplicable to section 510-530.

2. **Height Limitations.** Height limitations applicable to buildings and structures set forth elsewhere in the Zoning Ordinance shall not apply to support structures and antennas which comply with this section 510-530.
3. **Governmental Exemption.** Except as otherwise specifically provided for in this section, the provisions of this section shall not apply to the governing authority’s properties, facilities or structures. Private facilities and structures placed upon the governing authority’s property shall be governed by a lease agreement between the governing authority and the provider.

4. **Amateur Radio: Receive-Only Antennas.** This section shall not govern any support structure, or the installation of any antenna, that is 75 feet or less in height and is owned and operated by a federally-licensed amateur radio station operator from the operator’s residence, or is used exclusively as a receive-only antenna; provided, however, only one such support structure or antenna per residence shall be excluded from this section.

5. **Pre-Existing Support Structures and Antennas.** Any support structure or antenna for which a permit has been properly issued prior to the effective date of this section shall not be required to meet the provisions of this section, other than subsections D.11, D.12, D.13 and subsection I; and the requirements of subsections D.5 (except subsection D.5.f), D.7 and D.8 within six (6) months from the date of adoption of this section. Any such support structures or antennas shall be referred to in this section as “pre-existing support structures” or “pre-existing antennas”. Provided, however, that the placement of antennas on any nonconforming structure shall not create a vested right for the continued use of the structures should the nonconforming use cease.

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

D. **GENERAL PROVISIONS**

1. **Principal Or Accessory Use:** A support structure and/or antenna is considered a principal use if located on any lot or parcel of land as the sole or primary structure, and is considered an accessory use if located on a lot or parcel shared with a different existing primary use or existing structures. An existing use or structure on the same lot or parcel shall not preclude the installation of an antenna or support structure. For purposes of determining whether the installation of a support structure or antenna complies with zoning district requirements, including but not limited to set-back, buffer and other requirements, the dimensions of the entire lot or parcel shall control, even though the antenna or support structure may be located on a leased area within such lot or parcel. Support structures that are constructed, and antennas that are installed, in accordance with the provisions of this section shall not be deemed to constitute the expansion of a nonconforming use or structure.

2. **Five Year Plan and Inventory of Existing Sites.** To facilitate the co-location of antennas and future land use planning, each applicant seeking to locate a new support structure, alternative support structure or antenna, or modify any such existing structure, shall provide to the Department an inventory of its existing support
structures or alternative support structures, existing support structures or alternative structures to be upgraded or replaced, and proposed support structures or alternative structures to be constructed in the next five years following the date of the application. The Department shall provide the Newton County Board of Tax Assessors with a copy of the inventory. Applicants seeking to erect an amateur radio support structure or antenna shall be exempt from this provision.

a. The inventory shall include all such structures owned or leased by the applicant that are within the jurisdiction of the governing authority; within a municipality located, in whole or in part, within Newton County; or, within a neighboring county which currently is capable of providing coverage or capacity within Newton County, and shall include specific information about the location (latitude and longitude coordinates), height, design, support structure type and general suitability for antenna co-location of each support structure or alternative structure, and other pertinent information as may be required by the Department.

b. If the applicant does not know specific future support structure and antenna site locations but does know of areas where telecommunications facilities will be needed within the next five years to provide service, the applicant shall list the assessor’s blocks contained within the geographic service area and identify each geographic service area with a number that will correspond to the future telecommunication facility site.

c. The Department may share the location of existing telecommunication facility sites with other applicants seeking to locate support structures or antennas within the jurisdiction of the governing authority; provided, however that the Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable. The location of any proposed telecommunication facility sites will be protected as privileged information if the applicant so requests and it is considered as such under the applicable laws and legal authority.

3. Co-location; Design Requirements. In addition to all applicable building and safety codes, all support structures, except amateur radio support structures, shall be designed to accommodate the co-location of cellular telecommunication antennas according to the following:

a. for support structures up to 90 feet in height, the structure and fenced compound shall be designed to accommodate the maximum number of users as determined by the most current technology;

b. for support structures 90 feet to 150 feet in height, the structure and fenced compound shall be designed to accommodate at least three providers or the maximum number of users as determined by the most current technology, whichever is greater;
c. for support structures 150 feet to 200 feet in height, the structure and fenced compound shall be designed to accommodate at least four providers or the maximum number of users as determined by the most current technology, whichever is greater;

d. no support structure shall exceed 200 feet in height.

4. Co-location: Availability of Suitable Existing Structures. No new support structure, except amateur radio support structures, shall be permitted unless the applicant demonstrates to the satisfaction of the Department and Governing Authority that no existing support structure or existing alternative support structure can accommodate the applicant’s proposed antenna. The applicant shall submit an inventory of all support structures or alternative support structures located within one-half mile of the proposed location. This inventory must include all support structures or alternative support structures exceeding 60 feet in height in R-1, R-2, R-3 and DR zoning district, exceeding 75 feet in height in RMF, MHS and MHP zoning districts, and exceeding 135 feet in height in all other zoning districts. All evidence submitted shall be signed and sealed by appropriate licensed professionals or qualified industry experts. All required evidence must be submitted with the application. Evidence submitted to demonstrate that no existing support structure or other structure can accommodate the proposed antenna shall consist of one or more of the following:

a. No existing support structures or suitable alternative support structures are located within the geographic antenna placement area required to meet the applicant’s engineering requirements;

b. Existing support structures or structures are not of sufficient height to meet the applicant’s engineering requirements;

c. Existing support structures or structures do not have sufficient structural strength to support the applicant’s antenna and related equipment;

d. The applicant’s proposed antenna would cause electromagnetic interference with the antenna(s) on the existing support structures or structures, or the antenna on the existing support structures or structures would cause interference with the applicant’s proposed antenna;

e. The cost or contractual provisions required by the support structure owner to share an existing support structure or alternative support structure or to adapt an existing support structure or alternative support structure for sharing exceed the cost of new support structure development. Specific cost information must be submitted if this justification is to be relied upon. Competitive wireless telecommunications providers are required to cooperate and negotiate fairly with each other regarding co-location leases;

f. The applicant adequately demonstrates that there are other limiting factors that render existing support structures and structures unsuitable, other than economic
reasons. If the requirement of co-location will cause additional expense to the applicant, all such costs must be specifically shown to the Board.

5. Aesthetics. The guidelines set forth in this subsection shall govern the design and construction of all support structures, and the installation of all antennas governed by this section.

a. Support structures and/or antennas shall either maintain a galvanized steel or concrete finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

b. At all support structure sites, the design of all buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the support structure facilities to the natural setting and building environment. Any equipment or cabinet that supports telecommunication facilities must be concealed from public view and made compatible with the architecture of the surrounding structures or placed underground. Equipment shelters or cabinets shall be screened from public view by using landscaping or materials and colors consistent with the surrounding backdrop. The shelter or cabinet must be regularly maintained.

c. For antennas installed on a structure other than a support structure, the antenna and supporting electrical and mechanical ground equipment shall be of a neutral color so as to make the antenna and related equipment visually unobtrusive.

d. Support structures shall not be artificially lighted, unless required by the FAA or other applicable authority. If the lighting is required, the Governing Authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. The lighting shall be dimmed or changed to red lights from the sunset to sunrise.

e. No signage or other identifying markings of a commercial nature shall be permitted upon any support structure or alternative support structure within Newton County.

f. To the extent practical, telecommunication facilities shall not be placed in a direct line of sight with historic or scenic view corridors as designated by the governing body or by any state or federal law or agency.

g. Access to the support structure site shall be restricted so as to minimize visibility of the access. Where possible, existing roads shall be used. Where no roads exist, access shall follow the existing contours of the land.

h. Such other additional requirements as the Zoning Administrator shall reasonably require to minimize the visual impact of the site on the surrounding area.
6. **Setbacks and Separation.** The following setbacks and separation requirements shall apply to all support structures.

   a. Support structures shall be setback a distance equal to the height of the support structure from its base to any public right-of-way or occupied structure, or property line of the lot or parcel containing the support structure, except when a property owner or adjoining property owner consents in writing to waive the setback and the applicant clearly demonstrates the support structure will collapse within the parent parcel.

   b. Guy-wires and accessory buildings and facilities shall meet the minimum accessory use location and setback requirements.

   c. In zoning districts other than M-1 and M-2, support structures shall not be located closer than two thousand (2,000) feet from any existing support structure. This requirement shall not apply to amateur radio support structures.

   d. In the event an applicant clearly demonstrates that, given the structural failure characteristics of an alternative structure design, the required setbacks are excessive and unduly burdensome, the applicant may request the setbacks be reduced. In determining whether setbacks shall be reduced, consideration shall be given to both the danger from structure collapse and falling debris, such as ice, from a structure.

7. **Security Fencing/Anti-Climbing Devices.** All support structures and supporting equipment shall be enclosed by fencing not less than six (6) feet in height and shall also be equipped with appropriate anti-climbing devices. Fencing shall be of chain link, wood or other approved alternative.

8. **Landscaping.** The following requirements shall govern landscaping surrounding all support structures.

   a. Where adequate vegetation is not present, support structure facilities shall be landscaped with a landscaped strip of plant materials which effectively screens the view of the support structure compound. Landscaped strips shall be a minimum of ten (10) feet in width and located outside the fenced perimeter of the compound.

   b. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. Where natural vegetation around the perimeter of the site would provide an adequate visual screen, an undisturbed buffer may be utilized. The applicant shall provide a site plan showing existing significant vegetation to be removed, and vegetation to be replanted to replace that lost.
c. Landscaping shall be maintained by the provider and shall be subject to periodic review by the Zoning Administrator to assure proper maintenance. Failure to maintain landscaping shall be deemed a violation of this section.

d. Amateur radio support structures and antennas, or receive-only antennas shall not be subject to the provision of this subsection unless required by the Governing Authority through the Conditional Use Permit process.

9. Maintenance Impacts. Equipment at a transmission facility shall be automated to the greatest extent possible to reduce traffic and congestion. Where the site abuts or has access to a collector or local street, access for maintenance vehicles shall be exclusively by means of the collector or local street, utilizing existing access to the property on which such facility is to be located, where possible.

10. Review of Support Structure and Antenna Erection by the Airport Authority. If, upon receipt of an application for the erection of any support structure or alternative support structure governed by this section, the Department deems that the proposed structure may interfere with or affect the use of the airways of the County by the public or interfere with or affect the operation of existing or proposed airport facilities, a copy of the application shall be submitted by the Department to the Airport Authority for review and recommendation.

11. Federal Requirements. All support structures must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate support structures and antennas. If such standards and regulations are changed, the permittee or the lessee of the support structure and antenna governed by this section shall bring such support structure and/or antenna into compliance with such revised standards or regulations within six (6) months of the effective date of such standards and regulations unless a more or less stringent compliance schedule is mandated by the controlling federal agency. Failure to bring such support structure and/or antenna into compliance with such revised standards and regulations shall be deemed to be a declaration of abandonment of the support structure and constitute grounds for the removal of the support structure or antenna at the owner’s, permittee’s, or lessee’s expense.

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

13. **Change of Ownership Notification.** Upon the transfer of ownership of an interest in any support structure, alternative support structure, or lot upon which such a structure has been erected, the support structure permittee shall notify the Department of the transaction in writing within 30 days.

**E. APPLICATION PROCEDURES**

1. **Pre-Application Consultation.** Prior to submitting a application for a permit for any telecommunication facility, the applicant is strongly encouraged to consult with Department staff and review the County's inventory of potentially available sites for co-location.

2. **General Application Requirement.** Application for a permit for any telecommunication facility shall be made to the Department by the person, company or organization that will own and operate the telecommunications facility. An application will not be considered until it is complete. The Zoning Administrator is authorized to develop application forms to assist in providing the required information and facilitate the application process. Except for a co-location information submittal under subsection E.3 of this section, the following information shall be submitted at the time the application is submitted. The application will not be considered complete and will not be accepted unless accompanied by all required information at the time of submittal.

   a. A survey, sealed by a surveyor registered in the State of Georgia, showing the location of all lot lines, leased areas, easements, access points, structures, screening and landscaping existing on site.

   b. Site plan or plans to scale specifying the location of telecommunications facilities, transmission building and/or other accessory uses, access, parking, fences, landscaped areas, and adjacent land uses. Applicants shall submit both a paper location map and a digitized location map in a format compatible with the GIS software currently utilized by the County Data Processing Department.

   c. Scaled elevations showing the impact of the proposed support structure or antenna.

   d. Landscaped plan to scale indicating size, spacing and type of plantings required in subsection D.8.
c. A full description of the environment surrounding the proposed telecommunications facility, including any adjacent residential structures and districts, structures and sites of historic significance, streetscapes or scenic view corridors.

d. Information and drawings showing that the proposed facility and support structure satisfy the aesthetic requirements of section D.5.

e. A description of anticipated maintenance needs for the telecommunications facility, including frequency of service, personnel needs, equipment needs, and traffic, noise or safety impacts of such maintenance.

f. Report from a professional qualified engineer licensed in the State of Georgia, or other appropriate qualified industry expert, documenting the following:

i. Support structure or antenna type, height, and design;

ii. Engineering, economic, and other pertinent factors governing selection of the proposed design;

iii. Total anticipated capacity of the telecommunications facility, including numbers and types of antennas which can be accommodated;

iv. Evidence of structural integrity of the support structure or alternative support structure;

v. Structural failure characteristics of the telecommunications facility and demonstration that site and setbacks are of adequate size to contain debris; and

vi. Certification that the antenna(s) and related equipment or appurtenances comply with all current regulations of the FCC, with specific reference to FCC regulations governing non-ionizing electromagnetic radiation (NER), and that the radio frequency levels meet the American National Standards Institute (ANSI) guidelines for public safety.

g. The identity of a community liaison officer appointed by the applicant to resolve issues of concern to neighbors and residents relating to the construction and operation of the facility, including name, address, telephone number, facsimile number, electronic mail address and pager number.

h. Identification of the geographic service area for the subject installation, including a map showing the site and the nearest or associated telecommunications facility sites within the network. Describe the distance between the telecommunications facility sites. Describe how this service area fits into and is necessary for the service network (i.e., whether such antenna or support structure is needed for coverage or capacity.)
i. If the proposed site is in a residential zoning district, applicant must describe why an alternate non-residential site was not proposed by identifying:

   i. what good faith efforts and measures were taken to secure such an alternate site and why such efforts were unsuccessful;

   ii. why such an alternate site was not technologically, legally or economically feasible; and

   iii. how and why the proposed site is essential to meet service demands for the geographic service area.

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

k. The applicant must provide a utilities inventory showing the locations of all water, sewage, drainage and power line easements impacting the proposed support structure site.

l. The original signature of the applicant. The applicant must provide a signed, notarized statement of all owners of the subject property authorizing the filing of the application, and where applicable, the signed and notarized affidavit of the owner(s) of the subject property authorizing an applicant or agent to act on their behalf in the filing of the application. The application also shall contain the mailing address and phone number of any applicant or agent who is authorized to represent the owner of the subject property. Where applicable, the applicant shall also provide a copy of any lease agreements with the owner of the subject property.

m. The applicants proposed five-year plan, and other information required by section D.2.

n. The inventory of existing support and alternative support structures required by section D.4

o. Evidence demonstrating specifically that no existing support or alternative support structure can accommodate the proposed antenna, under section D.4 (subparagraphs (a) through (f)).

p. If the proposed antenna height exceeds the limitations of subsection H.2, the applicant must describe why an antenna complying with that height standard is not feasible by showing:

   i. what good faith efforts and measures were taken to secure an alternate site and why such efforts were unsuccessful;
ii. why an alternate site was not technologically, legally or economically feasible; and

iii. how and why the proposed height is essential to meet service demands for the geographic service area.

iv. how and why the necessary service cannot be provided with more antennas at a height complying with subsection H.2.

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

q. The applicant must provide any other information which may be requested by the Department to fully evaluate and review the application and the potential impact of a proposed telecommunications facility.

3. Support Structure Co-location Information Submittals. Any person or entity co-locating an antenna or antennas which will add no more than ten (10') feet to the height of the support structure and related equipment or appurtenances on or around a support structure for which a permit has already been issued shall submit the following information only. This information must be submitted at the time the application is submitted. The application will not be considered complete and will not be accepted unless accompanied by all required information at the time of submittal:

a. The name of the person or entity co-locating the antenna.

b. The name of the owner of the support structure and a copy of any lease agreements with said owner.

c. The support structure's permit number.

d. The location of the support structure.

e. The remaining structural capacity of the support structure.

f. Certification that the antenna(s) and related equipment or appurtenances comply with all current regulations of the FCC, with specific reference to FCC regulations governing non-ionizing electromagnetic radiation (NIER), and that the radio frequency levels meet the American National Standards Institute (ANSI) guidelines for public safety.
F. ADMINISTRATIVE APPROVALS

1. General.

   a. The Department may administratively approve the uses set forth in subsection F.4 of this section. All such uses shall comply with requirements set forth in this subsection and all other applicable codes and ordinances.

   b. The Department shall respond to each application within forty-five (45) days of its receipt by either approving or denying the application. One forty-five (45) day extension of this review period may be exercised by the Department if such additional time is deemed necessary to adequately assess the request. If the Department fails to respond to the applicant within a maximum of ninety (90) days, the application shall be deemed to be approved.

   c. As part of any administrative approval, the Department may administratively reduce setback requirements by up to ten percent (10%) to compensate for irregularly shaped lots or parcels.

   d. Any decision by the Department that results in the denial of a request to place, construct, or modify wireless telecommunications facilities shall be in writing and supported by substantial evidence. In addition to the requirements set forth in subsection F.4 for uses allowed by administrative approval, the Department shall consider the applicable factors set forth in subsection G.6 in acting upon an application for administrative approval.

   e. Once an Administrative Approval is granted, the permittee shall be required to file an annual report with the Department. The Department shall provide the Newton County Board of Tax Assessors with a copy of the report. Said report shall include the following:

      i. Certification that the support structure or antenna is currently in use, and if not in use, the date the structure or antenna ceased being in use.

      ii. A report from a professional qualified engineer licensed by the State of Georgia, or other appropriate qualified industry expert, on the structural integrity of the support structure or antenna;

      iii. A report certified by a radio frequency engineer or other appropriate qualified industry expert that the site is in compliance with current FCC radio emission standards; and

      iv. An updated inventory of existing sites (see subsection D.2.).

2. Application; contents; fee. All applications for Administrative Approval of a Permit shall be submitted to the Newton County Planning and Zoning Department. Each
application shall contain as a part thereof detailed plans and specifications as set forth
in subsection E. An application for Administrative Approval of a Permit shall not be
accepted for processing without the information required in subsection E. of this
section. An application fee shall be charged by the Department in an amount stated in
subsection J of this section.

3. Co-location of Antennas Required. Applicants for the erection of a support structure
or placement of an antenna shall be required to co-locate upon an existing support
structure or alternative support structure. An exception to co-location shall only be
made if the applicant adequately demonstrates that an existing support structure
suitable for co-location does not exist in the geographic antenna placement area, and
that no suitable alternative support structure is available as set forth in subsection D.4.

4. Uses Allowed by Administrative Approval. The following uses may be approved by
the Department after conducting an administrative review, provided all other criteria
of this section are met.

a. If it is adequately demonstrated that antenna co-location, as required in subsection
F.3 above, is not possible for a given geographic antenna placement area,
construction of a new support structure up to a height of one hundred fifty feet
(150'), including the placement of additional buildings or other supporting
equipment used in connection with said support structure or antenna, may be
permitted in the following zoning districts:

i. Light Industrial (M-1)

ii. Heavy Industrial (M-2)

b. If it is adequately demonstrated that antenna co-location, as required in subsection
F.3 above, is not possible for a given geographic antenna placement area,
construction of a new support structure up to a height of fifty feet (50') (thirty-five
feet (35') if only intended to accommodate one user), including the placement of
additional buildings or other supporting equipment used in connection with said
support structure or antenna, may be permitted in the following zoning districts:

i. Office/Institutional (O/I)

ii. Commercial Highway (CH)

iii. Commercial General (CG)

c. Co-location of any antenna, so long as the addition of said antenna adds no more
than ten (10) feet to the height of the existing support or alternative support
structure.
Article Five • Regulations Applying to All Districts

d. Replacing an existing support structure with a new support structure designed to accommodate three or more users so long as the new support structure does not exceed the height limitations of this section and setback requirements of this section are met. After the replacement support structure is built, only one support structure shall remain on such site.

5. Appeal of Administrative Determination. If a permit application for a support structure as an administratively permitted use is determined by the Department to not meet all applicable criteria of this section, the applicant may appeal the determination to the Board of Commissioners. The Board shall treat the appeal as a new application, but no additional fee will be required.

G. CONDITIONAL USE PERMIT REQUIRED

1. General.

a. If the proposed support structure or antenna is not eligible for administrative approval, then a Conditional Use Permit shall be required for the construction of a support structure, alternative support structure or the placement of an antenna in any zoning district. All such uses shall comply with requirements set forth in this section and all other applicable codes and ordinances.

b. In granting a Conditional Use Permit, the Governing Authority may impose conditions to the extent that it concludes such conditions are necessary to minimize adverse effects from the proposed support structure on adjoining or nearby properties as set out in subsection G.6.

c. Once a Conditional Use Permit is granted, the permittee shall be required to file an annual report with the Department, on the anniversary date of the grant of the permit. The Department shall provide the Newton County Board of Tax Assessors with a copy of the report. Said report shall include the following:

i. Certification that the support structure or antenna is currently in use, and if not in use, the date the structure ceased being in use.

ii. A report from a professional qualified engineer licensed by the State of Georgia, or other appropriate qualified industry expert, on the structural integrity of the support structure or antenna;

iii. A report certified by a radio frequency engineer or other appropriate qualified industry expert that the site is in compliance with current FCC radio emission standards; and

iv. An updated inventory of existing sites (see subsection D.2.).
2. **Application; contents; fee.** All applications for Conditional Use Permits shall be submitted to the Newton County Planning and Zoning Department. Each application shall contain as a part thereof detailed plans and specifications as set forth in subsection E. An application for a Conditional Use Permit shall not be accepted for processing without all the information required in subsection E. An application fee shall be charged by the Department in the amount stated in subsection J.

3. **Co-location of Antennas Required.** Applicants for the erection of a support structure or antenna, except amateur radio operators, shall be required to co-locate upon an existing support structure structure. An exception to co-location shall only be made if the applicant adequately demonstrates that an existing support structure suitable for co-location does not exist in the geographic antenna placement area, and that no suitable alternative support structure is available as set forth in subsection D.4 contained herein.

4. **Independent Expert Review.** The Governing Authority shall engage a licensed professional engineer as an independent expert to review any of the materials submitted by an applicant for a Conditional Use Permit if the application seeks a new support structure over 150 feet in height. The Governing Authority may engage such an expert if the application seeks a new support structure under 150 feet, or seeks a co-location. The expert shall render an opinion regarding any concerns about the proposal, including but not limited to, structural integrity and the feasibility of alternative sites or co-location. Following the review of an independent expert, the Governing Authority shall convey its concerns to the applicant in writing and shall allow the applicant a reasonable opportunity to address those concerns. If the applicant is unable to satisfactorily address those concerns, the applicant shall be allowed a reasonable amount of time, not to exceed thirty (30) days, following the receipt of the letter, in which to modify the application to alleviate the Governing Authority’s concerns or withdraw the application altogether. The expert’s opinion shall be considered determinative, unless the applicant agrees to pay the expenses of submitting both opinions for a peer review, which review shall then be considered final. If the independent third-party expert supports the applicant’s expert, then the Department shall pay the expenses of said third-part expert. If the independent third-party expert supports the position of the Department, then the applicant shall pay the expense of said third-party expert. No permit shall issue until the applicant has paid all expenses incurred under this subsection.

5. **Public hearing.** Before taking action upon the proposed Conditional Use Permit, the Governing Authority shall hold a public hearing on the matter. At least 15 days prior to the date of the public hearing, the Governing Authority shall cause the following notice requirements to be instituted by the Department:

   a. A sign shall be erected, in a conspicuous location, on or adjacent to the property under consideration. The sign shall state the time, place, location, and purpose of the public hearing.
Article Five • Regulations Applying to All Districts

b. A letter shall be sent by certified mail, return receipt requested, to all property owners of record of abutting parcels, and to all property owners of residentially-used parcels lying in whole or in part within a distance of two (2) times the height of the proposed support structure as measured from its base, giving notice of the public hearing. The letter shall state the same information as required for the sign.

c. A public notice shall be published in the newspaper in which the sheriff's advertisements appear once a week for two (2) consecutive weeks prior to the date of the hearing.

d. Subsection b and c above shall be the responsibility of, and at the expense of, the applicant.

6. Considerations in Approval or Denial of Conditional Use Permits. Any denial of a request to place, construct or modify a telecommunications facility shall be in writing and supported by substantial evidence contained in a written record. The Board shall submit a written decision to the clerk of the Board, and mail a copy to the applicant, within one week of the date of decision. The following factors may be taken into consideration in acting upon a Conditional Use Permit application under the provisions of this section:

   a. The height and setbacks of the proposed support structure or antenna(s);

   b. The proximity of the support structure or antenna(s) to residential structures and residential district boundaries;

   c. The nature of uses on adjacent and nearby properties;

   d. The surrounding topography;

   e. The surrounding tree coverage and foliage;

   f. The design of the support structure or antenna(s), with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness, such as a monopole or alternative support structure;

   g. The proposed ingress and egress;

   h. The availability of suitable existing support structures or other structures for antenna co-location; and whether the applicant has demonstrated adequately, pursuant to subsection D.4, that no co-location is possible;

   i. The impact of the proposed support structure or antenna(s) upon scenic views and visual quality of the surrounding area.
j. The needs of the applicant as balanced against the detrimental effects on surrounding properties.

k. The impact of the proposed support structure or antenna(s) on adjacent and nearby properties.

l. Whether the application is complete and contains all information required by subsection E.

m. Whether the applicant has demonstrated with clear and convincing evidence that the denial of a permit in such a location will cause a significantly harmful and permanent degradation of service which cannot be overcome by any other means including planned or potential locations which would provide the same or similar coverage or capacity.

n. Whether the applicant has complied with, and satisfactorily demonstrated compliance with, all requirements of this section.

o. Whether the applicant has satisfied the aesthetic requirements of subsection D.5.

p. If the applicant has previously filed a five-year plan pursuant to subsection D.2, whether the proposed facility complies with that plan, and if not, whether the applicant has valid reasons for deviating from its plan.

7. Requirements for Issuance of Conditional Use Permit. The Conditional Use Permit may be issued by the governing authority only upon satisfaction of the following requirements:

a. A proper and complete application filed in accordance with the requirements of subsection E;

b. The application is otherwise in compliance with the conditions for the proposed conditional use required by this subsection, and is in compliance with all requirements of subsection D;

c. The applicant complies with the conditions proposed by the governing authority for the purpose of reducing the harmful effects of the use on surrounding uses and ensuring compatibility with surrounding use;

d. The governing authority determines that the benefits and need for the proposed conditional use are greater than any possible depreciating effects or damages to neighboring or nearby properties; and

e. All fees, including expert fees, have been paid in full.

8. Resubmittal of Conditional Use Application. An application for a Conditional Use Permit which has been denied shall not be resubmitted for a period of twelve (12)
months and then only if the applicant can document a substantial change in need for a support structure or antenna at the same location.

H. SUPPORT STRUCTURES AND ANTENNAS IN RESIDENTIAL AREAS

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

4. Height Standards.

a. Rural Estate (R-E) and Agricultural-Residential (A-R): The maximum height for a support structure, including antennas, shall be 150 feet.

b. Single-family residential (R-1, R-2, R-3) and Two-family residential (DR): The maximum height for a support structure, including antennas, shall be 75 feet.

c. Multiple-family residential (RMF) and Manufactured Home developments (MHS and MHP): The maximum height for a support structure, including antennas, shall be 90 feet.

d. Requests to exceed these height standards must satisfy the criteria provided in subsection E.2(q).

I. REMOVAL OF ABANDONED SUPPORT STRUCTURES AND ANTENNAS

1. Notice of Abandoned Antenna and Structures. The owner or lessee of a support structure or antenna shall promptly notify the Department of its intent to abandon or the abandonment of any support structure or antenna.

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

J. APPLICATION AND PERMIT FEES

1. **Administrative Approvals:** An application an administrative approval shall be shall be $500.00.

2. **Construction of New Support Structure up to 150 feet:** An application for construction of a new support structure up to a height of one hundred fifty feet (150'), (including the placement of additional buildings or other supporting equipment used in connection with said support structure or antenna), shall be $1000.00.

3. **Construction of New Support Structure Greater than 150 feet:** An application for construction of a new support structure greater than one hundred fifty feet (150') in height, (including the placement of additional buildings or other supporting equipment used in connection with said support structure or antenna), shall be $3,000.00.

4. **Conditional Use Permit for Location of Antenna on Support Structure or Alternative Support Structure:** An application for location of an antenna on an existing support structure or alternative support structure, (the addition of said antenna adding more than ten feet (10') to the height of the existing support structure or structure), shall be $500.00.

5. **All Other Applications.** Unless specifically provided above, the fee for any other application under this Section shall be $500.

6. **Building Permit Fees.** In addition to the application fees set forth herein, the applicable construction and utility inspection permit fees in effect at the time of the application for the permit shall apply.

Sec. 510-640  **TEMPORARY BUILDING**

A. Temporary buildings shall be approved administratively by the Zoning Administrator. Except where otherwise specifically permitted, temporary buildings shall not be allowed in any district except when used in conjunction with construction work or pending completion of a permanent building for a period not to exceed one year. The time period may be extended upon approval by the Planning Director.

B. Temporary buildings shall be located at least 50 feet from any residence or street right-of-way line and may be permitted in any district upon approval of the Planning Director.
Article Five • Regulations Applying to All Districts

C. Temporary buildings shall be removed when the construction has been completed.

Sec. 510-650  TEMPORARY USE, COMMERCIAL
A. The following uses are permitted, by administrative approval by the Zoning Administrator for a period not to exceed 20 days or as otherwise indicated:

1. The sale of fruits or vegetables.

2. Charitable or non-profit events not to exceed four (4) days.

3. Christmas tree sales between November 15 and January 1.

4. The sale of any items in association with an existing business located on the premises as a principal use (i.e. sidewalk, parking lot, or tent sales).

5. Carnival rides not to exceed 15 days provided no structure or equipment is located within 500 feet of any residential property line.

B. All temporary uses require written permission of the property owner.

C. Uses may not be located within 50 feet of any public right-of-way.

D. A sign (not a portable sign) may be erected on the property provided it does not exceed a total of 16 square feet or 10 feet in height and is not placed within 20 feet of any public right-of-way.

E. Adequate parking, ingress and egress are provided on site or written permission is obtained if provided on adjoining property.

F. Temporary permit is applied for and approved by the Zoning Administrator using an application form. A fee of $50 is required.

G. All other requirements for licenses and regulations of Newton County shall be met.

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

Sec. 510-660  TRUCK STOP
A. In addition to selling and dispensing fuels, a Truck Stop may provide the following Accessory Uses:

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

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

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

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

Sec. 510-670  VEHICLE AND EQUIPMENT SALES AND RENTAL
A. All vehicles sales operations shall have direct access to at least a minor collector street.

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

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

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

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

Sec. 510-680  ZERO LOT LINE DEVELOPMENT
A. Adjacent interior lots on the block face shall be developed as zero lot line dwellings.

B. The side yard requirement may be eliminated on one side of each lot. The remaining side yard shall maintain the minimum side yard dimension of the zoning district.

C. Each lot shall meet the minimum area requirements of the zoning district.

D. Easement agreements shall be recorded which allow maintenance and access for that side of the dwelling adjacent to the property line.
E. When the minimum side yard is used, a privacy fence at least six (6) feet high is required between buildings.

DIVISION 515: OFF-STREET PARKING AND LOADING REGULATIONS

Sec. 515-010 GENERAL REQUIREMENTS
Within Newton County off-street automobile storage or parking space shall be provided on every lot on which any permitted or conditional use is established in accordance with this Ordinance. For the purpose of this Ordinance, the following general requirements are specified:

A. If an off-street parking space cannot be reasonably provided on the same lot on which the principal use is conducted, the Zoning Administrator may permit such space to be provided on other off-street property, provided such space lies within six hundred (600) feet of the property of such principal use. The required number of parking spaces for any number of separate uses may be combined in one lot.

B. Commercial and recreational vehicles may be parked in residentially zoned districts with the following provisions:

1. Recreational vehicles (including boats on trailers) must be parked behind the rear building line of the house so that it is five feet from the side and rear property lines, hidden from view and not visible from any street. On corner lots, recreational vehicles must be parked outside the side yard setback on the side abutting the street. Recreational vehicles cannot be parked on lots that do not contain a permanent dwelling unit or other structure housing a permanent principal use, except in authorized recreational vehicle.

2. Commercial vehicles with a gross vehicle weight exceeding 1½ tons must be parked behind the rear building line of the house so that it is five feet from the side and rear property lines and not visible from the street. On corner lots, commercial vehicles must be parked outside the side yard setback on the side abutting the street. This is intended to include semi-tractor trucks but specifically excludes commercial trailers.

3. Vehicles may be enclosed in accessory structures provided that such structures meet all provisions outlined herein and in other applicable ordinances.

A maximum of one commercial and one recreational vehicle is allowed per lot

Sec. 515-020 PARKING SPACE REQUIREMENTS FOR ALL DISTRICTS

A. Off-street automobile storage or parking space shall be provided with vehicular access to a street or alley and may be equal to at least the maximum requirements for the specified land use listed in the table below.

C. The total number of parking spaces may be reduced as approved by the Planning Director. Shared parking may be permitted.
## OFF-STREET PARKING REQUIREMENTS TABLE

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Minimum Parking Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Dwellings:</strong></td>
<td></td>
</tr>
<tr>
<td>1. Multi-family</td>
<td>1 ½ spaces per dwelling unit.</td>
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<tr>
<td>2. Hotels</td>
<td>One (1) space for each bedroom plus one (1) additional space for each two (2) employees.</td>
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<tr>
<td>3. Motels, tourist courts and homes, manufactured homes and recreational</td>
<td>One (1) space for each guest bedroom, manufactured home or recreational vehicle space,</td>
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<tr>
<td>vehicle parks</td>
<td>plus one (1) additional space for a resident manager or owner, plus one (1) space for each</td>
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<td>two (2) employees.</td>
</tr>
<tr>
<td>4. Boarding and rooming houses, dormitories</td>
<td>One (1) space for each guest bedroom plus one (1) space for each two (2) employees.</td>
</tr>
<tr>
<td><strong>Public Assembly:</strong></td>
<td></td>
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<tr>
<td>1. Churches and other places of worship</td>
<td>One (1) space for each four seats in the principal auditorium or sanctuary.</td>
</tr>
<tr>
<td>2. Private clubs, lodges, and fraternal buildings not providing overnight</td>
<td>One (1) space for each four seats in the principal assembly room.</td>
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<td>accommodations</td>
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<tr>
<td>3. Theaters, auditoriums, coliseums, stadiums, and similar places of</td>
<td>One (1) space for each two (2) seats.</td>
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<tr>
<td>assembly</td>
<td></td>
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<tr>
<td>4. Libraries, museums</td>
<td>One (1) space for each 500 sq. feet of gross floor area; but not less than six (6) spaces</td>
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<td>plus one (1) for each two (2) employees.</td>
</tr>
<tr>
<td>5. Schools, including kindergartens, playgrounds and day care centers</td>
<td>One (1) space for each four (4) seats in assembly hall or largest outdoor stadium; or two</td>
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<td></td>
<td>(2) spaces for each classroom in elementary schools and five (5) for each classroom in high</td>
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<td></td>
<td>schools, whichever is greater.</td>
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<tr>
<td>6. Skating rinks, dance halls, exhibition halls, pool rooms and other</td>
<td>One (1) space for each 200 square feet of floor area, but not less than ten (10) spaces.</td>
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<tr>
<td>places of amusement or assembly without fixed seating arrangements.</td>
<td></td>
</tr>
<tr>
<td>7. Bowling Alleys</td>
<td>Two (2) spaces for each alley.</td>
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<tr>
<td><strong>Health Facilities:</strong></td>
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<tr>
<td>1. Hospitals, nursing homes, homes for the aged and similar institutional</td>
<td>One (1) space for each two (2) beds.</td>
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<tr>
<td>uses</td>
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<tr>
<td>2. Commercial Kennels and animal hospitals</td>
<td>A parking area equal to 30 percent of the total enclosed or covered area but not less than</td>
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<td>four (4) spaces.</td>
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</table>
## Article Five • Regulations Applying to All Districts

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Minimum Parking Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Medical, dental and health offices and clinics</td>
<td>One (1) space for each 200 square feet of floor area used for offices and similar purposes, but not less than four (4) spaces.</td>
</tr>
</tbody>
</table>

**Businesses:**

<table>
<thead>
<tr>
<th>1. Automobile repair establishments</th>
<th>One (1) space for each regular employee plus one (1) space for each 250 square feet of floor area.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Automobile Service Stations</td>
<td>Five (5) spaces plus an additional space for each lubrication or wash bay.</td>
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</table>

| 3. Food Stores/Convenience Stores                                     | One (1) space for each 200 square feet of floor area designated for retail sales only; but not less than six (6) spaces (gasoline dispenser vehicle spaces count towards parking space requirement for convenience stores at the rate of one parking space per nozzle). |

| 4. Restaurants, including bars, grills, diners, cafes, taverns, night clubs, lunch counters, and all similar dining and/or drinking establishments | One (1) space for each 100 square feet of floor area.                                           |

| 5. Office buildings, including banks, business, commercial and professional offices and buildings, but excluding medical, dental and health offices, clinics, and government offices | One (1) space for each 300 square feet of floor area; but not less than six (6) spaces.          |

| 6. General business, commercial or personal service establishments catering to the retail trade, but excluding food stores | One (1) space for each 150 square feet of floor area designated for retail sales only; but not less than six (6) spaces plus one (1) space for each employee. |

| 7. Shopping Centers                                                   | Three (3) spaces for each 1,000 square feet of floor area designated for retail sales only.       |

| 8. Furniture Stores                                                   | One (1) for each 750 square feet of gross floor area; but not less than six (6) spaces.          |

| 9. Public utilities, such as telephone exchanges and substations, radio and TV stations; and electric power and gas substations | A parking area equal to 25 percent of the gross floor area; but not less than two (2) spaces.    |

| 11. Fruit stands and other temporary or seasonal stands               | Two (2) spaces.                                                                                  |

**Industries:**

| 1. Commercial, manufacturing, and industrial establishments, not catering to the retail trade | One (1) space for each one and one-half (1 ½) employees on the maximum working shift, plus one (1) space for each company vehicle operating from the premises. |
Sec. 515-030   OFF-STREET LOADING AND UNLOADING SPACE
Off-street loading and unloading spaces shall be provided as hereinafter required by this Ordinance.

A. Size of Off-Street Loading Spaces
Each off-street loading space shall have minimum dimensions of 14 feet in height, 12 feet in width, and 55 feet in length. However, upon sufficient demonstration that a particular loading space will be used exclusively by shorter trucks, the Zoning Administrator may reduce the minimum length accordingly to as little as 35 feet.

B. Connection to Street or Alley
Each required off-street loading space shall have direct access to a street or alley or have a driveway which offers satisfactory ingress and egress for trucks.

C. For retail business, office, wholesale, industrial, governmental, and institutional uses, including public assembly places, hospitals, and educational institutions, one space for the first 25,000 square feet of total floor area or fractional part thereof shall be provided. For anything in excess of 25,000 square feet, such uses shall provide loading spaces as indicated in the following schedule:

<table>
<thead>
<tr>
<th>Square Feet</th>
<th>Number of Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>25,001-99,999</td>
<td>2</td>
</tr>
<tr>
<td>100,000-159,999</td>
<td>3</td>
</tr>
<tr>
<td>160,000-239,999</td>
<td>4</td>
</tr>
<tr>
<td>240,000-349,999</td>
<td>5</td>
</tr>
</tbody>
</table>

For each additional 100,000 square feet or fraction thereof, one (1) additional space shall be required.

D. Bus and Trucking Terminals
There shall be provided sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loaded at the terminal at any one time.

E. Location of Off-Street Loading Spaces
All required off-street loading spaces shall be located on the same lot as the building which they are intended to serve or on an adjacent lot where shared with the use occupying said adjacent lot.

F. Permanent Reservation
Areas reserved for off-street loading in accordance with the requirements of this Ordinance shall not be reduced in area or changed to any other use unless the permitted use which is
served is discontinued or modified, except where equivalent loading space is provided and approved by the Zoning Administrator.

DIVISION 520: BUFFERING AND SCREENING

Sec. 520-010 RIPARIAN BUFFERS

A. Any water body classified as a protected river and/or located within the boundaries of a watershed overlay district in Newton County shall satisfy all applicable buffer requirements as specified in Section 405-020 of the River Corridor Protection Overlay District, Section 415-060 of the Watershed Protection Overlay District for Small Water Supply Watersheds, Section 420-050 of the Alcovy River / Little River Watershed Protection District and/or Section 420-120 of the South River / Yellow River Watershed Protection District.

B. A natural and undisturbed riparian buffer 35 feet in width along the shorelines of intermittent streams identified on the U.S. Geological Survey 7.5 minute quadrangle map shall be preserved. The riparian buffer zone (i.e. 35 feet from bank) must be shown on final subdivision plats, commercial and industrial site pans and multi-family residential site plans.

Sec. 520-020 TRANSITIONAL BUFFERS

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

A. A buffer shall be required for the following:

1. All property zoned for commercial, neighborhood shopping, office-institutional, office business parks or industrial uses shall have a buffer along any rear and side property lines abutting a residential district.

2. All property zoned for DR and RMF uses shall have a buffer along any rear and side property lines abutting a lower density residential use.

3. All property zoned for manufactured homes shall have a buffer along any rear and side property lines abutting any other residential district.

B. All buffers areas and screening shall be in accordance with the following requirements. Detailed landscape standards are contained in Division 430 of the Newton County Development Regulations.

1. Buffer areas may be included as part of any pervious surface requirement.

2. Buffers shall meet the minimum width requirements for dissimilar districts as shown in the “Minimum Buffer Requirements” table unless otherwise authorized.
3. Buffers shall be natural, undisturbed, and free of encroachments except as authorized by a condition of zoning, conditional use or zoning approval, or as authorized herein, and shall contain the existing tree cover and vegetation as well as any supplemental plantings as may be required.

4. Buffers shall be of such nature and density so as to screen activities, structures, and uses on the property from view from the normal level of a first story window on an abutting lot and shall further provide a year-round effective visual screen.

5. Buffers required along side property lines shall extend to a street right-of-way line unless otherwise required to observe the sight distance requirements contained in the Newton County Development Regulations, or as authorized by a condition of zoning, conditional use or zoning approval.

6. In situations where the required buffer width is partially or completely contained within an existing easement (i.e. power or natural gas transmission, etc.) the screening requirements of this Ordinance shall be met outside of the easement area except as otherwise permitted by this ordinance or the Newton County Development Regulations.

Sec. 520-030 SCREENING

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

B. In any district where reference is made requiring adequate screening of a specified operation, such screening shall be a wall of solid appearance or visually continuous evergreen hedge not less than eight (8) feet in height and meeting the requirements of the Newton County Development Regulations.
### Article Five • Regulations Applying to All Districts

<table>
<thead>
<tr>
<th>Buffer District</th>
<th>Width of Required Buffer Adjacent to:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A</td>
</tr>
<tr>
<td>A</td>
<td>-</td>
</tr>
<tr>
<td>R-E</td>
<td>-</td>
</tr>
<tr>
<td>A-R</td>
<td>-</td>
</tr>
<tr>
<td>R-1</td>
<td>-</td>
</tr>
<tr>
<td>R-2</td>
<td>-</td>
</tr>
<tr>
<td>R-3</td>
<td>-</td>
</tr>
<tr>
<td>DR</td>
<td>20 ft.</td>
</tr>
<tr>
<td>RMF*</td>
<td>50 ft.</td>
</tr>
<tr>
<td>MHP*</td>
<td>50 ft.</td>
</tr>
<tr>
<td>MHS*</td>
<td>50 ft.</td>
</tr>
<tr>
<td>OI*</td>
<td>50 ft.</td>
</tr>
<tr>
<td>CN*</td>
<td>50 ft.</td>
</tr>
<tr>
<td>CH**</td>
<td>75 ft.</td>
</tr>
<tr>
<td>CG**</td>
<td>75 ft.</td>
</tr>
<tr>
<td>M-1**</td>
<td>75 ft.</td>
</tr>
<tr>
<td>M-2**</td>
<td>100 ft.</td>
</tr>
</tbody>
</table>

**Notes:**

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

** Buffer widths may be reduced by 20 feet by the addition of a solid, opaque fence or wall at least eight feet in height.
Newton County Zoning Ordinance

DIVISION 525: SIGNS

Sec. 525-010 PURPOSE AND INTENT

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

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

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

Sec. 525-020 PERMITTED SIGNS

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

A. Signs permitted in any zoning district.

1. Weekend signs.
2. Election cycle signs.

Article Five • Regulations applying to All Districts

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

2. Window Signs:
   One per dwelling not to exceed 25% of the area of the window.

3. Wall Signs are not permitted.

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

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

2. Window Signs:

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

3. Wall Signs:

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

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

1. Ground Signs:

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

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

2. Window Signs:

Total signage not to exceed 25% of the area of windows facing road frontage.
3. Wall Signs:

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

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

1. Ground Signs:

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

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

2. Window Signs:

   Total signage not to exceed 25% of the area of windows facing road frontage.
Newton County Zoning Ordinance

3. Wall Signs:

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

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

1. Ground signs:

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

2. Window Signs:

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

3. Wall signs:

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

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

1. Ground signs:
Article Five • Regulations applying to All Districts

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

2. Window Signs:

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

3. Wall signs:

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

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

1. Ground signs:

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

2. Window Signs:

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

3. Wall signs:

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

Sec. 525-025 ADDITIONAL PERMITTED SIGNS

The following signs are also permitted, as stated.

A. Subdivision Entrance Signs:
   Two monument-style signs or two double-faced signs shall be permitted at every
   entrance to any residential subdivision, mobile home park or subdivision, apartment
   complex, or other similar residential development. Such signs shall not exceed 11
   feet in height, and cannot exceed 32 square feet of signage, for each face. All sign
   structures must be constructed of brick, stone, masonry or equal architectural
   material. Only external illumination is permitted.

B. Commercial/Office/Industrial Entrance Signs:
   Two monument-style signs or two double faced signs shall be permitted at every
   entrance to any commercial, office or industrial planned development. Such signs
   shall not exceed 16 feet in height, and cannot exceed 50 square feet of signage, for
   each face. All sign structures must be constructed of brick, stone, masonry or equal
   architectural material. Such signs can be internally or externally illuminated.

C. Public purpose and safety signs are permitted in every zoning district. Such signs can
   be placed in the public right-of-way, provided they do not create a safety hazard.

D. Any sign not visible from the outside of a structure or to passing members of the
   public.

E. Signs on private property not exceeding three square feet in area.

F. Directional signs, including exit/entrance, shipping/receiving or other directional
   information, not to exceed six square feet in area or four feet in height.

G. Signs authorized in connection with the approval of a development plan for a
   C.O.R.D. See Section 300-040

Sec. 525-030 STANDARDS

A. Content

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

B. Location
Article Five • Regulations applying to All Districts

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

C. Number

1. For the purposes of determining the number of signs, ground signs shall be equal to the number of sign structures. All other non-ground signs shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in random manner without organized relationship of elements, such elements shall be considered to be a single sign.

2. Additional wall signs are allowed on individual establishments in non-residential planned developments as follows:

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

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

D. Illumination

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

2. Flashing, blinking or otherwise varying illumination is not permitted. No external or internal illumination that causes confusion with or distraction from any traffic signal or safety device shall be permitted.

3. All signs located within any residential district may only be externally illuminated using directional or cut-off lighting fixtures.

E. Corner Visibility

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

F. Fire Safety

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

Sec. 525-050 PROHIBITED SIGNS

The following types of signs are prohibited, as stated:

A. Roof Signs.

B. Sidewalk, A-type, sandwich or curb-type signs.

C. Portable signs, except as permitted in Sec. 525-060.

D. Swinging or projecting signs, unless approval is granted by the Director. In no case, however, shall this type of sign exceed two square feet.

E. Animated signs involving motion or sound.

F. Flashing, blinking or signs of varying light intensity, or signs containing exposed neon tubing.

G. Signs which contain or are in imitation of an official traffic sign or signal, or can be confused with an official traffic sign.

J. Courtesy benches, trash cans, and similar devices displaying any words or images designed to convey a message to the viewer.

K. Trailer signs.
Article Five • Regulations applying to All Districts

L. Signs attached to any street signs or markers, traffic control signs or devices, or
attached to or painted on any pole, post, tree, rock, shrub, plant or other natural object
or feature.

M. Signs rotating at greater than six revolutions per minute.

N. Signs not in good repair, specifically including any sign which is in a state of
disassembly or any sign which has its internal lighting exposed to view for more than
one week.

P. Signs or advertising devices attached to any vehicle or trailer parked for more than 48
hours so as to be visible from a public right-of-way, except for work vehicles of a
business and common carriers or other vehicles used for daily transportation with a
valid license plate.

Newton County shall be empowered to remove or cause to be removed at the owner’s
expense all prohibited signs.

Sec. 525-060  LONG-DURATION TEMPORARY SIGNS

A. The following types of long-duration temporary signs may be displayed upon the
issuance of a temporary permit from the Director, but are only permitted in the C-G,
C-H, M-1 and M-2 zoning districts.

1. Inflatable advertising devices and figures less than 35 feet in height.
2. Search lights, lasers and similar devices.
3. Banners, including flag banners.

B. Only one long-duration temporary sign or advertising device may be used on one lot
at the same time.

C. A temporary permit shall be valid for no more than 60 days. A business or individual
cannot request more than one temporary permit every six months.

Sec. 525-065  SHORT DURATION TEMPORARY SIGNS

A. Weekend Signs

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

PAGE 274
Newton County Zoning Ordinance

B. Election Cycle Signs

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

C. Short-Duration Temporary Signs

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

Sec. 525-070 PROCEDURES

A. Sign Permit:

1. A sign permit is required before a ground or wall sign may be erected except for the following signs: (1) weekend signs, (2) election cycle signs, and (3) a ground sign less than 6 square feet or a window sign in the A, A-R, R-E, R-1, R-2, R-3, DR, MHP, MHS or RMF zoning districts.; A sign permit is required before an existing sign may be enlarged, relocated or materially improved upon to an extent of 60 percent of its total replacement value. All signs using electrical wiring and connections shall require an electrical permit.

2. A sign permit shall be issued by the Building Official when the plans, specifications, and intended use of the applied sign or part thereof conform in all respects to the applicable provisions of this Division and the County Building Code as certified by the Building Official. The application shall be
**Article Five • Regulations applying to All Districts**

accompanied by all the information required under Section 525-070 (B) and such other information as the Building Official may require in the exercise of sound discretion in acting upon the application; standardized sign plans may be filed with the Building Official in fulfillment of this requirement, although site plans to determine the location of a sign shall be filed with each application.

3. The Building Official is hereby authorized to issue a permit for temporary signs. The applicant requesting a permit to place the above mentioned signs shall file a bond in the amount of $50 for each sign. Said bond will be remitted within 10 calendar days upon the Building Official’s verification of the removal of all signs by the applicant.

4. Each sign application shall contain an agreement to indemnify and save the County harmless of all damages, demands or expenses which may in any manner be caused by the sign or sign structure. Each applicant shall present to the County on request a certificate of liability insurance prior to the issuance of a sign permit.

5. Every sign constructed, erected or maintained for which a permit is required shall be plainly marked with the name of the person, firm or corporation erecting and maintaining such sign, and shall have the number of the permit issued for said sign by the Building Official affixed on the framework of the sign in such a manner that the information contained therein shall be readily accessible and durable.

6. A sign permit shall become null and void if the sign for which the permit was issued has not been completed within a period of six months after the date of issuance.

**B. Application**

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

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

2. A site plan showing the location of the sign, and construction plan describing the material the sign is to be constructed from.

3. Elevation drawing showing the height and dimensions of sign face.

4. The total construction cost of the sign.
Newton County Zoning Ordinance

5. The street address of the property upon which subject sign is to be located and the proposed location of the sign on the subject property. In the absence of a street address, a method of location acceptable to the Director shall be used.

6. The square foot area per sign and the aggregate square foot area if there is more than one sign face.

7. The name(s) and address(es) of the owner(s) of the real property upon which the subject sign is to be located.

8. Written consent of the owner, or owner’s agent, granting permission for the placement and/or maintenance of the sign.

9. The name, address, phone number, and business license number of the sign contractor.

10. Business license number of sign owner if the sign is for a business.

C. Expiration Date

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

D. Processing of Application

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

E. Fees

No permit shall be issued until the appropriate application, including exact dimensions, area, and estimated construction cost of the sign, have been filed with the Zoning Administrator and fees have been paid as established by the Board of Commissioners below:

<table>
<thead>
<tr>
<th>Type of Sign</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electric Sign</td>
<td>$50 per sign</td>
</tr>
<tr>
<td>Non-Electric Sign</td>
<td>$15 per sign</td>
</tr>
<tr>
<td>Special Event Sign</td>
<td>$25 per sign</td>
</tr>
</tbody>
</table>
Article Five • Regulations applying to All Districts

Sec. 525-080 INSPECTION

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

Sec. 525-090 APPEALS AND VARIANCES

A. Procedure Upon Denial
   Upon denial of the application for a sign permit the applicant shall be given written notice stating the reason(s) for the denial within 15 days of the decision to deny the permit. The aggrieved party may appeal any decision as provided in Section 605-020 (D).

B. Variances
   1. Variances may be granted from the provisions of this Division in compliance with Section 605-030 of this Ordinance.
   2. Variance procedures shall apply both to signs which are non-conforming as of the effective date of this Ordinance and to new signs erected thereafter.

Sec. 525-100 CONSTRUCTION AND MAINTENANCE

A. It shall be unlawful to erect or place any sign, which does not conform to the requirements of this Division.

B. All signs for which a permit is required, together with all their supports, braces, guys, and anchors shall be kept in constant repair and unless constructed of galvanized or non-corroding metal shall periodically be given a protective coating. The area immediately in front of all freestanding signs shall be maintained free of high weeds and debris.

C. It shall be the duty of the Building Official to periodically inspect every sign for which a permit is required in order to determine that each meets the requirements set forth in this Division.

D. The person or entity holding the permit shall be required to remove or have removed from the premises discarded or unusable paper. Sign faces, parts and debris resulting from the changing of the advertising copy or message or maintenance of any approved sign or sign structure.
Newton County Zoning Ordinance

Sec. 525-110 ENFORCEMENT

A.  Removal

1.  In accordance with Section 700-020, enforcement personnel may order the removal of any sign in violation of this Division. Notice shall be given to the permit holder, then to the owner of the sign; or if the sign owner cannot be found or cannot be determined, notice shall be given to the sign erector and property owner and/or any other party that procured the erection of the sign. If a permit was issued, such notice shall operate to revoke the permit. The removal order shall be issued only after the appropriate party fails to comply with the terms of this Division within seven (7) days after the receipt of written notice of non-compliance by the County or within ten (10) days from the mailing of such notice if no receipt indicating acceptance is returned.

2.  An aggrieved party may appeal the removal order within ten (10) days from the date that the notice was received. Such appeal shall be provided in Section 605-020 (D) of this Ordinance. If the sign is not removed within thirty (30) days after the order of removal (or 30 days after the date any appeal becomes final), the enforcement personnel are authorized to remove or cause to be removed the sign and to collect the costs thereof as provided below.

B.  Removal Without Notice

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

1.  Said sign is upon the public right-of-way or upon other public property; or

2.  Said sign poses an immediate safety threat to the life or health of any members of the public.

C.  Costs of Removal

Removal of any sign as provided for in this Section shall be without liability to Newton County, its officers, agents, servants and employees. The permit holder shall be primarily responsible for the costs of removal. If there is no permit holder, then the sign owner shall be responsible. If the sign owner cannot be found or cannot be determined, then the costs of removal shall be the responsibility of the sign erector and/or property owner or any other party that procured erection of the sign. If payment or arrangement to make payment is not made with 60 days after the receipt of said statement, the code enforcement personnel shall certify the amount thereof for collection to the County Attorney. In the event signs that are removed remain
unclaimed for more than 120 days from date of impound, the signs shall be disposed of in accordance with state law.

D. Invalid Permits

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

E. Non-Conforming Signs

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

2. A non-conforming sign shall not be replaced by another non-conforming sign except that the substitution or interchange of poster panels, painted boards or demountable material on non-conforming signs shall be permitted through the period described by this Division.

3. Minor repairs and maintenance of non-conforming signs such as repainting, electrical repairs and neon tubing shall be permitted. However, no structural repairs or changes in the size or shape of the sign shall be permitted except to make the sign comply with the requirements of this Division.

4. Each sign which exists at the effective date of this Ordinance shall be registered by its owner with the Building Official or Zoning Administrator.
Newton County Zoning Ordinance

F. Fines and Penalties

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

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

Please refer to the sign table at the end of this article for further clarification and explanation of Division 525.
## Article Five • Regulations applying to All Districts

### Sign Table

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

Gross SF Space

<table>
<thead>
<tr>
<th>0-10,000</th>
<th>10,001-50,000</th>
<th>50,001-100,000</th>
<th>100,001-100,000+</th>
</tr>
</thead>
<tbody>
<tr>
<td>75 sf</td>
<td>100 sf</td>
<td>150 sf</td>
<td>200 sf</td>
</tr>
</tbody>
</table>
### Newton County Zoning Ordinance

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Ground Signs</th>
<th>Max Height (in feet)</th>
<th>Setback (in feet)</th>
<th>Number and Type Permitted</th>
<th>Gross SF Space</th>
<th>Sign Size</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>10</td>
<td></td>
<td></td>
<td>One sign structure per road frontage not to exceed maximum allowable square footage.</td>
<td>0-10,000</td>
<td>75 sf</td>
</tr>
<tr>
<td></td>
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<td></td>
<td></td>
<td>10,001-50,000</td>
<td>100 sf</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>50,001-100,000</td>
<td>150 sf</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>100,000+</td>
<td>200 sf</td>
</tr>
</tbody>
</table>

| M-1 and M-2      | 35           | 10                  | 10               | One sign structure per road frontage not to exceed maximum allowable square footage. | Gross SF Space   | Sign Size |
|                  |              |                     |                  |                           | 0-10,000         | 75 sf     |
|                  |              |                     |                  |                           | 10,001-50,000    | 100 sf    |
|                  |              |                     |                  |                           | 50,001-100,000   | 150 sf    |
|                  |              |                     |                  |                           | 100,000+         | 200 sf    |

| 10               | 10           | 10                  | 10               | A maximum of twelve (12) signs are permitted within a 1,000 ft. radius of any intersection as follows: one per corner; two signs per road segment (on either side of road) beyond 500 ft. of the corner and separated by a distance of 500 ft. Beyond 1,000 ft. of any intersection, signs on the same side of the road must be separated by 2,500 ft. | 16 square feet   |           |
### Article Five • Regulations applying to All Districts

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Wall Signs</th>
<th>Max Height (in feet)</th>
<th>Number and Type Permitted</th>
<th>Maximum Size Per Sign</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Agricultural and Residential Districts</td>
<td></td>
<td></td>
<td>Not Permitted</td>
<td></td>
</tr>
<tr>
<td>O-I and C-N Individual Uses</td>
<td></td>
<td>5</td>
<td>Signs may not exceed 50% of total permitted square footage on any building elevation. The total of all signs on all elevations shall not exceed the total square footage listed.</td>
<td>Gross SF Space 0-2,500 2,501-15,000 15,001-50,000 50,000+ Max Sign Size per Bldg. Elevation 36 sf 60 sf 100 sf 200 sf Aggregate Total of All Wall Signs 72 sf 120 sf 200 sf 400 sf</td>
</tr>
<tr>
<td>C-H and C-G Individual Uses</td>
<td></td>
<td>15</td>
<td>Signs may not exceed 50% of total permitted square footage on any building elevation. The total of all signs on all elevations shall not exceed the total square footage listed.</td>
<td>Gross SF Space 0-2,500 2,501-15,000 15,001-50,000 50,000+ Max Sign Size per Bldg. Elevation 36 sf 60 sf 100 sf 200 sf Aggregate Total of All Wall Signs 72 sf 120 sf 200 sf 400 sf</td>
</tr>
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<td>Zoning District</td>
<td>Max Height (in feet)</td>
<td>Number and Type Permitted</td>
<td>Maximum Size Per Sign</td>
<td></td>
</tr>
<tr>
<td>---------------------------</td>
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<td>----------------------------------------</td>
<td></td>
</tr>
<tr>
<td>M-1 and M-2 Individual Uses</td>
<td>35</td>
<td>Signs may not exceed 50% of total permitted square footage on any building elevation. The total of all signs on all elevations shall not exceed the total square footage listed.</td>
<td>Gross SF Space 0-2,500 Gross SF of Building Space 0-2,500 2,501-15,000 15,001-50,000 50,000+ Max Sign Size per Bldg. Elevation 36 sf 60 sf 100 sf 200 sf Aggregate Total of All Wall Signs 72 sf 120 sf 200 sf 400 sf</td>
<td></td>
</tr>
<tr>
<td>O-I and C-N Planned Center</td>
<td>5</td>
<td>No more than 4 signs per business</td>
<td>Total area of signs to be 10% of gross floor area. No wall sign shall exceed 250 square feet.</td>
<td></td>
</tr>
<tr>
<td>C-H and C-G Planned Center</td>
<td>15</td>
<td>No more than 4 signs per business</td>
<td>Total area of signs to be 10% of gross floor area. No wall sign shall exceed 250 square feet.</td>
<td></td>
</tr>
<tr>
<td>M-1 and M-2 Planned Center</td>
<td>35</td>
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<td></td>
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</tbody>
</table>
### Article Five • Regulations applying to All Districts

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Wall Signs</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Max Height (in feet)</strong></td>
<td><strong>Number and Type Permitted</strong></td>
</tr>
<tr>
<td>O-I, C-N, C-G, M-1, M-2 Individual Business in Planned Center</td>
<td>Equal or less than height of wall</td>
</tr>
<tr>
<td></td>
<td>Signs may not exceed 50% of the total permitted square footage on any building elevation. Total of all wall signs on all elevations shall not exceed total square footage listed.</td>
</tr>
<tr>
<td></td>
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<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>O-I, C-N, C-H, C-G, M-1 and M-2 Individual Business in Planned Center</td>
<td>Equal or less than height of wall</td>
</tr>
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### DIVISION 530: NON-CONFORMING USES AND STRUCTURES

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

**A. Non-Conforming Lots**

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

1. In order to erect a structure on a non-conforming lot, the owner shall apply to the Zoning Administrator for permission. If the front, side and rear setbacks and the square.
Newton County Zoning Ordinance

footage minimum can not be net, the owner shall apply to the Board of Zoning Appeals for a variance.

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

1. No such non-conforming use shall be re-established once it has been discontinued for a continuous period of one (1) year, and any future use of such property shall be limited to those uses permitted by this Ordinance in the zoning District in which the property is located.

2. No such non-conforming use shall be enlarged to cover more land than that which was occupied by said use when it became non-conforming, except as provided in Division 530.

3. Said non-conforming, open use of property shall not be changed to any but a conforming use, and when said non-conforming use has been changed to a conforming use, it shall not thereafter be used for any non-conforming use.

Sec. 530-020 RECONSTRUCTION OF NON-CONFORMING STRUCTURES
Any non-conforming structure or structure containing a non-conforming use which is hereafter damaged or destroyed by flood, fire, wind, or any Act of God may be reconstructed only if said damage totals less than seventy-five (75) percent of the returned value on the tax digest of Newton County, except as otherwise provided in this Ordinance.

Sec. 530-030 REPLACEMENT OF NON-CONFORMING MANUFACTURED HOMES
A manufactured home that does not meet the requirements of this Ordinance but that was in place at the time of enactment of this Ordinance, may be replaced with a conforming manufactured home or modular home, provided heated square footage requirements of the zoning district are met.

Sec. 530-040 CONTINUANCE OF PREVIOUSLY APPROVED USES
Uses for which a property owner received approval from governing authorities (Zoning Map Amendment) prior to the effective date of this Ordinance shall be permitted, whether or not property has been dedicated to such use, so long as requirements which were in place at the time of said approval are met and the building or use receives a permit within 120 days of the enactment of this Ordinance. Should such use be one which is not permitted by this Ordinance or amendment thereto in a zoning district in which the property is located, such
Article Five • Regulations applying to All Districts

use shall become a non-conforming use and shall be governed by the requirements of this Section.
ARTICLE 6 – ADMINISTRATION

DIVISION 600: ZONING ADMINISTRATOR AND BUILDING OFFICIAL

Sec. 600-010  ZONING ADMINISTRATOR
The provisions of this Ordinance shall be administered by the Newton County Zoning Administrator, in cooperation with the Building Official, the Planning Commission, the Board of Zoning Appeals and the Board of Commissioners of Newton County. The specific duties of the Zoning Administrator shall include, but not be limited to, the following:

A. Accepting and processing applications for Zoning Map amendments, conditional use permits, temporary manufactured home permits, Zoning Certification, preliminary and final plats for proposed subdivisions, or any other such business as may be scheduled for public hearing by the Planning Commission or Board of Zoning Appeals.

B. Researching facts and preparing reports for the Planning Commission and the Board of Commissioners on Zoning Map amendment applications, conditional use permits, and temporary manufactured home permit applications (in conjunction with Section 610-030 E of this Ordinance). Such reports shall be in writing on a form prescribed by the Planning Commission and shall be made a part of the public record.

C. Accepting and processing applications for variances, extensions or enlargements, and continuances of non-conforming uses, appeals of error, or any other business as may be scheduled for public hearing by the Board of Zoning Appeals.

D. Maintenance of permanent records concerning the administration of the Zoning Ordinance, including all maps, amendments, records of public hearings, and any other business of the Planning Commission and Board of Zoning Appeals.

E. Review of applications for building permits to ensure conformity with the requirements of this Ordinance and other relevant county ordinances; and approval or denial of said building permit applications.

F. Other duties as authorized in the Newton County Development Regulations.

G. Review of applications for placement or movement of a manufactured home onto a new site.

Sec. 600-020  BUILDING OFFICIAL
The Building Official shall assist the Zoning Administrator, the Planning Commission, the Board of Zoning Appeals and the Board of Commissioners in the administration of this Ordinance and perform other duties as authorized in the Newton County Development Regulations.
Sec. 600-030 ZONING CERTIFICATION
Upon written request by the property owner or owner’s authorized agent, the Zoning Administrator may issue a certificate verifying the current zoning of a parcel of land. The fee for a Zoning Certificate shall be $50 per zoning district verified in each request.

DIVISION 605: BOARD OF ZONING APPEALS

Sec. 605-010 ESTABLISHMENT OF BOARD OF ZONING APPEALS
The Newton County Board of Zoning Appeals is hereby established. The Board shall consist of six (6) members who are residents of Newton County and are appointed by the Board of Commissioners of Newton County; one (1) from each of the five (5) Commission districts and one (1) member appointed at-large. Each member shall be appointed for a term of two (2) years, except for posts one (1), three (3), and five (5), which shall initially be appointed for one (1) year; however, all subsequent appointments shall be for a term of two (2) years. Sitting members may continue to serve until replaced. If a member moves to reside outside Newton County, such member shall be deemed to have resigned from the Board. Members who miss more than three (3) meetings in one calendar year will be reported to the County Commissioner who appointed them and may be subject to removal. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointments. Members shall serve at the pleasure of the Board of Commissioners. None of the members shall hold any other public office or position in the County, except that one member may also be a member of the Newton County Planning Commission.

Sec. 605-020 BOARD OF ZONING APPEALS PROCEDURE
A. The Board of Zoning Appeals shall elect a chairman and a vice-chairman from its membership who shall serve for a term of one (1) year. The Board of Zoning Appeals shall appoint a secretary who may be an officer of the governing authority or a member of the Planning Commission. The Board of Zoning Appeals shall adopt rules in accordance with the provisions of this Ordinance.

B. Meetings of the Board of Zoning Appeals, if needed, shall be held once each month, and at such other time as the Board of Zoning Appeals may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be held in accordance with the Open Meetings Act.

C. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question. The minutes shall also indicate a member’s absence or failure to vote. Records of the Board’s examinations and other official actions, all of which shall be immediately filed in the office of the Board, shall be kept as public record.

D. Appeals of Decisions of Administrative Officials

1. Appeals may be filed by any person aggrieved by, or by any County official, department, board or agency affected by, any final order, requirement, or decision of an administrative official, made in the enforcement of the Zoning Ordinance.
2. A person shall be considered aggrieved for purposes of this subsection only if:

   a. Said person or said person’s property was the subject of the action appealed from; or

   b. Said person has a substantial interest in the action appealed from that is in danger of suffering special damage or injury not common to all property owners similarly situated.

3. Such appeals shall be taken within thirty (30) days of the decision appealed, by filing with the officer from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall transmit to the Board of Zoning Appeals all papers constituting the record upon which the action was taken.

4. An appeal stays all legal proceedings in furtherance of the action appealed unless the official from whom the appeal is taken certifies to the Board, after notice of appeal has been filed, that by reasons of facts stated in the certificate, a stay would, in that official's opinion, cause imminent peril to life and property. In such a case, proceedings shall be stayed only by a restraining order granted by the Superior Court of Newton County on notice to the officer from whom the appeal is taken and on due cause shown.

5. Following the consideration of all testimony, documentary evidence, and matters of record, the Board shall make a determination on each appeal. The Board shall decide the appeal within a reasonable time but in no event more than 60 days from the date of appeal. An appeal shall be sustained only upon an expressed finding by the Board that the administrative official's action was based on an erroneous finding of a material fact, or that the administrative official acted in an arbitrary manner.

6. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all the powers of the administrative official from whom the appeal was taken and may issue or direct the issuance of a permit provided all requirements imposed by all other applicable laws are met.

E. Notice
   The Board shall fix a reasonable time for the hearing of requests for variances, extensions or continuances of non-conforming uses, and appeals of administrative decisions, in compliance with the notice requirements of Section 620-020, and decide the same within a reasonable time. Upon a hearing, any party may appear in person or by agent or by attorney.

F. Requests for a variance, extension or continuance of a non-conforming use, or appeal of error, shall be filed in writing with the Zoning Administrator. Within forty-five (45) days
Newton County Zoning Ordinance

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

1. Send the request, along with any comments the Zoning Administrator may deem necessary, to the Board of Zoning Appeals.

2. Prior to public hearings before the Board of Zoning Appeals, satisfy applicable notice requirements in a manner prescribed by Section 620-020 of this Ordinance.

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

Sec. 605-030 POwers of Board of Zoning Appeals
The Board of Zoning Appeals shall have the following powers:

A. Administrative review: To hear and decide appeals where it is alleged there is an error in any order, requirement, permit, decision, determination or refusal made by an administrative officer in the enforcement of this Ordinance.

B. Variances: To authorize upon appeal in specific cases such variances from the terms of the Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will, in an individual case, result in a practical difficulty or unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variances may be granted in individual cases of practical difficulty or unnecessary hardship upon a finding by the Board that the following exists:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;

2. The strict application of the Ordinance to this particular piece of property would create practical difficulty or unnecessary hardship; and

3. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance.

4. No variance may be granted for a use of land or buildings or structure that is prohibited by this Ordinance or to change the density of a use allowed by the Zoning Ordinance or to grant a development right or standard in conflict with a condition of zoning imposed by the Board of Commissioners.
5. If the variance application is related to residential use by a handicapped person or persons, or is necessary to facilitate a Personal Care Home for the handicapped, the Board shall consider what reasonable accommodations in its rules or policies it can make to provide the handicapped with equal opportunity to use and enjoy dwellings, while not abrogating the purposes of this ordinance. As used in this section, "handicap" means, with respect to a person, (1) a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) a record of having such an impairment, or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 802 of Title 21 of the U.S. Code). Any reasonable accommodation granted should only be related to the disability/handicap.

6. If the variance application is for the purpose of authorizing building on a non-conforming lot, the Board shall consider first whether the standards of the zoning district can be satisfied without the variance. If they cannot, the Board shall be authorized to consider the non-conforming status of the lot as a exceptional condition pertaining to the property, unless the non-conforming status was unlawfully created (for example, by splitting a lot into two sub-standard lots after the adoption of the zoning ordinance).

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

F. Appeals of Administrative Decisions
   The Board of Zoning Appeals shall have the power and duty to hear and decide appeals in conformance with Section 605-020 (D).

G. Appeal From Decision Of Board Of Zoning Appeals
   Any person or persons severally or jointly aggrieved by any decision of the Board of Zoning Appeals may take an appeal by mandamus to the Superior Court. All appeals shall be filed within thirty days from the date of the decision of the Board of Zoning Appeals, and upon failure to file an appeal within thirty days, the decision of the Board of Zoning Appeals shall be final.

H. Refiling
   If a petition for variance or extension or continuance of a non-conforming use is denied by the Board of Zoning Appeals, such petitioner shall be required to wait at least ninety (90) days from the filing date of the denied application before again petitioning for the same purpose.
DIVISION 610: PLANNING COMMISSION

Sec. 610-010  ESTABLISHMENT OF PLANNING COMMISSION
The Planning Commission shall consist of six (6) members who are residents of Newton County and are appointed by the Board of Commissioners; one (1) from each of the five (5) Commission districts and one (1) member appointed on an at-large basis. Each member shall be appointed for a term of two (2) years (except for post 2, 4 and the at-large post, which shall initially be appointed for terms of one (1) year; and with subsequent appointments for two (2) years). Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointments. Sitting members may continue to serve until replaced. If a member moves to reside outside Newton County, such member shall be deemed to have resigned from the Commission. Members who miss more than three (3) meetings in one calendar year will be reported to the County Commissioner who appointed them and may be subject to removal. Members shall serve at the pleasure of the Board of Commissioners. None of the members shall hold any other public office or position in the County, except that one (1) member may also be a member of the Board of Zoning Appeals. Any vacancy in the membership of the Planning Commission shall be filled for the unexpired term in the same manner as the initial appointment. The appointing county governing authority shall have authority to remove any member for cause stated in writing and after a public hearing. The Planning Commission shall elect one of its members to serve as the Chairman. The Chairman of the Planning Commission shall serve for one year or until re-elected or a successor is elected.

Sec. 610-020  RULES OF PROCEDURE
The Planning Commission and the Board of Commissioners shall adopt Rules of Procedure which shall be filed with the Clerk of the Board of Commissioners. Said rules shall specify the policies and procedures that govern calling and conducting the public hearings by the Planning Commission and the Board of Commissioners required by this Division. Said rules shall be made available for distribution to the public. Robert’s Rules of Order shall govern the setting of a quorum and any procedural question not otherwise covered in the Rules of Procedure of the Planning Commission or Board of Commissioners.

Sec. 610-030  POWERS OF PLANNING COMMISSION
The specific duties of the Planning Commission shall include, but not be limited to, the following:

A. Receiving from the Zoning Administrator and reviewing all requests for amendments to the Comprehensive Plan and the Short Term Work Program, Zoning Ordinance amendments (including map and text amendments), conditional uses, temporary manufactured home permits, preliminary and final plats for proposed subdivisions, or any other matters relating to planning and zoning;

B. Conducting public hearings for the purpose of soliciting public comments prior to acting on any business that shall come before them; and
C. Submitting to the Board of Commissioners recommendations concerning amendments to the Comprehensive Plan and the Short Term Work Program, Zoning Ordinance amendments, conditional uses, site plans, subdivision plats or any other matters relating to planning and zoning within Newton County.

D. Other powers as authorized in Division 300 in of the Newton County Development Regulations.

E. A temporary permit for a manufactured home may be issued by the Planning Commission under the following circumstances:

1. Applicant requests permission to use a manufactured home for a temporary residence when a conforming dwelling has been destroyed by fire, natural disaster, or condemnation, and provided the manufactured home is to be used for occupancy only while the dwelling is being reconstructed or rebuilt. Any application for such temporary permit must be filed with the Zoning Administrator within thirty (30) days of the date of the destruction of the dwelling in question. A temporary permit requested pursuant to authority of this sub-section may be issued by the Zoning Administrator immediately upon receipt of a written application setting forth the circumstances warranting issuance of said permit. Any temporary permit issued by the Zoning Administrator under authority of this sub-section shall be presented to the Planning Commission for review and ratification at its next regularly scheduled meeting. Temporary permits issued under authority of this sub-section shall be for an initial one (1) year term, and then only in the event the Planning Commission shall determine that sufficient construction progress has occurred during the initial one (1) year term to warrant renewal or extension.

2. Applicant requests permission to use a manufactured home for a temporary residence in conjunction with an existing residential structure provided it is shown that a substantial and undue hardship would result if the manufactured home is not permitted and that the placement of the manufactured home, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this Ordinance.

3. An application for a temporary permit under this sub-section shall be in writing and include the following information. Any application for a temporary permit under this sub-section shall state the circumstances which would result in undue hardship if the manufactured home is not permitted. When application is made for a temporary permit under the terms and provisions of this sub-section, the Planning Commission, at its next regularly scheduled meeting, but not later than 60 days following the application, shall rule on the application using the following standards:

   a. Whether undue hardship would result if the manufactured home is not permitted;

   b. Whether granting placement of the manufactured home would cause substantial detriment to the public good; and
Newton County Zoning Ordinance

c. Whether granting placement of the manufactured home would impair the purposes and intent of these Ordinances.

4. Temporary permits issued under authority of this sub-section shall be for an initial one (1) year term and shall be subject to renewal for so long as the Planning Commission, in its sole discretion, shall determine that the circumstances resulting in the initial hardship determination still exist.

DIVISION 615: BOARD OF COMMISSIONERS

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

A. Receiving from the Zoning Administrator and from the Planning Commission recommendations concerning the Zoning Ordinance amendments, conditional use or any other matters relating to planning and zoning within Newton County.

B. Conducting public meetings for the purpose of accepting, rejecting or modifying the recommendations submitted by the Zoning Administrator or the Planning Commission. The Board may solicit additional advice, information or comments prior to rendering its decision.

DIVISION 620: AMENDMENTS

Sec. 620-010 INITIATION OF AMENDMENTS

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

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

Sec. 620-015 PUBLIC INFORMATION MEETING

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

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

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

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

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

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

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

Sec. 620-020 NOTICE OF PUBLIC HEARINGS

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

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

B. For each amendment to the official zoning map or Comprehensive Plan Future Land Use Maps initiated by a party other than the local government, signs shall be posted on the subject property at least 15 days before the hearing before the Planning Commission and not more than 45 days prior to the date of public hearing before the Board of Commissioners. The sign shall state the case number, the nature of the proposed change, and the date, time and place of the public hearing before the Planning Commission and the Board of Commissioners. At least one sign shall be posted on each street on which the subject
property has frontage in a conspicuous location within ten (10) feet of the right-of-way. Signs shall be double-faced and posted so that the face of the sign is at a right angle to the street to allow the signs to be read by the traveling public in both directions. The lettering on the signs shall be at least one inch in size.

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

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

1. Posting notice on the affected premises in the manner prescribed by Section 620-020 of this Ordinance;

2. Publishing in a newspaper of general circulation within the territorial boundaries of Newton County a notice of the hearing at least 15 days and not more than 45 days prior to the date of the hearing.

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

Sec. 620-030 PUBLIC HEARINGS
The governing, calling, and conducting of the public hearings held by the Planning Commission and the Board of Commissioners for consideration of proposed zoning map, Comprehensive Plan Future Land Use Maps, or text amendments or conditional use permits shall be accomplished with the following policies and procedures:

A. The Chairman shall indicate that a public hearing has been called for the consideration of zoning decisions. Thereupon each application shall be considered on an individual basis.

B. When an application comes up for review, the Chairman shall ask for a show of hands for those persons who appear in support of/or opposition to the petition. If it appears that the
number of persons wishing to appear in support of/opposition to the petition is in excess of that which may reasonably be heard, the Chairman may request that a spokesperson for the group be chosen so that the entire presentation of the positions of those in support of/opposition to the petition shall not exceed 30 minutes.

C. The County zoning staff shall present an oral report on the application and make their recommendations.

D. The applicant shall be allowed a reasonable amount of time in which to present evidence to support the proposed amendment or conditional use permit.

E. Those in favor of the proposed amendment or conditional use permit shall be allowed a minimum of ten (10) minutes, or the amount of time as prescribed by State of Georgia law, to speak in favor of the proposed amendment or conditional use permit.

F. Those who oppose the proposed amendment or conditional use permit shall be allowed a minimum of ten (10) minutes, or the amount of time as prescribed by State of Georgia law, in which to speak in opposition to the proposed amendment or conditional use permit.

G. The applicant may be allowed a reasonable amount of time in which to respond to any issues raised.

H. The County zoning staff may make additional comments.

I. The County Attorney may be asked to discuss any legal issues that have been raised.

J. The Planning Commission or Board of Commissioners may then propound questions to any party present and may discuss the proposed amendment or conditional use permit.

K. After the above procedures have been completed, the Chairman will indicate that the public hearing is formally closed.

L. After the public hearing is closed:

1. For hearings before the Planning Commission, the Planning Commission shall take action on an application as provided in Section 620-080.

2. For hearings before the Board of Commissioners, the Board of Commissioners shall take action on an application as provided in Section 620-090.

M. Either the Planning Commission or the Board of Commissioners may place witnesses under oath and may require that the proceedings be recorded.

N. Each speaker at the public hearing shall speak only to the merits of the proposed zoning decision under consideration and shall address remarks only to members of the Planning
Newton County Zoning Ordinance

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

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

Sec. 620-040 PROCEDURES
A. Any person or persons requesting an amendment to the Comprehensive Plan Future Land Use Maps, a change in zoning or a conditional use permit shall file with the Zoning Administrator an application as described in Section 620-050, along with a fee, as set by the Board of Commissioners, to cover the administrative and advertising costs.

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

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

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

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

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

Sec. 620-050 CONTENT OF APPLICATION
Each applicant seeking an amendment to the official zoning map, Comprehensive Plan Future Land Use Maps or a conditional use permit shall complete all questions and requested
Article Six • Administration

materials contained within the required application form and shall provide the following information:

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

1. Indicate the complete boundaries of the subject property and all buildings and structures existing thereon;

2. Include a notation as to whether or not any portion of the subject property is within the boundaries of the 100-year floodplain; and

3. Include a notation as to the total acreage or square footage of the subject property.

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

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

D. Written legal description of property.

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

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

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

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

I. A letter or statement from the Newton County Water and Sewerage Authority indicating the availability of water and/or sewer service and any upgrades necessary to provide service.
Sec. 620-060  STANDARDS OF REVIEW
A. In ruling on any application for a zoning map amendment, Comprehensive Plan Future Land Use Maps amendment, or conditional use permit, the Planning Commission and the Board of Commissioners shall act in the best interest of the health, safety, morals, and general welfare of the County. In doing so, the Planning Commission in its consideration of and recommendations concerning a petition requesting a zoning map amendment or conditional use permit, and the Board of Commissioners in its consideration and final decision concerning a petition requesting a zoning map amendment or conditional use permit, will consider one or more of the following factors as they may be relevant to the application:

1. The existing land uses and zoning classifications of nearby property;

2. The suitability of the subject property for the zoned purposes;

3. The extent to which the property values of the subject property are diminished by the particular zoning restrictions;

4. The extent to which the land use change on the subject property represents a fair balance between the rights of private property and the health, safety, and general welfare of the public;

5. The relative gain to the public as compared to the hardship imposed upon the individual property owner;

6. Whether the subject property has a reasonable economic use as currently zoned;

7. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property;

8. Whether the proposed zoning will be a use that is suitable in view of the use and development of adjacent and nearby property;

9. Whether the proposed zoning will adversely affect the existing use or usability of adjacent and nearby property;

10. The possible creation of an isolated district unrelated to adjacent and nearby districts;

11. The population density patterns and possible increase or over-taxing of the load on public facilities including, but not limited to, schools, utilities, and streets;

12. The cost to the County and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets, and other public safety measures;
13. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality;

14. Whether the proposed change will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations;

15. Whether there are substantial reasons why the property cannot be used in accordance with existing regulations;

16. The aesthetic effect of existing and future use of the property as it relates to the surrounding area;

17. The extent to which the proposed change is consistent with the policies and intent of the Comprehensive Land Use Plan;

18. The possible effects of the proposed change on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community;

19. The relation that the proposed change bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed change will help carry out the purposes of the zoning regulations;

20. Applications for a zoning map amendment or conditional use permit which do not contain specific site plans carry a rebuttable presumption that such a rezoning or conditional use shall adversely affect the zoning scheme;

21. The preservation of the integrity of residential neighborhoods; and

22. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

B. Conditional Use Permit Criteria

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

1. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed conditional use;
2. Compatibility with adjacent properties and with other properties in the same zoning district;

3. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area;

4. Ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency;

5. Whether or not the proposed use will create unreasonable adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use;

6. Whether or not the proposed use will create unreasonable adverse impacts upon any adjoining land use by reason of the manner of the hours of operation of the proposed conditional use;

7. Whether or not the proposed use will create unreasonable adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use;

8. Whether or not there is adequate provision of refuse and service areas;

9. Whether the length of time for which the conditional use permit is granted should be limited in duration;

10. Whether or not the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.

11. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources; and

12. Whether or not the proposed plan will have an unreasonable adverse impact on natural resources or environmentally sensitive areas, including floodplains, wetlands, prime plant or animal habitat, or other similar features of unique value to the character of Newton County.

13. For a conditional use in the C-N, C-H, C-G or M-1 zoning districts, whether the use also satisfies the additional criteria listed in Article Two, Sec. 260-010 for C-N, Sec. 265-010 for C-H, Sec. 270-010 for C-G, and Sec. 275-010 for M-1, as applicable.

14. If the application is for a Personal Care Home for the handicapped, and the application does not satisfy the above criteria, the County shall consider what
reasonable accommodations in its rules or policies it can make to provide the handicapped with equal opportunity to use and enjoy dwellings, while not abrogating the purposes of this ordinance. As used in this section, "handicap" means, with respect to a person, (1) a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) a record of having such an impairment, or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 802 of Title 21 of the U.S. Code). Any reasonable accommodation should only be related to the disability/handicap.

15. If the application is for a Place of Worship, and the application does not satisfy the above criteria, the County shall consider

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

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

C. Staff Analysis and Findings of Fact
   The staff of the Department of Planning shall conduct a site inspection on all applications for zoning map amendments or conditional use permits and shall investigate and prepare an analysis of each proposed amendment to the text of this Ordinance, each proposed amendment to the official zoning map, and each conditional use permit application. The Zoning Administrator shall provide the members of the Planning Commission a staff report containing complete information on each proposed amendment or conditional use permit application which the Commission considers including: a copy of the application and all supporting materials; all other written communications given to the staff either in support of or in opposition to the amendment or conditional use permit application; and the written report and recommendation of the Planning staff on each proposed amendment or conditional use permit application. The findings and recommendations of the staff shall be made based on each of the standards and factors contained in Section 620-060 (A) and (B). In any recommendation of approval of any application for an amendment or conditional use permit, the Planning staff may recommend the imposition of conditions. The staff shall present its findings and recommendations in written form to the Planning Commission and the Board of Commissioners. Copies of the written findings and recommendations of the staff shall be reasonably made available to the applicant and the public.
Sec. 620-070  CONDITIONAL REZONING
A. The Planning Commission may recommend, and the Board of Commissioners may approve a rezoning request or conditional use permit based upon the performance of certain conditions either prior to or in conjunction with the approval of a requested zoning change or conditional use permit. Such conditions shall be consistent with the purpose and intent of the district(s) involved and the goals and objectives of the Comprehensive Plan. All conditions shall be of sufficient specificity to allow lawful and consistent application and enforcement. Such conditions may include, but are not limited to, any of the following:

1. An increase in the minimum size of any dwelling to be constructed on the property to be rezoned;

2. Requirements for curbs and gutters;

3. The provision of recreational areas and facilities;

4. The construction of sidewalks or walkways;

5. The elimination of permitted land uses within the area to be rezoned;

6. The adoption of certain architectural standards;

7. The provision of screening or other measures to protect scenic values;

8. Minimum landscaping requirements; and

9. Any other reasonable condition which will ameliorate the impact of the land use change requested.

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

1. Modifications and Changes to Conditional Zoning Amendments
The Zoning Administrator shall have sole authority to approve minor changes to conditions attached to an approved zoning amendment or conditional use. Minor changes are those that implement only slight alterations to the approved conditions, made necessary by actual field conditions at the time of development, that do not alter the impact of the development on nearby properties nor the intent or integrity of the conditions as originally imposed. Any request for a minor change of conditions shall be made in written form to the Zoning Administrator. If an approved site plan exists, the request for minor change shall be accompanied by three (3) copies of the revised site plan.

2. Any major change to conditions attached to an approved zoning amendment or conditional use shall require an application and hearing before the Planning
Commission and the Board of Commissioners as is required in this Division for amendments to the official zoning map generally. Without limiting the meaning of the phrase, the following shall be deemed to constitute “major change” for purposes of interpreting this Section:

a. The movement of any building or structure closer to the nearest exterior boundary line of the property;

b. Any increase in the number of dwelling units or any increase in the total amount of floor space of any nonresidential building;

c. Any change in any buffer requirement(s) imposed in the original conditional zoning amendment;

d. Any increase in the height of any building or structure; or

e. Any change in the proportion of floor space devoted to different authorized uses.

Sec. 620-080  ACTION BY PLANNING COMMISSION

A. The Planning Commission, after conduct of a public hearing with public notice as is required by this Division, shall investigate the proposal and vote its recommendation to the Board of Commissioners. The Planning Commission may recommend approval of the application, approval of the application with conditions, denial of the application or deferral of the application for a period not to exceed 60 (sixty) days. If necessary, the Zoning Administrator shall re-advertise the public hearing before the Planning Commission in accordance with the provisions of Section 620-020 of this Ordinance.

B. In its recommendation of any application for an amendment or conditional use permit, the Planning Commission may recommend the imposition of conditions in accordance with Section 620-070. All findings and recommendations of the Planning Commission relating to amendments to the official zoning maps, amendments to the text of this Ordinance, or conditional use permits shall be made based on each of the standards and factors contained in Section 620-060. The Secretary of the Planning Commission shall make and maintain a written record of the Planning Commission’s investigation and recommendations, which record shall be a public record.

Sec. 620-090  ACTION BY THE BOARD OF COMMISSIONERS

A. Following review and recommendation from the Planning Commission, the Board of Commissioners, after conduct of a public hearing with public notice as is required by this Division, shall vote to approve the proposed amendment or conditional use, approve the proposed amendment or conditional use with conditions, deny the proposed amendment or conditional use, defer the proposed amendment or conditional use, or, upon request of the applicant, permit withdrawal of the proposed amendment or conditional use without prejudice. If the Board of Commissioners shall vote to refer the amendment or
conditional use permit back to the Planning Commission for further investigation, the Zoning Administrator shall re-advertise the dates of the public hearings before the Planning Commission and the Board of Commissioners. No proposed amendment to the text of this Ordinance, amendment to the official zoning map, or conditional use permit application shall be approved except by the majority vote of the members of the Board of Commissioners.

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

Sec. 620-100 WITHDRAWAL OF APPLICATION
Applications may only be withdrawn prior to the meeting of the Board of Commissioners and before they have been filed for advertising for public hearing before the Planning Commission. Application fees shall be refunded in any case.

Sec. 620-110 CLERK OF THE BOARD OF COMMISSIONERS
The Clerk of the Board of Commissioners shall, within ten (10) days from action of the Board of Commissioners on each proposed amendment to the text of this Ordinance, each proposed amendment to the official zoning map, and each application for a conditional use permit provide to the Zoning Administrator a signed and certified copy of each such ordinance. The Zoning Administrator shall thereafter cause the official zoning maps to be changed in accordance with any such approved ordinance.

Sec. 620-120 RE-APPLICATION FOLLOWING DENIAL OF REQUEST
If a rezoning request for a property is denied by the Board of Commissioners, then the same property may not again be considered until the expiration of at least six (6) months immediately following the denial of the rezoning request by the Board of Commissioners.

DIVISION 625: CONDITIONAL USE PERMITS

Sec. 625-010 CONDITIONAL USE PERMITS
The conditional use permit allows the Board of Commissioners to approve a conditional use on a particular parcel without changing the general zoning district. The conditional use permit is designed to be used when:

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

Sec. 625-020  CONDITIONAL USE REQUIREMENTS
Such approval shall be subject to the requirements set forth in this Section and any additional conditions deemed necessary to ensure the compatibility of the conditional use with the surrounding properties. The minimum requirements for a conditional use permit are:

A. Any uses permitted under a conditional use permit shall also conform to the requirements of this Ordinance for the use as found in the zoning district.

B. The application and review process for a conditional use permit shall be the same as for the amendment of a zoning map for the district under which the conditional use is found. In addition to the information and/or site plans which are required to be submitted for a map amendment for the proposed development, the Zoning Administrator or Planning Commission may require additional information deemed necessary, in order to evaluate a proposed use and its relationship to the surrounding area. In addition to the information and/or site plans required by this Section, the owner of the property shall submit with the application for a conditional use permit information regarding the ownership of any business associated with the use, the experience and background qualifications related to the operation of the business, prior similar businesses operated, applicable State of Georgia certifications, licenses and like information.

C. If an application is approved and a conditional use permit is granted, all conditions which may have been attached to the approval are binding on the property. Any subsequent development and use of the property shall be in accordance with the approved plan and conditions.

D. Once established, the conditional use shall be in continuous operation. Upon discovery that the operation of the conditional use has ceased for a continuous period of 90 days or more and the owner of the property has not requested voluntary termination of the conditional use permit, the Zoning Administrator shall forward a report to the Board of Commissioners through the Planning Commission which may recommend that action be taken to remove the conditional use permit from the property.

E. Changes to a conditional use, or development of a site for the conditional use, shall be treated as an amendment to the conditional use permit and shall be subject to the same application and review process as a new application.

F. The conditional use for which a conditional use permit is granted shall commence operations or construction within 12 months of the date of approval by the Board of Commissioners. If, at the end of this 12 month period, the Zoning Administrator determines that active efforts are not proceeding toward operation or construction, a report may be forwarded to the Board of Commissioners through the Planning Commission.
Newton County Zoning Ordinance

Commission which may recommend that action be taken to reconsider the conditional use permit.

G. An application for a conditional use permit in a residential district and in which the use is proposed to operate in a dwelling or as an accessory use to a dwelling is subject to the following additional requirements:

1. The conditional use permit shall be valid for no more than a two-year period. Upon or before the expiration of a conditional use permit, the owner shall make application to continue the conditional use permit if continuance is desired. However, after the first two-year period the Board of Commissioners may waive the two-year time limitation.

2. The exterior character of the dwelling shall be preserved in its residential state and there shall be no outside evidence of the operation of the conditional use.

3. The owner of the property shall occupy the property, shall operate any business associated with the conditional use, and shall maintain a business license issued by Newton County.

4. The owner of the property shall submit with the application a signed statement in which he/she agrees that the conditional use permit, if approved, shall automatically terminate in the event that the property is sold, transferred, or otherwise conveyed to any other party, or the business which operates the conditional use is sold, transferred, otherwise conveyed or discontinued. The owner shall agree to notify the Zoning Administrator in writing upon the occurrence of any of these events.

H. The owner of the property approved for a conditional use permit, may voluntarily request termination of the conditional use permit by notifying the Zoning Administrator in writing. The Zoning Administrator shall notify the Board of Commissioners through the Planning Commission of the voluntary terminations as they occur and shall change the official zoning maps to reflect any voluntary termination. The approval of a conditional use permit for a specific use which may be operated by a lessee under a private agreement with a lessor in any non-residential district shall not obligate the Board of Commissioners to be responsible for or be required to resolve any disputes which may arise out of the voluntary termination of the conditional use permit by the property owner.

I. The Zoning Administrator shall have the right to periodically examine the operation of the specific use to determine compliance with the requirements and any conditions. If the Zoning Administrator determines that the requirements and conditions are being violated, a written notice shall be issued to the owner of the property outlining the nature of the violation and giving the owner of the property a maximum of ten (10) days to come into compliance. If after ten (10) days the violations continue to exist, the Zoning Administrator shall forward a report to the Board of Commissioners through the Planning
Commission which may recommend that action be taken to remove the conditional use permit from the property.

J. Upon approval by the Board of Commissioners, a conditional use permit shall be identified on the official zoning maps.

K. Upon approval by the Board of Commissioners of a conditional use permit, the owner of the property shall be issued a notice from the Zoning Administrator which states the specific use permitted, the requirements of this Section and any conditions attached to the approval.

L. The Zoning Administrator shall not issue a Certificate of Occupancy for the specific use unless all requirements and conditions of the conditional use permit have been fulfilled by the owner of the property.

M. At the hearing on a conditional use permit application, the staff shall appear and present its analysis and findings to the Board verbally, in addition to submitting its report to the Board at least one week before the hearing. The Board members shall have the opportunity to ask questions of the staff, and of the applicant, supporters and opponents. The hearing shall be transcribed or recorded so that it may be transcribed later if necessary. The applicant and supporters shall be granted equal time as opponents. More time than the minimum ten minutes may be allowed by the Board or the Chairman if the application is complex, or the number of witnesses warrants a further extension. If the Chairman determines that there are a great number of opponents with the same interest (for example, members of the same neighborhood), the Chairman may require that a spokesman be designated. The opponents may also be represented by an attorney. The applicant, supporters and opponents shall have the right to provide testimony, including expert testimony, in support of their position. Each party shall have a reasonable opportunity to ask questions of the other side, in an orderly manner as controlled by the Chairman.

N. The Board shall only consider evidence presented with the application or at the hearing. The Board members shall not accept any ex parte evidence, and all evidence submitted (including the staff analysis) shall be disclosed at or before the public hearing, to allow all sides the opportunity to review it.

O. At the close of the evidence, the Board shall discuss the application. At the close of discussion, the Board shall recess the hearing to allow the County Attorney’s office time to prepare proposed written decision(s). The County Attorney’s office shall meet with each Board member individually and ascertain his or her reasons for approval or denial, and shall prepare a written decision or decisions to be voted on by the Board at a hearing within 45 days. Board members may also prepare their own proposed decisions. Written decisions should be based on the evidence in the record and the criteria in the ordinance. At the hearing, the Chairman shall call for motions and any member may put forward a written decision to be voted on. Written decisions may be supplemented with further
conditions proposed at that hearing. No vote shall be final until a written decision is adopted by the Board.

Sec. 625-030 RE-APPLICATION FOLLOWING DENIAL OF REQUEST
If a conditional use permit request for a property is denied by the Board of Commissioners, then the same property may not again be considered until the expiration of at least six (6) months immediately following the denial of the conditional use permit by the Board of Commissioners.

DIVISION 630: ADMINISTRATIVE VARIANCES

Sec. 630-010 ADMINISTRATIVE VARIANCES
The Zoning Administrator is hereby authorized to consider and grant or deny, pursuant to the procedures and standards contained in this Section, a variance from the following regulations:

A. Reduce by variance any front, side or rear yard setback or any transitional buffer by an amount not to exceed 10 percent of the district requirement, but not including any transitional buffer zone or any setback which is a condition of zoning or conditional use permit approval, pursuant to the standards specified in Section 620-060 (A).

B. Reduce by variance the required spacing between buildings in districts where multiple buildings are authorized on a single lot in an amount not to exceed 10 percent of the requirement, but not in an amount which is less than the minimum requirement imposed.

C. Reduce by variance the off-street parking or loading requirements imposed by this Ordinance in an amount not to exceed 10 percent of the district requirement in accordance with Section 515-020 and Section 515-030 of the Zoning Ordinance and Sections 605-100, 630-030 and 630-040 of the Development Regulations.

D. Any request for administrative variance permitted by this Section shall be filed in writing with the Zoning Administrator. The Administrator shall review and decide upon each such application pursuant to the applicable standards referred to in each subsection above, and shall make a written decision on each such application no later than 30 days from the date such application was filed. No administrative variance shall be authorized to delete, modify, or change in any manner any condition imposed by the Board of Commissioners or the Board of Zoning Appeals.

E. Any appeal of an administrative variance may be filed in writing to the Board of Zoning Appeals by an aggrieved party and shall be heard by the Board of Zoning Appeals in accordance with Section 605-020 (D).

Sec. 630-020 UPDATING OF ZONING MAPS
Where base maps become available which update property boundary lines, streets or other features, or utilize improved mapping technology, the Board of Commissioners may incorporate such maps as updates of the Official Zoning Maps, so long as no changes are
made to zoning district boundaries. Notations shall be made on each set of maps showing
dates of such changes and shall be signed by designated representatives of the governing
authorities, and all out-dated maps shall be retained permanently as a matter of record.

Sec. 630-030  MAP AMENDMENTS
If, in accordance with provisions of this Ordinance, changes are made in the district
boundaries or other information portrayed in the Official Zoning Maps, changes shall be
made on the Official Zoning Maps promptly after the amendment has been approved by the
Board of Commissioners of Newton County, together with a numerical entry on the Official
Zoning Maps, referring to the application on file which states the date of the official action
and the brief description of the nature of the changes. No amendments to this Ordinance
which involve matters portrayed on the Official Zoning Maps shall become effective until
after such change and entry have been made on said map.
ARTICLE 7 – ENFORCEMENT AND PENALTIES

DIVISION 700: ENFORCEMENT AND PENALTIES

Sec. 700-010  ENFORCEMENT
A. The Building Official or Zoning Administrator has the power to make inspections of buildings or structures (their construction and use) and land (its use, development and subdivision) to determine if they conform to the requirements of this Ordinance. Inspections shall be carried out during reasonable business hours, unless an emergency exists.

B. If the Building Official and Zoning Administrator shall determine that any such building or land does not conform to this Ordinance, the owner shall be notified by written notice, registered mail return receipt requested of the manner in which such building or land does not conform and the owner shall have thirty days in which to remedy the conditions therein specified; provided, however, that the Building Official or Zoning Administrator may, at his discretion, extend the time for compliance with any such notice.

Sec. 700-020  PENALTIES
A. Any violation of this Ordinance is hereby declared to be a public nuisance.

B. Any person, firm, corporation, or entity accused of a violation of this Ordinance shall, upon conviction, be punished by imposition of a minimum fine of $100.00, imprisonment or both, not to exceed the maximum penalties specified in O.C.G.A. 36-1-20. Exception: A penalty of $25.00 per offense ($100.00 maximum) shall be levied against violations of Section 525-030, Paragraph C. Weekend Directional Signs.

C. Each offense shall constitute a separate offense for each day such violation shall continue.

Sec. 700-030  REMEDIES
In the event any building or structure is erected, constructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of this Ordinance, the Building Official and Zoning Administrator, or any appropriate County authority or any person who would be damaged by such violation may institute injunction, mandamus or other appropriate action in proceeding to prevent the violation in the case of each building, structure, or land use pursuant to O.C.G.A. Section 15-10-63 and any successor statute.
THE NEWTON COUNTY BOARD OF COMMISSIONERS
MINUTES
April 29, 2003

Newton County Judicial Center
Covington, Georgia
Chairman Aaron Varner presiding

Present: Chairman Aaron Varner, Commissioners’ Mort Ewing, Ronnie Dimsdale, Ester Fleming, Jr., J.C. Henderson, and Billy Strickland; Administrative Assistant John Middleton; Attorney Tommy Craig, Attorney Jenny Carter, and Clerk Jackie Smith

Also Present: Attorney Peter Olson
Tina Ayers
Zack Melvin
Large group of citizens

Newspapers: Nathan Cain, Covington News
Joey Peters, Newton Citizen

Call to Order: Chairman Varner called the meeting to order at 7:00 P.M., gave a quote by Jerry Clower, and extended a welcome to all present. Lt. Doug Kitchens, Newton County Sheriff Department gave the invocation. The Pledge of Allegiance was led by children from Newton County’s Special Olympics: Justin James, Kesha Williams, Jessika Partin and William Jones. Chairman Varner expressed appreciation to them and presented each one with a Newton County pin.

Chairman Varner gave the ground rules for the meeting and stated that Attorney Jenny Carter would address the board covering each article one by one. He asked that remarks be limited to two minutes for each person who would like to address the board.

Ms. Carter thanked the committee members who worked tirelessly on these procedures. Appreciation was expressed by all with applause.
R-042903 NEWTON COUNTY ZONING PROCEDURES

No comments or questions
- Ms. Carter stated the Zoning Procedures stands as written in book.

Motion: To approve Resolution R042903 Newton County Zoning Procedures as recommended by the Committee and the Planning Commission.
Proposed by: Commissioner Mort Ewing, District One
Second by: Commissioner Billy Strickland, District Five
Motion Carried Unanimously

ARTICLE 1
- No changes
- Contains zoning map
- Stands as written

No comments or questions.

Motion: To adopt Article 1 as presented in the 2003 Proposed Zoning Ordinance Amendments, Newton County, Georgia, Final Draft and adoption of the Proposed Zoning Map.
Proposed by: Commissioner Ronnie Dimsdale, District Two
Second by: Commissioner Mort Ewing, District One
Motion Carried Unanimously

ARTICLE 2

Discussion:

Jenny Carter:
- Delete: In Dev. Nodes the Max density is 12 dwelling units per acre.
- Corrected typo in table on page 53
- Architectural Standards: R1, R2, R3
- Accents: Houses constructed with vinyl siding on all sides shall have front accents of brink, stone, masonry or stucco.
- Fences: Provision made for corner lots: For corner lots, fencing is permitted in the side yard abutting the street as follows: Wood or vinyl fencing is acceptable up to the rear building line provided the fencing does not exceed four (4) feet in height. This requirement also applies behind the rear building line if the fence is within the side yard setback. Chain link fencing is not allowed in this area.
- Issue left for discussion: Minimum Lot Area - Chart on page 53
- Planning Commission recommended adoption of Article 2 as presented

Steve DuBois:
Voiced concern about cul de sacs and Ms. Ayers stated this was covered in another part of the zoning ordinance.

**Sec. 225-030 Property Development Standards (R2 pg. 60-61)**
Minimum lot area where public or community water and sewer are used:

**R2 Lot Size**

<table>
<thead>
<tr>
<th>Current</th>
<th>Committee</th>
<th>Staff Alternative Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>15,000 sq. ft</td>
<td>18,000 sq. ft</td>
<td>20,000 sq. ft</td>
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</tbody>
</table>

Motion: To adopt minimum lot size of 20,000 square feet in R-2 where public or community water and sewer are used.

Proposed by: Commissioner Ester Fleming, Jr., District Three
Second by: Commissioner Billy Strickland, District Five
Motion Carried Unanimously

**R2 Road Frontage**
Minimum road frontage where public or community water and sewer are used:

Note: Cul-de-sacs are handled separately at 40 feet.

<table>
<thead>
<tr>
<th>Current</th>
<th>Committee</th>
<th>Staff Alternative Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>40 ft</td>
<td>50 feet</td>
<td>75 feet</td>
</tr>
</tbody>
</table>

Motion: To adopt minimum road frontage of 75 feet in R-2 where public or community water and sewer are used.

Proposed by: Commissioner Ester Fleming, Jr., District Three
Second by: Commissioner J.C. Henderson, District Four
Motion Carried Unanimously

Note: Ms. Carter stated the building line was the same for all three and was listed for comparison purposes.

**Sec. 225-050 Property Development Standards (R3 pg. 62-63)**
Minimum lot area where public or community water and sewer are used:

**R3 Lot Size**

<table>
<thead>
<tr>
<th>Current</th>
<th>Committee</th>
<th>Staff Alternative Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>12,000 sq. ft</td>
<td>10,000 sq. ft</td>
<td>15,000 sq. ft</td>
</tr>
</tbody>
</table>

Motion: To adopt minimum lot size of 17,000 square feet in R-3 where public or community water and sewer are used.
Proposed by: Commissioner Ester Fleming, Jr., District Three
Second by: Commissioner Mort Ewing, District One
Motion Carried with Commissioners Fleming, Ewing, Henderson and Strickland
voting for the motion and Commissioner Dimsdale voting in opposition to motion.

**R3 Road Frontage**
Minimum road frontage where public or community water and sewer are used:
Note: Cul-de-sacs are handled separately at 40 feet.

<table>
<thead>
<tr>
<th>Current</th>
<th>Committee Recommendation</th>
<th>Staff Alternative Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>40 feet</td>
<td>50 feet</td>
<td>60 feet</td>
</tr>
</tbody>
</table>

Motion: To adopt minimum road frontage of 60 feet in R-3 where public or community water and sewer are used.
Proposed by: Commissioner Ester Fleming, Jr., District Three
Second by: Commissioner Billy Strickland, District Five
Motion Carried Unanimously

Note: Ms. Carter stated the building line was the same at 75 feet.

**Side Setback**

<table>
<thead>
<tr>
<th>Current</th>
<th>Staff Recommendation</th>
<th>Alternative Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 feet</td>
<td>10 feet</td>
<td>7.5 feet</td>
</tr>
</tbody>
</table>

Motion: To adopt Side Setback of 10 feet where public or community water and sewer are used.
Proposed by: Commissioner Ester Fleming, Jr., District Three
Second by: Commissioner Mort Ewing, District One
Motion Carried Unanimously

Commissioner Dimsdale noted the following:
- Maximum lot coverage does not state that it is the average lot coverage for a master plan. It could be interpreted as being maximum coverage per lot.
- Thinks the intention is for conservation subdivision, looking per maximum coverage per unit, rather than lot.
Jenny Carter:
- The way it is currently written refers to individual lots. We would need to change it for it to apply to subdivisions as a whole.
Commissioner Dimsdale:
- Stated he hoped that would be the intent; average per development, rather than per lot.
- Average per master plan.
• Suggested the following:
  R1: 25%
  R2: 30%
  R3: 30%
  MSR: 30%
• Requested staff to run numbers to make sure the numbers will work. Wants to make sure there is a ceiling and that the ceiling will work. Mr. Melvin stated they would run the numbers.

**Minimum House Size**

Commissioner Fleming:
• Average house size is around 1600 sq. ft.
• Moved AR up a few years back
• Did not hurt in any area.
• Staff and committee recommended 1450 sq. ft.
• Would like to see it moved up to 1550 sq. ft. (heated)
• Asked for boards comments.

Commissioner Dimsdale:
• Questioned if it would be subdivisions only (subdivisions definitions).

Commissioner Ewing:
• Questioned the zoning categories to be included in recommendation.

Commissioner Fleming:
• A through R3
• Committee recommended all categories at 1450 sq. ft.
• Does not think it will hurt the county to raise the heated sq. ft.
• 7th fastest county in nation.

Commissioner Henderson:
• Clarified that this was for subdivisions only and not someone who owned land.
• Asked developers what would be the increase in cost to homeowner?

Steve DuBois:
• Stating that counting land cost it would be around $110.00 per foot.

Tina Ayers:
• Currently there is no difference in lots across the board whether it is a subdivision lot or a lot someone has bought regarding minimum house size. Questioned if Commissioner Fleming would recommend a separate category for subdivisions.

Commissioner Fleming:
• Clarified that he is referring to “subdivisions” only and that would be his recommendation.
• Committee recommended 1450 sq. ft. (Ms. Carter concurred)

Commissioner Ewing:
• Clarified: Committee recommended 1450 sq. ft. for RE to R3 and Commissioner Fleming is recommending 1550 sq. ft. Concurred

Commissioner Dimsdale:
• Concerned that as minimum sq. footage is increased that houses would become more and more out of the reach of some people. These people would be looking for somewhere else to live and would guess that would put a demand for apartments.
• Does not have any problem with 1450 sq. ft, but going beyond that causes him concerns and questions on what effect it will have.

Larry Maynard:
• Originally we had 900 sq. ft in rural areas for a mother-in-law suite.
• You are going to increase price of house $30,000.
• Rockdale is a great example of raising the house size and lots of apartments came in.
• Market dictates what we build.
• Raising the square footage of the house forces me to not put as many amenities in the house.
• This will eliminate housing opportunities for many people.

Commissioner Fleming:
• Stated he understands he may not have the support for this, but feels very strongly in this area and duly made motion.

Motion: To adopt minimum house size in RE, A-R, R-1, R-2, and R-3 of 1550 square feet in subdivisions only.
Proposed by: Commissioner Ester Fleming, Jr., District Three
Second by: Commissioner Billy Strickland, District Five
Motion Carried with Commissioners Fleming, Strickland and Ewing voting for the motion and Commissioners Dimsdale and Henderson voting in opposition to motion.

Jenny Carter:
• Asked for clarification, stating motion was for subdivisions only. Yes.

Steve DuBois:
• Asked why it would be subdivisions only?

Commissioner Henderson:
• Stated Commissioner Fleming made the motion for subdivisions only.

Steve DuBois:
• Asked what was the difference in the size of house in a subdivision or out on a county road.

Commissioner Fleming:
• Stated he did not have an issue with making all housing 1550 sq. ft and retracted his motion to include “all houses throughout the county would be 1550 sq. ft”.

NEW MOTION

Motion: To adopt minimum house size in RE, A-R, R-1, R-2, and R-3 of 1550 “heated” square feet.
Proposed by: Commissioner Ester Fleming, Jr., District Three
Second by: Commissioner Billy Strickland, District Five
Motion Carried with Commissioner Fleming, Strickland and Ewing voting for the motion and Commissioners Dimsdale and Henderson voting in opposition to motion.
Commissioner Henderson:
- Concerned that we are driving up the cost of housing and people will not be able to purchase a home. Concerned this will put owning a home out of reach for some people.

**BALANCE OF ARTICLE 2**

Motion: Move for the adoption of Article 2 as presented in the 2003 Proposed Zoning Ordinance Amendments, Newton County, Georgia, Final Draft, as amended by (1) the Addendum dated April 17, 2003, and (2) the preceding amendments. Proposed by: Commissioner Mort Ewing, District One Second by: Commissioner Ester Fleming, Jr., District Three Motion Carried Unanimously

Note: Motion does not include impervious surfaces. Analysis will be made first.

**ARTICLE 3**

Sec. 300-020 Standards for C.O.R.D. Development

Jenny Carter:
The Planning Commission recommended adoption of Article 3 as presented in the final draft with the addendum dated April 17. The only item in the addendum was on section 300-020 (pg. 93). At the work session there was a question about major access points and the last sentence was deleted because it is addressed in the development regulations.

Commissioner Dimsdale:
- Clarified that the chart on page 101 and 105, 127 should reflect the changes that have been made and Ms. Carter concurred.

No questions or comments.

Motion: Move for the adoption of Article 3 as presented in the 2003 Proposed Zoning Ordinance Amendments, Newton County, Georgia, Final Draft, as amended by the Addendum dated April 17, 2003. Proposed by: Commissioner Ronnie Dimsdale, District Two Second by: Commissioner J.C. Henderson, District Four Motion Carried Unanimously

**ARTICLE 4**

Overlay District Regulations

Jenny Carter:
- The overlay issues tonight are the Newton County Watershed Protection Overlay, the Alcovy/Little River Watershed Protection Overlay.
• I would like to start with Division 415, which begins on page 114, and that is the Watershed Protection Overlay.

• This division, as proposed, applies to the small watersheds with existing or proposed reservoirs: Cornish Creek (Lake Varner), Proposed Bear Creek, Big Haynes Creek, and City Pond.

• The first issue for discussion is the Water Quality Critical Area that is currently defined as 1,000 feet on either side of the blue line streams, and have certain use restrictions in that critical area. At the work session there was discussion on reducing that boundary or eliminating the requirement.

Discussion:

County Attorney Tommy Craig:
• Addressed the board regarding origin of requirement.

• Noted there had been a good bit of discussion regarding the origin of the requirement and that a number of people commented they had talked with the state and was unable to determine the source of the provision.

• Provided a copy of the model ordinance that was supplied by the state and has since been superceded.

Jerry McCullum (Georgia Wildlife Federation)
• Not a resident of Newton County, but represents Georgia Wildlife Federation that has about 58,000 members state wide and about 4,000 members in Newton County, and speaks for them.

• Georgia Wildlife Federation’s understanding is that you are going to consider a motion to eliminate this requirement and we do not oppose that. We know that you have other methods to deal with industries and polluters that are coming into that 1,000 foot zone on streams. My two minutes is spent not to oppose the removal of the 1,000 foot stream side, but to ask you to be bold in all your considerations on water issues, streamside issues, greenspace issues and agriculture land issues relating to Newton County.

• Newton County is known for its clean water and its great hunting and fishing.

• Alcovy River maybe the cleanest river in the state. You would have to go way north of Atlanta to find one any cleaner.

• We only have two wild and scenic rivers in Georgia and one is the Jackson River. I dare say that the water quality in the Jackson River is no better than the water quality in the Alcovy River if it is not raining and pouring mud in from Gwinnett county.

• Newton County is also known for its leadership in resource protection. GA Wildlife Federation has been here about twelve years and we have seen bold leadership here and we applaud that. There will be a time, and maybe that time is now, when you are being pressured to relax a little, loosen up a little, because the hordes are not here yet. We submit that when the hordes get here it is to late. The time for bold leadership and to be really stiff about putting things in place to protect our greenspace and water quality, and in particularly the water and rivers in Newton County, the Alcovy, the South and the Yellow River, is right now, and if you don’t do it now, you won’t have an opportunity to do it later, we are going to be part of a big filtration system.

• I wanted to say to you, thank you for your leadership in this area.

• You have to be stiff spine to go where this county is about to go.
• You don’t get to be the 7th fastest growing county in the nation overnight and you don’t stop it overnight either.

• What we are asking you to do is apply that bold leadership again and stand for the average citizen of this county and protect the water and protect the greenspace and give us a county that is fit to live in in the end when we get it built. Thank you sir.

Peter Knox:

• Been in county 40 years.
• Lives in eastern part of county.
• Has about 1500 acres in this watershed
• About 4 miles on the Alcovy.
• The only problem I see with this is that you have forgotten about people who have accumulated land and sacrificed. Now you come up and say you want to take a 1,000 feet on each side of the stream for protecting future generations. Well, we are in our generation now.
• And the thing about it, when you that, what is going to happen to people like me that’s got 3 children who at some point will inherit this property. I’m not going to live forever (I’d like to think I would).
• Personally, I don’t plan on selling an inch of my land, but one day it has got to be divided and you keep putting all this restrictions on it.
• My values, and I hear this, that it is not going to hurt your values, it is going to help your values, but that is not true.
• I was a builder all my life until I retired. When I retired I enjoyed the farm. And the thing about it is this... being in the building business 30-40 years, which I was, I know that when you have to pay the price for 2 acres of land so you can put one house on it is a lot more expensive than if you could get two lots out of that same tract of land.
• That is going to enhance the cost of house.
• And when you divide up the land it is very expensive.
• Everybody is not able to afford a $300,000- $350,000 or even a $200,000 house.
• When you cut out those people that can buy a small house, they would be just as proud of it as somebody that has a $300,000 house or maybe more so, because they worked a lot harder. And the thing about it, I think about these people, just like I heard Mr. Henderson say, everybody needs a house and unless we allow some smaller type houses and let these young people have a place to live, they are going to have to leave out of our county. We could be losing talent that could be used right here.
• I think it is a mistake to put these kind of restrictions on this tract of land, this large.
• You are talking about the Alcovy Watershed is going run from 36 Highway through the other, all the way over to the Morgan County line. You’re talking about a big portion of this whole county being impacted by this. It is not right for people who own tracts of land to put these things on, so that everybody can say we’ve got this, we’ve got that, somebody pays for it. It’s going to be the people’s land that you’re talking about and taken since and doing with it what y’all want to do with it and have taken no consideration for people who have accumulated their land.
• Also, I think there is another issue: There are a lot of people in the county who have a 3,4,5 acre tract of land and has one house on it. They would like to let their children
build one or two houses on the land. When you get down to it, they will not be able to do it. I can name tracts of land that has a little stream through it and that would eliminate that piece of land completely from being able to build on.

- I think it is a mistake to put these kind of restrictions, and I think it is going to pay off, not good, for our county when you do this. Thank you.

Lou Duframe (Vice President, Jackson Lake Homeowners Association)

- We have many members who live in Newton County on the Alcovy.
- You have to consider too that you have neighbors to the south.
- Anything that you, gentlemen, can do to protect the waters in this state and especially that which goes down to Jackson Lake is deeply appreciated, not only by the people that is there right now, but for the generations to come.
- Water is going to be an extremely important issue as Georgia grows and we have to do every single solitary thing that we can do to protect what we have now and not allow it to be degraded in any shape or form. If you can protect it, please gentlemen, do it. Thank you.

Betsy Morehouse:

- I think we are still on the subject of the protection for the four areas (Cornish Creek, Bear Creek, Big Haynes Creek and City Pond), and the 1000 foot buffer.
- I would like to say that Smart Growth Newton County does not object to the elimination of the 1000 foot buffer as long as you will, in your wisdom, take those uses which are prohibited and put them in as conditional uses, so you, as the commission, can review them before they are allowed to be placed near creeks or whatever.
- I think this suits our needs and we think that’s a good way to handle the 1,000 foot buffer for the water quality critical area.
- On the other subject for the protections that are now in place for Bear Creek and the other small watersheds, we strongly urge you not to change those; not to delete the lost size restrictions or the impervious surface restrictions, or the setback restrictions.
- They have served the county well for 4 or 5 years, development has taken place, and there have been no problems.
- We think it would be a great mistake to step back and remove any of those restrictions on this areas that have been in place four or five years. Thank you very much.

Christine Green:

- Daughter of Ralph Baker who is 98 years old.
- He’s 98 and I’m disabled, the two of us live there.
- Daughter comes down and helps us clean up.
- We were in process of building her a house so that she can be there to look after us.
- Please consider this...land on Flat Rock Road. Thank you.

David Waller:

- Thank you, Mr. Chairman. I think most of you know me, I’m David Waller.
- I’ve been in the natural resources business for over 32 years. I have been the director of the Wildlife Division since 1990 and been a resident of Newton County since 1982 and I’m speaking tonight as a resident of Newton County.
• One of the key points that I wanted to make is that you cannot necessarily depend on the state and federal regulations to protect the river and water resources we have in the state. Displayed map of impaired streams in the state.

• The only stream that we have in Newton County that is not impaired is the Alcovy River. So, we can’t necessarily depend on the state and federal regulations to protect our water resources.

• And, if you look at these impaired streams in Newton County, I think, you know better than I, that the county and the local citizens are going to have to pay for the cleaning up of these impaired rivers.

• And, I don’t think I have to tell you how important our water resources are, the rivers and the watersheds in the state and in this county, not only from a drinking water, but from a fish and wildlife prospective, which is my expertise. And that’s really important to all the citizens in Newton County.

• What I would like to encourage you to do is to be more restrictive rather than less restrictive in protecting our watersheds and our streams. It just seems logical that the first thing a body like this would do is put protective measures on our valuable natural resources and then let everything else happen around that, but first and foremost, let’s protect our resources.

• I know that these things happened on somebody else’s watch, it wasn’t on your watch, but you are the folks making the decisions today and I would encourage you to make the decision to protect the resource and let everything else happen around that.

Thank you.
Tommy Craig:
• David, I just want to clear up that most, if not all, of the streams that are impaired in Newton County are impaired upon arrival in Newton County, so the problems are originating outside Newton County. That’s not to disagree with anything you said, but it not only happened on someone else’s watch, but it happened up stream.

David Waller:
• I don’t disagree with you.

Carl Lyndell (lives in DeKalb County) (works for Aquapointe Water Treatment Company)
• Provide information for alternative. (Copy on file at BOC office Minute file)

Crosspointe Baptist Church
• Concerned about quality of water
• Concerned about quality of life

• Concerned about their site plan that is being processed now.

• Impervious surface currently is 42% and would like board’s consideration of their impervious surface to remain 42% should the impervious surface numbers change.

Bette Bledsoe:
• Lives on eastern side of county
• October 21, 1986 (17 years ago) the board adopted the first watershed ordinance in Newton County.
• Over the years the ordinance has been amended to add new areas and more restrictions rather than less.
• The last amendment to the ordinance was June 1, 1999, when they added City Pond and Little River to the Watershed. Two of the commissioners who are currently on the board voted for this.

• Why we would minimize or even eliminate the restrictions now when the demand for water is greater due to all the rapid growth we are experiencing?

• We have been in a drought for five years and no one has told us it is over. The State of Georgia presently has permanent restrictions on water use.

• Last summer we got a real big scare here. Our county reservoir was half full. We had “x” amount of days left. If we didn’t get rain, what were we going to do? I, too, was concerned. I am not on county water, I am on a well, but every day, last summer, I woke up and said, is this the day my well will run dry? A lot of people around me did.

• I urge the board to adopt the recommendation’s of the Planning & Zoning Commission on Article 4, Division 415: Watershed Protection Overlay and Division 420: Alcovy/Little River Watershed Protection Overlay.

• In my opinion this is the right thing for us to do, so that we can be assured that we protect our water resources for generations to come. Thank you.

Charles Strickland:
• It seems nobody considers the law in a case like this.

• If you will read the lead article in the Covington News that the engineer wrote today, that pretty well sums up the law (what I think the law is) and what the rights are.

• Everyone here wants clean drinking water, there is no doubt about that, but we have also got to consider what is legal and what’s illegal, or what’s unreasonable.

• Now, in a small watershed, like the proposed Bear Creek Watershed, there is a 150 feet on either side of the stream and that is the law as I read it. Now, anything over that you are treading on something that is uncertain, that may not be illegal, but certainly it is unreasonable.

• Quoted Supreme Court Cases and Court of Appeal Cases

• If you adopt anything above what I think the law says, it might be, I don’t know for certain (if I knew all that then I would have more than Saddam had 60 days ago), but you’ve got to take into consideration what is reasonable and what is unreasonable. Anything above what I think the law says, I think is unreasonable. Of course, I don’t know what the courts would do, but certainly would, or might strike it down, and if they strike it down then you are going to have to compensate the land owners that you took the property from and then you are talking about thousands and thousands of dollars. You are then going to wonder why your taxes when up and it is to pay all this off that we should have taken care of tonight. Thank you.

Larry Maynard:
• As best I can recall, Mr. Craig told us that the original ordinance that was generated back in 1988 no longer exists today.

• My research leads me to believe that there is no such thing any longer as a water quality critical area.

• Apparently there has been a lot of research done on this since the original thoughts on these watershed protection laws were done. The State of Georgia, under the Department of Natural Resources, has developed a model ordinance. I think you probably have a copy of this model ordinance.
• This model ordinance addresses the 100 foot setback with additional 50 foot setback with 25% impervious surface for the entire watershed area. Already in the watershed when you take the 100 year floodplain, the wetlands, the river corridors, you’re probably going to find you are going to exceed 10-11% of land that you can’t build on to begin with.

• The Alcovy River, as it stands, since we are not taking any drinking water out of it requires no protection under state law. Even if we take water out of it, it requires no additional protection under state law because it is considered a large watershed area.

• The building community does not think that would be good for the community that the Alcovy not be preserved. I think some steps should be taken, and we endorse setting up restrictions on all the rivers in the county, however the 1000 foot setback, we consider, would be an unconstitutional taking of peoples rights of their land. Tonight, you heard Ms. Green talk about how she can’t build. We’ve seen other people want to build in commercial areas in the county and can’t build upon because of this. When I talked with people at Natural Resources they could not understand how this 1000 foot setback ever got implemented. As far as I know there is no where else in the state of Georgia where anything like this exists. I think if we put a reasonable amount of setbacks on all the streams in Newton County, we would be serving ourselves well, we would be serving our future people well, and it would not be so onerous on the rest of the landowners and the heirs of the community.

Commissioner Ewing:
• Mr. Chairman, I want to define the issue. We started out talking about the Water Critical Area and we wound up talking about the Water Critical Area, the Large Watershed and the Small Watershed. I want to define the issue before the board at this time.

Chairman Varner:
• Jenny, will you refresh our memory?

Jenny Carter:
• Right now we are in Division 415: Watershed Protection Overlay which as proposed applies to Lake Varner, proposed Bear Creek, Big Haynes Creek and City Pond. The first issue under that is the Water Quality Critical Area.

Commissioner Ewing:
• I guess, Mr. Chairman, in what I have here shows the Small Watersheds first and I wanted to address the Watersheds separate from the 1000-foot critical area. If you want to do the 1000 foot critical area first, that is fine, but my comments relate to the Watersheds, not the water critical area and I just want to make my comments at the appropriate time.

Commissioner Fleming:
• Are we going to discuss the Water Quality Critical Area? Chairman replied yes.
• I think this is one area for the past several weeks has been confused, perhaps maybe some misrepresentation of the facts at hand.
• I went on record several weeks ago stating that I was against the 1000-foot buffer.
• You talk about diminishing property rights, a 1000-foot put into proportion, as we well know, is the length of three football fields, and to me that is absurd.
• I have done a lot of research in this area, read a lot of articles from the state, EPD, DCA, along with information from concerned citizens.
• The 1000-foot (buffer) has also been deleted from the state’s model ordinance. So, why would we want it in our local ordinance.
• Let me also say that I am for protecting and enhancing the water quality in our county and community. I have lived here all of my life, my children are here, grandchildren, so I will demand the same quality of life that we all do.
• I have been aired here in the paper here lately concerning the water critical area. Some of it was politics, it is getting election time next year, but then some of I think is just misrepresenting the facts and people that write in don’t really know what they are talking about. So, the 1000-foot is just excessive.
• I can assure you I have received numerous calls, and have returned all the calls except for today: I got twenty something, so I apologize that I probably did not call you back.
• I am proposing, under Section 415: Use Restrictions, that if these particular uses come up in the watershed area that it will require a Conditional Use Permit. The Conditional Use Permit will be reviewed by staff, the planning commission, and then it will come before this body: so that is better than the 1000-foot, and no, I cannot support taking a 1000-foot of property from anyone.

Motion: To eliminate the Water Quality Critical Area and, in its place, to require conditional use permits for those uses previously restricted in the water quality critical area.
Proposed by: Commissioner Ester Fleming, Jr., District Three
Second by: Commissioner Ronnie Dimsdale, District Three
Motion Carried Unanimously

Chairman Varner:
• The next issue to be discussed is the Small Watersheds.
Commissioner Ewing:
• Thank you, Mr. Chairman. As several have mentioned tonight there has been a lot of misinformation, not because anybody was trying to provide misinformation. But, this is a very complicated issue and very difficult for even those of us who are board members to study everything we have and try to make the right decision.
• I want to, if I could Mr. Chairman, give a little history about Watershed Protection because a lot of people that called me thought this was something that was going to happen for the first time, if we, in fact, do that tonight.
• If I could, I want to go back and mention just a little about the Watershed Protection Ordinance that the board of commissioners in Newton County adopted in 1986.
• We have been in the water protection business since 1986.
• It was in 1989 that the first area in Newton County came under the watershed protection ordinance, and that was Cornish Creek on March 21, 1989.
• At that same meeting Bear Creek was also included in the watershed protection district.
• Since that time there have been other areas added to the watershed protection areas.
• In March of 1999 Little River, Big Haynes Creek and City Pond were added.
• And those, with the exception of the Little River, are considered part of the Small Watersheds.
• If I might, Mr. Chairman, I would like to address the Large Watersheds.
• I favor protecting the Alcovy River and the Little River which are considered the Large Watersheds and I will share my thoughts on that particular issue.
• Several weeks ago we had a public hearing in this room and we had a lot of people here that night who made a lot of comments. I made a lot of notes and tried to listen very carefully to the concerns that were expressed to me. I am going to try and address some of the concerns that was expressed by the people who were here that night.
• I have always subscribed to the thought that the Lord gave us two ears for a reason and that was to listen more than we talk. So as I make my comments I am trying to address those issues that brought to us several weeks ago.
• Several people have indicated that if, in fact, we add the Alcovy River to the Watershed Protection that it will eliminate any growth in Newton County.
• I will share these numbers with you and I am talking about population from 1990 to 2000. I am using those numbers because they are census numbers and that is the only official numbers that we have.
  Cornish Creek Watershed Population Growth: 119%
  Bear Creek/Little River Watershed Population Growth: 151%
• The second issue that was brought to our attention two weeks ago had to do with land values.
• The Ewing Farm lies in the Bear Creek Watershed and a small part in the Alcovy Watershed. As I mentioned earlier, the Bear Creek Watershed started March 21, 1989. I went to the Newton County Tax Office today and did some research on my farm values. And I think if you looked at anybody else’s values you would find the same information. As you know, Advalorm Tax information is public information and anyone is welcome to look at mine or anybody else’s, when I am doing anything like this I like to be accurate, so I am using Ewing Farm numbers. In 1989 when our farm went into the watershed the value per acre was $644.00. As of today, based on the most recent numbers set by the Newton County Board of Tax Assessors, that same farm land today is valued at $4,198.00. So I think you can see that being in the watershed does not decrease your land values.
• I want to address the Alcovy River and the Little River separately, and particularly the Alcovy River. Because I think that as several people have mentioned here tonight this is probably the most important decision that I will have made as a board member since I have been on this board.
• We currently have one water intake in the Alcovy River and that water is being pumped to City Pond and in turn pumped back to Covington and processed at the Williams Street Plant and goes into the Newton County Water system.
• The Newton County Board of Commissioners earlier this year let a contract to run another line from Alcovy River to Lake Varner so that we can utilize that water to cap off Lake Varner when the Corp of Engineers will let us pump.
• We mentioned Bear Creek several times and the original plan for Bear Creek is that when Bear Creek goes on line a part of that system is to have another pump station on the Alcovy River to pump to Bear Creek Reservoir to keep it full.
• I want to thank all of those people who contacted me, and I’m like Commissioner Fleming, those people who have called me recently I have not been able to return
your call. I know there is one gentlemen in the audience who has called me twice and I apologize for not returning your call, but I have tried to make contact with everybody.

- The last thing I want to mention has to do with agricultural and forestry. In the current zoning regulations agricultural and forestry land has been exempt since 1986 and continues to be exempt today. I have asked the county attorney to provide some language and it is basically what is in the ordinance now.

- There is one other exemption, Mr. Chairman, if I might address while I am talking. I don’t know how many contacts I had from people who own land along the Alcovy River and other streams in Newton County who are planning to do permanent easements on their property. And when I say permanent it has to be with a qualified Land Trust by the Internal Revenue Service. When you do a Conservation Easement with a Land Trust it is from now to eternity and there is no way to break it. Those conservation easements have been in place in the country, in some places, well over a hundred years. I will add that language and I will just read it: Those people wanting to do Conservation Easements: Land subject to a perpetual conservation easement at least as restrictive as the provisions of this Division would be exempt.

- With that Mr. Chairman, if it is in order to make a motion, those watersheds listed as small watersheds in Article 4 Division 415 which are listed as Lake Varner/Cornish Creek, Bear Creek, Big Haynes Creek and City Pond: that those current rules and regulations stay in place that have been place for a long time; and that the Little River and the Alcovy River be added and be provided the same protection.

J.C. Henderson:
- Could you give the restrictions on the small watersheds?

Commissioner Ewing:
- Jenny, do you want to read those please, the list.

Jenny Carter:
- Yes sir.

- In Division 415, which is the Small Watershed Overlay there is a riparian buffer of a 100-foot undisturbed buffer and an additional 150-foot setback for impervious surface and 25% impervious surface limitation district wide and a minimum 2 acre lot size.

- The exemptions listed for pre-existing uses: mining activities, utilities, forestry and agricultural activities and the one added for conservation easement, and that is in the Small Watershed.

- In the Alcovy/Little River Watershed Protection there is the riparian buffer, the same 100-foot undisturbed, and 150-foot impervious surface setback, except in Development Nodes and that is a 50-foot buffer. An impervious surface limit of 40% for commercial and 15% residential outside of Development Node. And 50% for commercial and 30% residential in Development Node. A minimum lot size of (proposed) 3 acres for commercial and 2 acres for residential. (outside of Development Node) Those minimum lot sizes do not apply inside Development Nodes.

Commissioner Dimsdale:
- I wanted to discuss one issue that has to do with the state classification of drinking water reservoirs, small reservoirs. The state has different requirements on that. They set it in a different category altogether from the rivers. And, I would suggest, if Mr.
Ewing was willing to change his motion, to look at the Cornish Creek, the proposed Bear Creek, the Big Haynes Creek and the City Pond as Drinking Water Reservoirs as classified by the state government, and we act on those with a certain set of conditions: and then we act on the rivers with a certain set of conditions.

- In addition to that I would like to make a suggestion that we look at our water resources county wide. If we protect the Alcovy River, which we all want to do: we all want to protect our resources. I think we have heard that spoken tonight. You will find nobody on the board and probably nobody in the county that is wanting to turn our back on the quality of water. My concern is that we are focusing on one area of the county in water, which is in good shape now and we want to protect it. If we are not careful we will be turning our back on parts of the county which have the Yellow River and the South River and that is two significant bodies of water going through our county. The flow of the water in each one of those is more than the flow in the Alcovy. Consequently when these rivers come together as you saw on the map earlier, if you can picture the map of Newton County, those three rivers come and converge into Jackson Lake. So the water in Jackson Lake is the product of three rivers and not just one. Therefore, the water we are sending down river to our neighbors in middle and south Georgia is a product of what we do with all of our rivers in the county. I would like to see us look at all the rivers in the county being protected rather than just focusing on one. I would like to see us separate the drinking water reservoirs the same way the state government does and handle the river corridors in a separate way.

Commissioner Ewing:
- Mr. Chairman, I made the motion and I will let my motion stand.
- I think that the Alcovy has to be set aside as different because we are currently pumping water out of it and plan to pump water two more times out of it.
- I have no problem with protecting the Yellow River and the South River, but that has not been discussed at any time during the eight months that I have been working on the proposal that I made here tonight and has been considered by the committee and by the planning and zoning board.
- I just think that we have to look at the Alcovy River as we would the other streams that I mentioned, so I’ll let my motion stand, Mr. Chairman.

Commissioner Fleming:
- Mr. Chairman, I would like to ask Commissioner Ewing… I can support the motion, but I have got an issue with the minimum size on the commercial. I would like to see it reduced from 3 to 2.

Commissioner Ewing:
- I’m sorry, Commissioner Fleming, I intended to have that in my motion so if it is in order, Mr. Chairman, I will say that the minimum lot size on commercial would be two acres. Thank you for bringing that to my attention.

Motion: Subject to the foregoing motion, to approve Division 415 re: small water supply watersheds as proposed and to approve Division 420 re: large watersheds as proposed. With a minimum lot size of two acres for residential and commercial.

Proposed by: Commissioner Mort Ewing, District One
Second by: Commissioner Ester Fleming, Jr., District Three
Motion Carried with Commissioners Ewing, Fleming, Henderson and Strickland voting for the motion and Commissioner Dimsdale voting in opposition to motion.

Chairman Varner:
- Chair recognizes Commissioner Dimsdale.

Commissioner Dimsdale:
- Thank you, Mr. Chairman, I would like to make another motion in relation to protecting the water in the county. I have extensive discussion with people in the county. I will not go into all the people of talked to in the walks of life, but I found no one who has a serious problem with this proposal.
- Like I said before I want to see us protect all the waters in the county. The Alcovy River Study gave us not only a picture of what the Alcovy looks like now, but a recommendation of how to protect that river. I would like to take those protections and apply them county wide. The three basic things that they were recommending was buffers along our streams, a limit on impervious surface, and stormwater control. Right now we have some consultants working to give us some recommendations on stormwater control so we can get a handle on that. I would like to make a recommendation that we put a buffer around all perennial streams in Newton County. A 100-foot undisturbed buffer around all streams.
- 35-foot buffer on intermittent streams.
- 50-foot set back of impervious surface, septic tanks, from that 100 feet, which means a 150-foot set back from all live streams in the county.
- And that would give us a big step forward in controlling the water quality in the county.
- I think it would a tremendous step for Newton County to do and would be a tremendous asset to the quality of water that we have and that we are passing on down the river.
- In conjunction with that, there will be some places where the wetlands, or 100 year floodplain is going to be wider than 150 feet. In that case, I would propose that we have no less than a 50-foot set back of impervious surface from wetlands or 100 year floodplain. That is because of the nature of the land in these areas. They are a sensitive kind of land and we need some set back from wetlands and 100 year floodplains.
- I would like to make recommendation. We already have in the ordinance some control of impervious surface according to land use patterns.
- I think the accumulated affect of that will probably keep us within the 25% impervious surface county wide.
- I think we can hold that up as a standard in Newton County to anybody in the state and say that we are serious, like Mr. McCullum said, we are serious about protecting the water quality in Newton County, not just in some areas, but in the entire county.
- The Yellow River and the South River comes into our county impaired. We don’t want to add any to that as it comes through the county, we want to pass it out of the county in better shape than it comes in.
- I think we owe that not only to the people in Newton County, but we owe it to the people downstream because it is going to be accumulated effect the further the river goes downstream.
• It is going to be an accumulated effect if everybody ignores rivers that have some problems already.
• So, I would like to make that as a motion.

Chairman Varner:
• That is a motion? I am not going to ask you to repeat it.

Commissioner Ewing:
• I guess I got lost along the way, how much was undisturbed and how much was otherwise. I don’t want it to be in conflict with what we just did is my concern.

Commissioner Dimsdale:
• It is the same.

Jenny Carter:
• The only difference I saw was that on the Alcovy and the Little River and Development Nodes the 100-foot buffer was reduced to 50-feet.

Commissioner Ewing:
• So as it relates to buffers you are proposing that the Yellow River and the South River be afforded the same buffer as other streams?

Commissioner Dimsdale:
• With that one addition that you have at least a 50-foot setback when the wetlands and the 100 year floodplain is wider than the 150 feet.

Commissioner Ewing:
• You mentioned somewhere a smaller or a narrow buffer for other types of streams.

Commissioner Dimsdale:
• Intermittent streams. I think they now have a 35-foot setback on intermittent streams at the present time. Correct.

Commissioner Ewing:
• That is the same as we have now, is that correct?

Jenny Carter:
• Yes

Commissioner Strickland:
• What are you proposing on the intermittent streams?

Commissioner Dimsdale:
• 35 feet. It is essentially the same as what we have now, but what I want to do is apply that county wide so that we are protecting the waters county wide and not just in some areas and turning our back on the others.

Jenny Carter:
• Commissioner Dimsdale, what about the exemption for mining, agricultural, utilities, conservation easement, forestry?

Commissioner Dimsdale:
• That would all apply, allowing timber and agriculture within that buffer with best management practices, that would apply.

Commissioner Ewing:
• So really, the only change from the current would be the 150 foot buffers because we already have a 35 foot buffer on small streams.

Commissioner Dimsdale:
• Right, we would be expanding that.
Tommy Craig:
- The only concern I have is that, and maybe I am wrong, but it seems to me that if you go with the 50-foot non-impervious surface buffer, you are either adjacent to a 100-foot undisturbed buffer or adjacent to federal jurisdictional wetlands or a 100-year floodplain, which ever is greater. Then that is a different standard than what we just adopted for the Alcoy and the Little River and it troubles me that we...we need some consistency there.
- You know, it needs to be the same standard in the Little River as in the South unless there is some rational basis upon which to draw those distinctions.

Commissioner Ewing:
- When I asked the question to Ms. Carter that's what I was attempting to do, was to make sure that Mr. Dimsdale’s motion did not contradict what the board had just adopted: and I don’t think Mr. Dimsdale wants a contradiction.

Commissioner Dimsdale:
- It's not a contradiction, it's an addition and I would ask you if you were comfortable having that extra buffer, not an extra buffer, but an extra setback against wetlands and 100 year floodplains in the proposal you had before, if not, I’ll remove it from this one, because I think consistency is important. I agree with Mr. Craig.

Chairman Varner:
- It is my assumption here that you are going to amend your motion to adopt the 50-foot buffer.

Commissioner Dimsdale:
- I was saying that if Mort wanted to modify the other to accommodate that, it's a little more restrictive, but if you prefer not to do that then I will remove it from mine, so that it will be consistent.

Commissioner Ewing:
- I would rather we be consistent with what we have already done.

Commissioner Dimsdale:
- O.k., that is fine.

Chairman Varner:
- So you are dropping the 50 foot...

Commissioner Dimsdale:
- Just straight 150 setback and...50 feet Development Nodes.

Jenny Carter:
- 50 feet in Development Nodes.

Chairman Varner:
- We have a motion that has been amended and seconded, is there further discussion?

Commissioner Henderson:
- If I may just say one thing. Is this something that we have to act on tonight? Could we have a work session and talk about it and bring it up at our next meeting to vote on it, so we could be clear on what we are doing.

Tommy Craig:
- I think one of our concerns, Commissioner Henderson, is that we have got a moratorium that is fixing to expire on Thursday. It is important that we have some safety net in place. It is not absolutely essential that you vote in favor of the motion,
but it is essential that we leave here tonight with some zoning ordinance in tact, or else that we extend the moratorium, and I don’t think anyone wants to see that happen.

Commissioner Fleming:
- Mr. Chairman, my only concern, and I am not opposed to it, but I really wasn’t prepared, as far as the Yellow and the South here tonight.
- Tommy, are you saying there is nothing in conflict to what we’ve just done? What Commissioner Dimsdale is…

Tommy Craig:
- I think that what would happen...

Commissioner Fleming:
- I guess what I am saying do we approve what we have tonight, but do we owe it to the general public for a public hearing on this issue on the South and Yellow?

Tommy Craig:
- Well, I think what you feel comfortable with with respect to your constituents is not really a legal question. You have the legal power to address this tonight. Whether or not you think it is the appropriate time, whether or not you think it is prudent is a decision for you and the rest of the board to make.

Commissioner Fleming:
- Mr. Chairman, one more comment.
- So we can adopt up to this point and we can always go back and amend the ordinance and add this to it.

Tommy Craig:
- That’s true.

Commissioner Fleming:
- O.k.

Commissioner Strickland:
- I was going to ask Mr. Craig if he was comfortable with what he (Commissioner Dimsdale) is proposing?

Tommy Craig:
- Well, maybe I am missing something. Jenny, Scott, or staff correct me. If Ronnie’s proposal passes then you would have one standard throughout the county. Because we started out with Cornish Creek, Bear Creek, City Pond, Big Haynes all being having a 100-foot, natural buffer along perennial streams and a 50-foot no impervious surface adjacent to that for a total of 150-foot of protection. Mort’s motion earlier added those same requirements to the Alcovy River and the Little River. MR. Dimsdale’s subsequent motion as finally amended added those same protections to the Yellow River Basin and the South River Basin, or at least offered that they be added to it. So, I guess the question is, you can almost have a motion…if his motion passes, you could just say, here are the buffers that apply to the rivers and perennial streams in this county. Does that make sense? I mean it ceases to be any distinction between large watersheds, small watersheds, and watersheds where reservoirs or intakes are located, as far as the buffers are concerned they are uniform. Is that your understanding?

Jenny Carter:
• Yes sir, with respect to buffers and the impervious surface setback.

Commissioner Fleming:
• Just one more comment and I am not opposed to it, but I’m concerned that we need to bring this before the public at a public hearing and go through the process that we have gone through here tonight.
• If the motion and a second... I will be voting against it. Not that I am against it, but I think we need to go through a public hearing process.

Motion: To place a 100-foot undisturbed buffer (reduced to a 50-foot buffer in Development Nodes) on all perennial streams in the South and Yellow River Watersheds; to place a 150-foot impervious surface setback on all perennial streams in the South and Yellow River Watersheds; and to retain a 35-foot undisturbed buffer on all intermittent streams in the County.
Proposed by: Commissioner Ronnie Dimsdale, District Two
Second by: Commissioner Mort Ewing, District One
Motion Carried with Commissioners Dimsdale, Ewing and Strickland voting for the motion and Commissioners Fleming and Henderson voting in opposition to motion.

Chairman Varner:
• Jenny, how much longer do we have on this issue?
Jenny Carter:
• On Article 4, I just have two more points to make on Article 4.
Chairman Varner:
• After that we will take a brief break.
Jenny Carter:
• First one is in the Conservation Overlay... I just want to point out as I stated earlier that the chart on page 127 will be revised to reflect your earlier vote in Article 2 as to the lot sizes in R-2, R-3.
• And then my other comment relates to the Rural Village Overlay which is on page 142. As we got to the end of this process there was an additional meeting with that committee and that group is still working on changes to this section, so the Rural Village Overlay, the proposal is to put this in unaltered. To keep what the current ordinance states on the Rural Village Overlay until that committee completes there work and come back with a recommendation.
Chairman Varner:
• O.k., does everybody understand that? (Acknowledged yes)
Jenny Carter:
• That is all I had on Article 4.
Chairman Varner:
• Do you have a timetable when that might be complete Tommy?
Tommy Craig:
- I think we are several months away, but we do need to get a vote on Article 4, the balance of the requirements.

Motion: Move for the adoption of Article 4 as presented in the 2003 Proposed Zoning Ordinance Amendments, Newton County, Georgia, Final Draft, subject to the preceding amendments.
Proposed by: Commissioner Mort Ewing, District One
Second by: Commissioner Ronnie Dimsdale, District Three
Motion Carried Unanimously

Chairman called a five minute break.
Chairman called the meeting back to order.

ARTICLE 5

Jenny Carter:
- Moving on to Article 5, regulations applying to all districts. I would like to start with the addendum that you have.
- The first one is to the table of permitted uses on page 190...Day Care Center Child and Day Care Center Adult.
- At the work session is requested that those be changed from A-Allowed Uses to AU-Administratively Approved Uses in all districts.
- The second one is on Section 515-0-10. On commercial vehicles and recreational vehicles, that is on page 245. There was language added in sub-paragraph B to reflect corner lots. And on corner lots, recreational vehicles must be parked outside the side yard setback on the side abutting street and the same to apply to commercial vehicles.
- Those two changes came from the work session.
- One other item that came from the work session on Division 515 Off Street Parking and Loading Requirements, Page 245. The staff was asked to research adding a requirement for pervious parking...staff informed me that this issue will be addressed in the Stormwater Management Ordinance that will be prepare later this year.
- Second thing listed there was Section 520-0-10 Reparian Buffers. I will be amending that to reflect the votes that were made here tonight in Article 4.
- One other item that staff got to me as I was walking in today. There was a request that the permitted use tables on page 192 (medical and dental clinic): there has been a request that those be administratively approved uses in M1 and M2. Currently those are not included in there. That was a request made to staff and staff concurred with that request.
- Those are the only items I have on Article 5.

Chairman Varner:
- Would anyone like to come forward and speak on this article?

Commissioner Ewing:
- Would you repeat those items that would give staff the opportunity to approve?
  Is that what I understood you to say?

Jenny Carter:
• The Child Day Care Center and the Adult Day Care Center would be changed from allowed to administratively approve uses. And then, there has been a request for medical and dental clinics that are currently not allowed in M1 and M2, the industrial districts. There was a request to make those administratively approved uses in those districts. To put as kind of an amenity in an Industrial Park.

Charles King
• I’ll take my two minutes here. I think, if it’s appropriate, my concern is whether or not your bill, which is a wonderful ordinance you passed, has a provision for a variance.
• Let me say from the outset, I have land on the Alcovy. Charlie Elliott saw it down at Deep Step (you’re familiar with that). I ask him what I could do with it and he said not a certain thing...leave it like it is. He would be proud of what everybody has done tonight.
• I also have land on the South River and Yellow River. As a property owner on that part of town I deeply applaud extending the same benefits.
• Now my questions is...I sympathize very much with Ms. Baker...I know Ralph. There are a lot of folks like them...they cannot afford 1500 square feet houses.
• When your daddy and I came back from W.W.II, a thousand sq. ft. was what we had, that was about what you got from the Veteran’s Administration. We’ve got another war now, but things haven’t changed so much.
• People don’t have to have 1500 sq. ft. houses to have good families and raise good children. Three bathrooms is certainly going to contribute worse to the water quality of the town than one bathroom that a 1000 sq. ft. house would have. You’ve got to have provisions for variances to take care of ordinary people. And, unfortunately, you’ve got in the bill things about sizes of houses that have nothing at all to do with water quality, but everything to do with sort of a degree of economics snobbery to some extent. It’s got no place in our county. I think our place may be in a variance to take care of people like Ms. Baker and I hope you will consider that. Thank you.

Chairman Varner:
• Is there anyone here that would like to come forward and speak on Article 5?
• Gentlemen, it appears there is no one here that would like to speak on Article 5, is there further business on this issue?

Motion: Move for the adoption of Article 5 as recommended by staff and presented in the 2003 Proposed Zoning Ordinance Amendments, Newton County, Georgia, Final Draft, as amended by the Addendum dated April 17, 2003.
Proposed by: Commissioner Billy Strickland, District Five
Second by: Commissioner Mort Ewing, District One
Motion Carried Unanimously

ARTICLE 6
Jenny Carter:

- Moving on to Article 6 Administration
- In your addendum, Section 605-020 (originally on page 278). Per the discussion at the work session the appeal time to the board of commissioners from the board of zoning appeals has been reduced from 30 days to 10 days.
- Then on Section 625-020 Conditional Use Requirement (page 297) Subsection 0 is the procedure for denial of conditional use permits. That section called for a mandatory recess and meetings with the county attorney’s office and that has been made permissive just for when it is needed and won’t be a mandatory requirement.
- On the issues for discussion...Section 620-040 under Procedures (page 286)
- There has been a staff proposal to limit the number of applications heard each month to 5 zoning applications and 5 conditional use permit applications. After those 5 are met the petitions will be kept and numbered. For any month there will be no more than 10 heard, but if there is just two rezoning applied for and a backup of conditional uses, the conditional uses will be added, so there would be 10 petitions per meeting.
- Along with that provision there was a staff recommendation that that particular section not be applicable for two months to account for backlog from the moratorium.
- That is the one remaining issue out of the committee. This is a staff recommendation. The development community did not agree to that condition, and it is my understanding they did not want to see a limit on applications each month. And that is all I had on Article 6.

Larry Maynard:

- We had a meeting yesterday with the new consultant that you hired and I think is going to do good things for the community.
- I discussed this briefly with her and she worked for Fulton County for twenty years and she talked about how they were about to get through 60-70, I think the number she used was 90 rezonings a month up there. Hopefully, we’ll never reach that kind of problem around here, but I am concerned about people having a denial of their due process given this provision.
- I would suggest to you that since the Zoning Ordinance is something that has to go through two public hearings it makes it a fairly difficult thing to change.
- By staff’s own numbers, by 2003, you are going to be at 8 conditional uses and rezonings a month. You are going to hit 10 pretty darn quick.
- And what I would like to see, if you decide to do this at all, you would consider doing this outside the zoning regulations, do it administratively. Since we know we are going to have some changes coming on soon, perhaps we could adjust this figure upward as we become more progressive and efficient in that department. Let’s don’t put in this book, let’s put it in there another way, perhaps.

Chairman Varner:

- Would anyone else like to come forward and speak on this issue?
- Gentlemen, is there further business on this issue?

Commissioner Ewing:

- Do we need to vote on the issue as a whole or can we separate them?

Chairman Varner:

- That would be entirely on the person who is making the motion.
• If you would prefer to break them down, we can take them one at a time.

Commissioner Ewing:
• I've got them in two locations. I guess I was thinking in terms of 605-020 having to do with the ten days: and 605-020, the Conditional Use Requirements and I would like to move that those be adopted as has been recommended by staff and planning and zoning board. Those two.

Motion: Move for the adoption of changes contained in Addendum dated April 17, 2003 regarding Section 605-020 and Section 625-020.
Proposed by: Commissioner Mort Ewing, District One
Second by: Commissioner J.C. Henderson, District Four
Motion Carried Unanimously

Commissioner Ewing:
• The only other issue then would be Article 6, Section 620-040. Is that correct Ms. Carter?
Jenny Carter:
• Yes sir.

Commissioner Ewing:
• If I recall when we had the public meeting here several weeks ago staff was concerned that because of the number of applications they were getting behind. Could somebody on staff refresh our memory as to why your were proposing a limit on applications please.

Tina Ayers:
• Yes sir. Originally the limit came about...I brought y'all at a meeting the breakdown of the work. In 2001 we had 43 rezonings and conditional uses. In 2002 we had 73 and I was projecting a 100 for 2003. The issue was a lot of counties do some type of limit and they do it in different ways, by lottery or pulling out of the hat, or limiting the number they take in.
• I looked at the issue of do we need to, at some point, put a limit on the number we hear each month or each year: and at any time we can always increase that. There is nothing that says we can't do an amendment to increase that.
• I looked at what would be a reasonable number to limit or at least recommend limiting it to and that was 120 a year or 10 per month.
• That is what this all came down too, and there was some issues whether it was a staff issue or what...it's not really that as much as it is the work load and how it translates to the planning commission and the board of commissioners. The more we take it, you know, you could hire more staff, but it is still a work load on the planning commission and the board of commissioners and how many you feel that you can reasonably hear each month.
• If you would like to put no limit and we would just add extra meetings per month and that is an option if that is what you wish, but the recommendation would be to limit the number and maybe ten is to little, and that is your decision also gentlemen.

Commissioner Dimsdale:
• If I could ask you a question while you are still there please.

Tina Ayers:
• Yes sir.
Commissioner Dimsdale:
• If we were to take this same item and say put a ten limit on it and it were done as an
administrative process rather than as an item in the ordinance, would that work,
would that be a reasonable way to work it?
• Because it is easier to adjust an administrative decision than it is to go through the
formality of changing the ordinance.
• How would that work and would that accomplish the goal we are seeking?
Tina Ayers:
• The only thing I would say is I would ask legal if legally we could do that. If we can
that is fine with me. We can always adjust it whether it is in this or administratively,
we can always adjust the number as we see a need too.
Chairman Varner:
• Who would be making the decision on what number we would hear? Staff or…
Tina Ayers:
• If you do the resolution it is ten. But if you way administratively we would still have
to come up with a number and I don’t know if it would be staff or the board of
commissioners.
Tommy Craig:
• If you are going to do it administratively this board should set the number from time
to time.
Chairman Varner:
• That’s what I am getting at. I don’t …
Commissioner Ewing:
• Mr. Chairman, I am not comfortable with putting a number in the ordinance. I would
like for Mr. Craig to give us some language that allows this board to make that
decision as the need occurs. Right now we are able to do those, sometimes we meet
till late at night, but at least we are able to do them.
• I would like, rather than have a firm number in the ordinance, to have language to
give this board the opportunity to vary that number as we go along.
Commissioner Henderson:
• I would just like to say, why couldn’t the chairman in his daily duties, if he saw fit
that we need to hear more, he could say we need to hear a few more because we are
going behind. I understand that he is inundated with a lot of work, but it seems
reasonable..
Chairman Varner:
• Is there further business gentlemen?
Commissioner Ester Fleming:
• But then do we get in to a gray area that we are going to hear this one or deny hearing
that one?
Tommy Craig:
• I just think if the staff is reporting to this board that it is having difficulty processing a
level of applications it is receiving then they can come to the board and present the
case for limiting the number. You can decide whether the staff needs to be
supplemented, or whether you the think the staff is working at the level at which the
staff ought to work. Or you can decide whether you think there is a legitimate crisis
that this board can’t give adequate consideration to the number of applications that is being presented.

- You can adjust it up and down the scale from time to time. I think Commissioner Ewing is right, I don’t think it needs to be part of the ordinance. I think you need to reserve the right to limit the number of applications that are heard from month to month and to do that by a resolution of the board which might be changed from time to time.

- You may be sitting here 24 months from now and have twice the staff and have twice the capability of processing these things.

- We might end up going to work sessions where we deal only with the public hearings on zonings and so that when you go in for a regular meeting, the first meeting of the month, it may be like Fulton County, where they hammer 60 or 70 a month because they have already worked them out with the staff before they get there.

- I just think...you don’t want...amending these ordinances is too cumbersome. I think it would be better to reserve the right to limit the number and then to limit the number from time to time by separate resolution.

Commissioner Ewing:

- That is what I intended to say Mr. Chairman.

- Seriously, I think that whatever Mr. Craig’s language is it gives us the opportunity to look at as the need occurs is better than us having a firm number.

- I’ll put that in the form of a motion.

Commissioner Strickland:

- Staff will send a report to our office on the number of applications.

Chairman Varner:

- That is the way I understand it. I’m learning on this too.

Motion: Replacement of limitation on number of petitions heard each month (Section 620-040) with a provision authorizing the Board of Commissioners, by resolution, to limit the number of applications heard each month.

Proposed by: Commissioner Mort Ewing, District One
Second by: Commissioner Ester Fleming, Jr., District Three

Motion Carried Unanimously

Tommy Craig:

- Let me say that next Tuesday night the board will be presented with a revised copy of the ordinance (I hope) as part of the minutes.

- You will have an opportunity to make sure that the language we captured is consistent with your intentions before you vote to approve the minutes of tonight’s meeting. Does that make sense?

Jenny Carter:

- That’s all I had on Article 6 if there is a general vote on the remainder of the article.

Chairman Varner:

- Gentlemen, is there further business on Article 6?
Motion: Move for the adoption of Article 6 as presented in the 2003 Proposed Zoning Ordinance Amendments, Newton County, Georgia, Final Draft, as amended by the Addendum dated April 17, 2003 subject to the preceding amendments. Proposed by: Commissioner Mort Ewing, District One  
Second by: Commissioner J.C. Henderson, District Four  
Motion Carried Unanimously

Larry Maynard:
• Is it the intention of the board then in the next twelve months to limit zonings?  
Commissioner Ewing:
• No, I was trying to indicate that I don’t think we need to limit it at this point. If we do in the future then we would have that opportunity.  
Larry Maynard:
• Thank you that was a wise decision.

ARTICLE 7

Jenny Carter:
• Article 7 begins and ends on page 301 – Enforcement and Penalties. This is unchanged from the 1999 ordinance.  
• I have no further comments.  
Chairman Varner:
• Would anyone like to come forward to speak on Article 7?  
• Gentlemen, is there further business on Article 7?

Motion: Move for the Adoption of Article 7 as presented in the 2003 Proposed Zoning Ordinance Amendments, Newton County, Georgia, Final Draft. Proposed by: Commissioner Ronnie Dimsdale, District Two  
Second by: Commissioner Mort Ewing, District One  
Motion Carried Unanimously

Jenny Carter:
• The final thing I have is a vote on the ordinance as a whole and an effective date.  
• The moratorium expires May, so I recommend that you give me 24 hours to get these changes put in and let the effective date of this be May 1.  
Commissioner Dimsdale:
• I have a question that a gentlemen posed to me during the break a while ago. I didn’t know how to answer it. If I could pose that to the county counsel. He has property in the Alcovy basin, less than 2 acres and he wants to build a house on it, can he build a house on it?  
Jenny Carter:
• I think he talked to me as well. If it is a platted lot of record and he has 1.5 acres then he can go ahead and put a house on that.  
Tommy Craig:
• It’s grandfathered.  
Commissioner Dimsdale:
• So the parcel size is grandfathered in, is that…
Jenny Carter:
• Right, if it is an existing lot of record then he can go ahead and build on it. That
would be grandfathered in.
Commissioner Ewing:
• So your recommendation on the effective date is?
Jenny Carter:
• May 1st.
Commissioner Ewing:
• May 1.
Steve DuBois:
• When you talk about effective dates will all of this take effective on May
1st…zonings.
• 1550 sq. ft…clarification is a zoning requirement. When will the 1550 sq. ft. take
effect?
Tina Ayers:
• I would recommend that any new plans submitted by the effective date. Any plans
already in are grandfathered in.
Steve DuBois:
• What is the date?
Jenny Carter:
• May 1st when the moratorium expires.
Tommy Craig:
• If it is already in…what’s already in? Plat or application or building permit?
Steve DuBois:
• We’re not grandfathering existing lots?
Commissioner Dimsdale:
• That’s a good question. Are we grandfathering the subdivision or the….
Tina Ayers:
• I would say we have to (something about recorded…was not clear)
Steve DuBois:
• If we were to go into an existing subdivision that is already recorded with a legal lot
can we build a 1300 sq. ft house?
Commissioner Fleming:
• It’s all in a subdivision and you’ve got vacant lots?
Zack Melvin:
• Right, and they haven’t pulled building permits on it.
• I would say any plat prior to May 1st would go by the old (unclear)
Chairman Varner:
• Let’s hold up.
John Middleton:
• I think what Mr. Craig and I just talked about was the fact that there are no actual
applications under consideration at this point in time. Is that not correct?
• What he and I were discussing is that the May 1 would be the new date with all of the
changes in effect for any applications that comes in.
Tommy Craig:
  • Unless the board decides otherwise.
John Middleton:
  • Unless the board decides otherwise.
Commissioner Dimsdale:
  • What applications are we talking about, applications for a subdivision or for a building permit?
John Middleton:
  • There should be none now. On May 1 there will probably be several.
  • You (Steve DuBois) are talking about one that you probably have planned to drop off on May 1. Would that be correct?
Steve DuBois:
  • No, I am talking about existing lots that are built now that somebody hasn’t purchased a permit on a lot. The subdivision is a legal platted subdivision and we have a lot to be built on in the subdivision and the permit has not been purchased yet. Can that lot be permitted under the existing rules? Does this apply only to new from today forward zonings after the moratorium.
Tommy Craig:
  • The question turns on whether or not you have vested rights to continue...whether or not it is grandfathered...Peter, I welcome your and Jenny’s input on this.
Peter Olson:
  • Yes, I would have a concern if you had a half built subdivision that you are half way in development of and then you are going to change the minimum house size in the middle of that subdivision.
  • I don’t think you should change that.
  • If somebody is going to come in with a new subdivision that’s one thing.
  • If it’s an individual lot that’s another one that it would apply to, but if you’ve already got a subdivision that you have already approved and conditioned to some particular house size, you shouldn’t have half the subdivision at 1250 and the other at 1550.
Tommy Craig:
  • I think that is probably the right decision because the developer is going to argue that he or she made a decision to go forward with that development based on a market that then existed for 1400 sq. ft. houses or 1350 or whatever it is.
  • We probably can’t, in fairness, change the rules on them in midstream.
  • So it will relate to new individual single family lots and to new subdivisions, but not to subdivisions where you have already had preliminary plat approval, zoning.
Chairman Varner:
  • Does that answer your (Steve DuBois) question? Yes, thank you.
  • It is my understanding that we have got through Article 7 and we need a motion to approve the whole ordinance as written and amended with an effective date.
Commissioner Ewing:
  • With the understanding, as Mr. Craig mentioned, that the ones that are platted and in progress are basically grandfathered in I would (dually made motion)

**Final Motion:**
Motion: To approve the 2003 Zoning Ordinance of Newton County, Georgia, as proposed by staff and incorporating the change voted on during the meeting. This Ordinance shall be in force and take effect on May 1, 2003. Notwithstanding the foregoing effective date of this Ordinance, the existing Base District Regulations contained in the Zoning Ordinance of Newton County, Georgia, adopted June 1, 1999, as amended, shall control any development for which a Preliminary Plat was approved on or before May 1, 2003.

Proposed by: Commissioner Mort Ewing, District One
Second by: Commissioner Ester Fleming, Jr., District Three
Motion Carried Unanimously

Note: No Executive Session

Time: 9:30 P.M.
Motion: To adjourn.
Proposed by: Commissioner J.C. Henderson, District Four
Second by: Commissioner Mort Ewing, District One
Motion Carried Unanimously

Respectfully Submitted,

Jackie B. Smith, County Clerk

Aaron Varner, Chairman