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AN ORDINANCE TO AMEND
THE NEWTON COUNTY ZONING ORDINANCE

BE IT ORDAINED by the Board of commissioners of Newton County, Georgia, and it is hereby ordained by the authority of the same as follows:

Section 1:

Article VI of the Newton County Zoning Ordinance is hereby amended by deleting therefrom the text that follows the word "DELETE" in its entirety and by inserting in lieu thereof the text that follows the word "ADD":

Sec. 610-020

DELETE

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.

ADD

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.

The Planning Department shall provide the members of the Planning Commission a complete application on each proposed amendment the Commission considers. The Chairman may refuse to hear the proposed amendment if the application is deemed incomplete for any reason. The applicant may request a vote of the Quorum for the purpose of hearing the amendment. If denied a hearing, the amendment shall not be considered approved, tabled, or denied and shall not be on a calendar until such time as the application is in full compliance.

Section 620-010

DELETE

Section 620-010 in its entirety.

ADD

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.

Section 620-015

DELETE

Section 620-015 in its entirety

ADD

Sec. 620-015 PUBLIC INFORMATION MEETING

- A. Prior to any public hearing held by the Planning Commission for the review of any rezoning application or conditional use permit application or amendments to the Comprehensive Plan Future Land Use Maps, the Planning staff of Newton County may, at the discretion of the Zoning Administrator, conduct a Public Information meeting on the pending applications. The purpose of the Public Information meeting is to encourage dialogue between applicants and community members and facilitate the formal hearing process required in Section 620-020 of the Zoning Ordinance.
- B. The Public Information meeting does not constitute formal action on the pending rezoning amendment to the Comprehensive Plan Future Land Use Plan Maps, or conditional use permit applications. The meeting is intended to provide an opportunity for interested parties to ask questions and discuss issues pertinent to the applications with Newton County Planning staff members and applicants.
- C. Upon the proper filing of a request for a change in zoning, amendment to the Comprehensive Plan Future Land Use Maps, or conditional use permit approval in conformance with Section 620-050 of the Zoning Ordinance, the Zoning Administrator shall assign applications to a Public Information meeting date.
- D. The Public Information meeting shall be conducted at least 14 days prior to the scheduled Planning Commission review of rezoning or conditional use permit applications.
- E. At least seven days prior to the scheduled date of the Public Information meeting, the applicant shall be required to post on the subject property a sign, as provided by the Planning Department, that advertises the date, time, and location of the meeting.
- F. The Planning staff shall make available at the meeting site plans or other applicable materials as may be necessary to illustrate the general layout and nature of the proposed projects.
- G. Applicants or the applicants' authorized designees are strongly encouraged to attend the Public Information meeting to answer project-related questions from meeting participants.

Sec. 620-020

DELETE

Section 620-020 in its entirety

ADD

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 36-56-4 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

DELETE

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, or text amendments or conditional use permits shall be accomplished with the following policies and procedures:

ADD

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:

Sec. 620-040

DELETE

- A. Any person or persons requesting 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.

ADD

- 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.
-

Sec. 620-950

DELETE

Section 620-950 in its entirety.

ADD

Sec. 620-950 CONTENT OF APPLICATION

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

- A. Survey plat of subject property, prepared and sealed within the last ten years by a professional engineer or land surveyor registered in the State of Georgia. Said survey plat shall:
 1. Indicate the complete boundaries of the subject property and all buildings and structures existing thereon;
 2. Include a notation as to whether or not any portion of the subject property is within the boundaries of the 100-year floodplain; and
 3. Include a notation as to the total acreage or square footage of the subject property.
- B. Name, mailing address, and phone number of all owners of the property which is the subject of the application for zoning amendment, Comprehensive Plan Future Land Use Maps or conditional use.
- C. Signed and notarized affidavit of all owners of the subject property authorizing the filing of the application for zoning amendment or conditional use, and where applicable, the signed and notarized affidavit of the owner(s) of the subject property authorizing an applicant or agent to act on their behalf in the filing of the application for zoning amendment or conditional use permit. The application also shall contain the mailing address and phone number of any applicant or agent who is authorized to represent the owner(s) of the subject property.
- D. Written legal description of property.
- E. Statement of current zoning classification of property and classification which applicant is seeking in the official zoning map or Comprehensive Plan Future Land Use Maps amendment.

- F. A site plan drawn to scale by an architect, landscape architect or engineer registered in the State of Georgia and 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. [Handwritten signature]

Sec. 620-060

DELETE

- A. In ruling on any application for a zoning map 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:

ADD

- B. 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:

Sec. 620-080

DELETE

- 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. 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.

ADD

- 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.

Sec. 620-090 ACTION BY THE BOARD OF COMMISSIONERS

DELETE

- 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.

ADD

- 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 for a period not to exceed 60 (sixty) days, 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

**NEWTON COUNTY BOARD OF COMMISSIONERS
MINUTES
September 4, 2001**

**NO. O-090401 AMENDMENT TO ARTICLE VI OF THE
NEWTON COUNTY ZONING ORDINANCE**

Chairman introduced Planner Lloyd Kerr who presented amendment to board for consideration.

Mr. Kerr said there are two basic changes:

1. Provide a means by which an individual who wishes to apply for a zoning that is contrary to the Future Land Use Map would first be required to amend the map. This would eliminate the BOC from considering requests for rezonings that were not in compliance with the FLUM.
2. A change that relieves the burden of individual posting of properties when a rezoning when a rezoning is initiated by a local government. This change simply brings our ordinance in line with state legislation.

Commissioner Dimsdale requested clarification on how we were going to notify the people in the area if the county government did decide to do a rezoning. Letters would be mailed to people in area. Mr. Kerr concurred and said that they currently notify adjacent property owners, advertise in local paper and hold public hearings for ample notification of rezonings.

Motion: To adopt Ordinance NO. O-090401 Amendment to Article VI of the Newton County Zoning Ordinance.

Proposed by: Commissioner Billy Strickland, District Five

Second: Commissioner Mort Ewing, District One

Motion carried unanimously

Note: The original Ordinance is contained in file number O-090401, incorporated herein by reference and expressly made a part of these minutes.

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.

Sec. 620-100

DELETE

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.

ADD

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 not be refunded in any case.

SECTION 2

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

SECTION 3

This Ordinance shall be in force and take effect on September 4, 2001.

Adopted and approved by the Board of Commissioners on the 4th day of September, 2001, after a public hearing on the 4th day of September, 2001.

NEWTON COUNTY BOARD OF COMMISSIONERS

By: Aaron Varner
AARON VARNER, Chairman

Attest: Jackie Smith
JACKIE SMITH, Clerk

(COUNTY SEAL)

