

NEWTON COUNTY ZONING & CODES

ORDINARY

BREAKDOWN AND GUIDE



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Detailed Breakdown of Newton County Zoning Ordinance

1. Introduction and Purpose (Page 1)

Purpose: To regulate how land is used across Newton County in a way that promotes public health, safety, and general welfare.

Detailed Explanation: This section explains that zoning is used to control land use, ensuring that development is orderly and benefits the community. It prevents conflicting land uses, like building a factory next to a school or homes next to a waste facility.

2. Zoning Districts (Pages 5-15)

Purpose: These pages describe the different types of zones in Newton County, such as residential, commercial, agricultural, and industrial zones.

Explanation: Every piece of land in Newton County falls into one of these zoning categories. For example:

- **Residential Zones (R):** Only housing can be built here, with restrictions on the types (single-family homes, townhouses, etc.).
- **Commercial Zones (C):** These areas are reserved for businesses, like stores, offices, and restaurants.
- **Industrial Zones (I):** These areas are for factories, warehouses, and other heavy industrial uses.
- **Agricultural Zones (A):** Land for farming and rural purposes, where fewer buildings and more open land are allowed.

Types of Uses:

- **Single-family homes:** Detached homes designed for one family.
- **Multi-family homes:** Apartments, duplexes, townhouses.
- **Accessory uses:** Garages, home offices, sheds, or other secondary uses to the main residential building.

Details:

- **Building Height Restrictions:** Limits may be placed on how tall buildings can be in residential areas, ensuring that homes maintain a consistent look and feel.

- **Lot Coverage:** A percentage limit on how much of a lot can be covered by buildings, helping ensure green space or gardens remain.
- **Density Restrictions:** There may be limits on how many housing units can be built per acre of land, ensuring the area does not become overcrowded.
- **Home Businesses:** Some residential zones may allow home-based businesses, provided they do not significantly affect the character of the neighborhood (e.g., minimal traffic or noise).
- **Setbacks and Yard Requirements:** Requirements for how far homes need to be set back from the street, neighboring properties, or sidewalks to maintain privacy and open spaces.
- **Planned Residential Developments (PRDs):** Some residential areas may be planned developments with more flexibility in design, providing amenities like parks or community centers.

Example: A suburban neighborhood with detached single-family homes, wide sidewalks, and a park at the center of the development.

1. Commercial Zoning (C)

Purpose: To designate areas where businesses operate and serve the community.

Types of Uses:

- **Retail stores:** Grocery stores, malls, and boutiques.
- **Restaurants:** Fast food, fine dining, coffee shops.
- **Offices:** Buildings for professional services like legal offices, medical clinics, or real estate agencies.
- **Hotels or motels:** Lodging services for travelers.

Details:

- **Parking Requirements:** Commercial zones often have specific parking regulations, including the number of spaces required per business type.
- **Signage Regulations:** Rules regarding the size, height, and lighting of business signs to maintain visual appeal and prevent distractions or clutter.
- **Building Design**:** Some commercial zones may have aesthetic regulations, requiring certain architectural styles or materials to ensure a cohesive look.
- **Zoning for Mixed Commercial Use:** Some commercial zones allow for a mix of uses (e.g., retail on the ground floor, offices or apartments above).
- **Buffer Zones:** Commercial properties near residential areas may need landscaping or walls to provide a buffer to reduce noise and visual impact.

Example: A shopping center with retail stores, restaurants, and an office complex, with ample parking and attractive signage.

2. Industrial Zoning (I)

Purpose: To manage areas for manufacturing, production, and other industrial activities.

Types of Uses:

- **Light Industry:** Warehouses, distribution centers, and small-scale manufacturing.
- **Heavy Industry:** Factories, refineries, power plants.
- **Research and Development (R&D):** Facilities that develop new products or technologies.

Details:

- **Environmental Regulations:** Industrial zones often have strict requirements for air quality, waste disposal, and noise levels to protect the surrounding community and environment.
- **Truck Access and Traffic:** Industrial areas need large roads and truck access points to support transportation needs. Heavy traffic generated by industrial zones may require specific planning.
- **Buffer Requirements:** Industrial areas adjacent to residential or commercial zones may need substantial buffer zones, like green spaces, walls, or sound barriers.
- **Infrastructure Needs:** Industrial zones often need heavy infrastructure, including water, electricity, and waste management systems that can support large-scale operations.

Example: A large industrial park with factories, warehouses, and research facilities, surrounded by landscaping that buffers nearby residential zones.

3. Agricultural Zoning (A)

Purpose: To protect farmland and agricultural activities from urban sprawl and overdevelopment.

Types of Uses:

- **Farming:** Growing crops like vegetables, grains, or fruits.
- **Ranches:** Raising livestock such as cattle, horses, or chickens.
- **Horticulture:** Growing flowers, trees, or ornamental plants for landscaping or commercial sale.
- **Farm-related Businesses:** Limited commercial activities like roadside stands, small processing facilities, or farm tours.

Details:

- **Minimum Lot Sizes:** Agricultural zones often have large minimum lot sizes (e.g., 5 to 10 acres) to ensure there's enough space for farming activities.
- **Agri-tourism:** Some agricultural zones allow farm-related tourism, like bed-and-breakfast operations or farm tours, provided they do not disrupt the primary agricultural use.
- **Zoning Protections:** Agricultural zoning is designed to protect farmland from being converted into suburban housing developments, ensuring the preservation of the rural character of the area.
- **Accessory Buildings:** Structures like barns, silos, or equipment storage sheds are permitted in agricultural zones to support farming operations.

Example: A family-owned farm where fruits and vegetables are grown for local sale, with a small stand selling produce on the roadside.

4. Mixed-Use Zoning (MU)

Purpose: To combine residential, commercial, and sometimes industrial uses in a single area, promoting walkability and more efficient land use.

Types of Uses:

- **Residential:** Apartments, townhouses, condominiums.
- **Commercial:** Shops, offices, cafes.
- **Public Spaces:** Parks, plazas, community centers.

Details:

- **Pedestrian-friendly Design:** Mixed-use zones often emphasize walkability, with sidewalks, bike lanes, and pedestrian-friendly crossings.
- **Shared Parking and Infrastructure:** These areas may include shared parking for both residential and commercial users, as well as shared public spaces.
- **Live/Work Units:** Some mixed-use zones allow "live/work" units, where residents can operate small businesses from the ground floor and live above.
- **Higher Density:** Mixed-use zones tend to have higher density than other zones, meaning more people per square mile, which can support public transportation and reduce car dependency.

Example: A vibrant downtown area where residents live in apartments above stores and restaurants, all within walking distance of offices and parks.

5. Special Purpose Zoning (SP)

Purpose: To regulate areas with unique needs, including environmentally sensitive areas or places of historical importance.

Types of Uses:

- **Conservation Areas:** Land set aside to protect natural resources, like forests, rivers, or wetlands.
- **Historic Preservation:** Zones that protect buildings or districts of historical significance from inappropriate development or alterations.
- **Public Institutions:** Schools, hospitals, government buildings.

Details:

- **Environmental Protections:** Conservation areas often have restrictions on building and development to preserve wildlife habitats, prevent pollution, or manage water resources.
- **Design Requirements:** In historic preservation zones, strict guidelines often dictate how buildings must be renovated or built to maintain historical integrity.
- **Limited Development:** Special purpose zones may restrict the types of developments allowed to ensure the area remains intact for its intended purpose (e.g., limited commercial use in a historic district).

Example: A historic downtown where buildings must maintain their original architectural features, and new construction is carefully regulated to fit the area's character.

6. Planned Unit Development (PUD) Zoning

Purpose: To allow for flexible development that integrates various uses and provides a master-planned community.

Types of Uses:

- **Residential:** A mix of single-family homes, apartments, and townhouses.
- **Commercial:** Shops, offices, restaurants.
- **Community Amenities:** Parks, recreational facilities, walking trails.

Details:

- **Master Planning:** PUDs require a comprehensive plan that integrates residential, commercial, and recreational spaces while adhering to zoning guidelines.
- **Open Space Requirements:** PUDs often include requirements for a certain percentage of open space, like parks or green spaces.
- **Mixed Density:** Within a PUD, different areas may have varying densities, allowing for larger homes in some areas and smaller, more affordable homes in others.

- **Phased Development:** PUDs are often developed in phases, with infrastructure (roads, utilities) built first, followed by residential and commercial construction.

Example: A large community with homes, shopping centers, and recreational facilities all connected by trails, with a mix of housing options and communal parks.

These additions offer a more comprehensive view of each zoning type, covering regulations, design elements, and how these areas are developed to maintain a balance between land use and community needs. Let me know if you'd like to include this in another document.

3. Permitted Uses (Pages 16-30)

Purpose: Defines what types of buildings or businesses are allowed in each zoning district.

Detailed Explanation: This section lists what can be built or operated in each zone. For instance:

- **In a Residential Zone (R),** you can build houses but not factories.
- **In a Commercial Zone (C),** you can open a restaurant, but not a landfill.
- **Conditional Uses:** Some uses may be allowed only with conditions or limits (e.g., a home-based business must not disturb neighbors).
- **Permitted by Right:** These are uses that you can automatically build or operate without needing any special permission.

Expanded Breakdown of Permitted Uses by Zone in Newton County

1. Residential Zone (R) – Permitted and Conditional Uses

Purpose: To maintain areas primarily for residential housing while ensuring an orderly development pattern and quality of life for residents.

Types of Residential Zones:

- **R-1 Low-Density Residential:** Allows single-family homes on larger lots (e.g., half an acre or more). The low-density nature ensures spacious living environments.
- **R-2 Medium-Density Residential:** Allows smaller lots, enabling more homes to be built in a specific area (e.g., quarter-acre lots).
- **R-3 High-Density Residential:** Allows multi-family homes, apartments, and townhouses, encouraging higher population densities.

Detailed Explanation:

Permitted Uses:

- **Single-Family Dwellings:** Detached homes designed for one family in R-1 or R-2 zones.

- **Townhomes and Apartments:** In R-3 high-density zones, multi-family dwellings are allowed to increase housing options in more urban areas.
- **Accessory Structures:** Homeowners can build garages, sheds, and in some cases, ADUs (Accessory Dwelling Units) if they meet setback and height restrictions.

Conditional Uses:

- **Home Occupations:** Small-scale businesses that operate from within a residential home (e.g., home offices for consulting, remote work) but with restrictions on signage, traffic, and the number of employees.
- **Community Facilities:** Public or quasi-public facilities like churches, schools, and community centers may be allowed with certain conditions, such as parking space or noise control.
- **Bed and Breakfasts:** May be conditionally allowed in some residential areas, provided they don't disrupt neighborhood traffic or require extensive remodeling.

2. Commercial Zone (C) – Permitted and Conditional Uses

Purpose: To allow businesses to operate efficiently and serve the public while maintaining an appropriate relationship with nearby residential or industrial zones.

Types of Commercial Zones:

- **C-1 Neighborhood Commercial:** Small-scale businesses intended to serve local neighborhoods (e.g., small grocery stores, coffee shops, and hair salons).
- **C-2 General Commercial:** Larger commercial developments like shopping centers, office parks, and restaurants.
- **C-3 Highway Commercial:** Businesses that cater to highway traffic, such as motels, gas stations, and fast-food restaurants.

Detailed Explanation:

Permitted Uses:

- **Retail Sales:** Both small and large retail establishments are generally allowed, provided they meet specific size and parking requirements.
- **Restaurants and Cafes:** Including sit-down and fast-food options, though drive-throughs might need additional approval for traffic control.
- **Professional Offices:** Includes law firms, medical offices, banks, and real estate offices.

Conditional Uses:

- **Bars and Nightclubs:** Typically allowed only in C-2 or C-3 zones with conditions on operating hours, soundproofing, and security measures.

- **Hotels:** May require additional parking, setback, and height restrictions to ensure they fit within the surrounding area.
- **Auto Repair Shops:** In C-2 and C-3 zones, but with conditions related to the disposal of hazardous waste and parking.

3. Industrial Zone (I) – Permitted and Conditional Uses

Purpose: To provide space for manufacturing and industrial activities that generate employment, while ensuring environmental safety and minimizing conflicts with residential or commercial areas.

Types of Industrial Zones:

1. **I-1 Light Industrial:** Allows for activities that are relatively low-impact, such as small-scale manufacturing or assembly.
2. **I-2 Heavy Industrial:** For larger-scale industrial activities, including manufacturing plants, chemical processing, and other operations with higher environmental impacts.

Detailed Explanation:

Permitted Uses:

- **Warehousing and Storage:** For businesses that store goods for distribution, including fulfillment centers and distribution hubs.
- **Manufacturing:** Light manufacturing (e.g., textile or food processing) is generally permitted in I-1, while heavy manufacturing (e.g., chemical plants, steel production) is allowed in I-2.
- **R&D Facilities:** In both light and heavy industrial zones, companies conducting research and development are typically permitted.

Conditional Uses:

- **Power Generation Facilities:** While permitted in I-2 zones, these require stringent environmental reviews, including noise buffers, emissions control, and traffic studies.
- **Landfills and Waste Processing:** Often conditionally allowed with specific distance requirements from residential or commercial areas, and must meet state and federal waste management standards.

4. Agricultural Zone (A) – Permitted and Conditional Uses

Purpose: To preserve farmland and rural areas while allowing farming activities and limited commercial development related to agriculture.

Types of Agricultural Zones:

- **A-1 General Agriculture:** This zone primarily supports large-scale farming, including crop production and livestock.
- **A-2 Rural Residential Agriculture:** Allows for limited residential development alongside farming activities.

Detailed Explanation:

Permitted Uses:

- **Crop and Livestock Farming:** Any form of traditional farming is generally allowed.
- **Agri-tourism:** Events like farm tours, farm-to-table dinners, or seasonal activities such as corn mazes are allowed, but may require additional infrastructure like parking.
- **Farm Equipment Sales***p: Limited commercial uses that support agricultural activities, like tractor sales or equipment repairs, are permitted.

Conditional Uses:

- **Animal Processing Facilities:** May be conditionally allowed if they meet strict environmental controls for waste disposal and emissions.
- **Rural Businesses:** Small-scale commercial businesses like local farm stores or bed-and-breakfast inns, which must preserve the rural character of the land.

5. Mixed-Use Zone (MU) – Permitted and Conditional Uses

Purpose: To create more integrated communities where people can live, work, and shop in one place, promoting efficiency in land use and reducing traffic.

Types of Mixed-Use Zones:

- **MU-1 Low-Density Mixed Use:** Combines single-family homes with small commercial establishments like cafes or local shops.
- **MU-2 High-Density Mixed Use***p: Encourages multi-story buildings with commercial activities on the ground floor and residential units above.

Detailed Explanation:

Permitted Uses:

- **Residential**:** Apartments, townhouses, and other high-density housing options.
- **Commercial**:** Retail shops, office spaces, and dining establishments that cater to residents within the zone.

Conditional Uses:

- **Live/Work Spaces:** May allow residents to operate small businesses from their homes, provided these businesses do not create noise, traffic, or other disturbances.
- **Hotels:** Larger hotels in high-density mixed-use zones may require conditional approval to ensure they align with community standards and do not generate excessive traffic.

Special Design Requirements:

Walkability and Accessibility: Mixed-use developments must often include pedestrian pathways, green spaces, and community amenities to encourage foot traffic and minimize car dependency.

6. Special Purpose Zones (SP) – Permitted and Conditional Uses

Purpose: To designate areas with specific goals, such as conservation or public use, and ensure that development aligns with the community's long-term vision.

Detailed Explanation:

Permitted Uses:

- **Public Institutions:** Schools, libraries, fire stations, and other government or public service buildings.
- **Cultural and Recreational Spaces:** Museums, parks, playgrounds, and recreational centers are generally allowed.

Conditional Uses:

- **Concert Halls or Event Venues:** Large event spaces may be conditionally allowed, provided they meet parking, noise, and traffic conditions.
- **Monuments and Memorials:** These may require additional approvals to ensure they fit the character of the area.

Special Conditions:

- **Environmental Preservation:** In areas with environmental importance, such as wetlands or forests, additional development limitations are placed to ensure long-term preservation.

7. Additional Considerations for Permitted and Conditional Uses (continued)

Non-Conforming Uses:

- These refer to existing businesses or structures that were legally established before current zoning laws were enacted but do not conform to the new regulations.

For example, a factory built in what is now a residential zone may continue operating as a "non-conforming use," but any significant expansions or changes to the business may require it to meet current zoning requirements or apply for a variance.

- **Non-conforming**-uses can continue indefinitely, but if the business shuts down for a significant period or changes ownership, it may lose its non-conforming status, requiring the property to comply with current zoning laws.

Amendments and Variances:

- **Variance:** Property owners may request a variance if a unique situation prevents them from complying with a specific zoning requirement, such as setbacks, building height, or parking requirements.
- **Process:** A variance must typically be approved by the zoning board, and the applicant must demonstrate that complying with the rule would cause unnecessary hardship.
- **Amendments:** Zoning ordinances can be amended to reflect changes in the community's needs. Amendments may include rezoning an area, changing the list of permitted uses, or modifying building standards. These amendments typically go through a public process involving hearings, community input, and approval by the county's governing body.

Overlay Districts and Environmental Considerations:

- Overlay districts may impose additional restrictions on top of the base zoning to protect certain areas, such as historic districts or environmentally sensitive areas.
- For example, properties in a historic overlay district may face additional design or construction requirements to preserve the character of the neighborhood.
- Similarly, properties in environmental overlay districts (such as wetlands or flood-prone areas) may have restrictions that limit building footprints, require specific drainage systems, or enforce buffer zones between development and natural resources.
- Conditional uses in these districts must often meet stricter standards, including environmental impact assessments, green infrastructure requirements, or conservation easements.

Public Hearing and Review Process for Conditional Uses:

- The approval of conditional uses typically involves a public hearing where neighbors and stakeholders can provide input on the proposed development or use.
- This process ensures transparency and community involvement, giving the public a chance to voice concerns or support.

- Conditions may be imposed as part of the approval, such as additional landscaping, limited business hours, or traffic mitigation plans to reduce the impact on the surrounding area.
- The zoning board or county commission will weigh the benefits of the proposed use against its potential negative impacts before granting approval.

Conclusion

Understanding **permitted uses** and **conditional uses** in zoning districts is key to maintaining an orderly and sustainable development process in Newton County. Zoning laws help balance the interests of property owners, businesses, and residents while preserving the character of neighborhoods and protecting the environment. Each zone—whether residential, commercial, industrial, agricultural, mixed-use, or special-purpose—comes with its own set of rules, designed to ensure that the community can thrive without compromising safety, health, or quality of life.

The role of permitted uses is to allow property owners to build or operate within a framework of established rules, whereas conditional uses require additional oversight to ensure they fit within the community. By adhering to these zoning rules and engaging in the public hearing process when necessary, Newton County aims to create a harmonious living environment for all its residents.

4. Lot Size and Setbacks (Pages 31-40)

Purpose: Establishes minimum lot sizes and setbacks for buildings.

Detailed Explanation:

- **Lot Size:** This section explains the minimum amount of land you need to build in a specific zone. For example, in a rural zone, you might need at least 5 acres to build a house, while in a residential zone, you might only need a quarter-acre.
- In agricultural or rural zones**, where open land and environmental preservation are prioritized, lot sizes might be at least 5 acres. This helps to maintain the rural character, preserve farmland, and ensure that there's enough space for agricultural activities like crop production or livestock raising.
- In **residential zones**, the required lot size is typically smaller to accommodate housing developments. For instance, in a lower-density residential zone, you might need at least a half-acre per house, while in a higher-density residential area, a quarter-acre or less might be sufficient. Smaller lot sizes are designed to promote more compact development in urban or suburban settings.

Some zones may allow **clustered housing developments**, where homes are built closer together on smaller lots, in exchange for preserving larger areas of open space elsewhere in the development.

- **Setbacks:** Setbacks are the required distances that structures must be positioned away from property lines, streets, and other buildings. These rules vary by zone to ensure adequate space between buildings, maintain neighborhood character, and provide for utilities and emergency access. Setback requirements often include:
- **Front setbacks:** The distance from the front of a building to the property line abutting a street. For example, in residential zones, the front setback might be 25 to 30 feet, allowing for lawns, sidewalks, and driveways.
- **Side setbacks:** The distance between the sides of a building and the property lines. In residential areas, this might be around 10 feet, creating space between neighboring homes for privacy and fire safety.
- **Rear setbacks:** The distance from the back of the building to the rear property line, which may also vary by zone. This is often important in ensuring adequate space for backyards, gardens, and accessory structures like sheds or garages.
- **Corner lots** may have different setback rules because they abut more than one street, requiring both a front and side setback from the street to ensure visibility and safety at intersections.

Special Considerations:

- **Lot Coverage Ratios**:** Some zones may also have regulations on how much of the lot can be covered by buildings, including accessory structures like sheds, garages, or pools. This ratio ensures that there is still open space for landscaping, water drainage, and public utilities.
- **Exceptions and Variances**:** In certain cases, property owners can apply for a variance to modify setback or lot size requirements. This may be granted if the shape of the lot or other unique factors make it difficult to comply with the standard rules. For example, if a lot is oddly shaped or smaller than the minimum size due to historical reasons, a property owner might be able to build closer to the property line with special approval.

Additional Requirements: Setbacks may also apply to non-building elements like driveways, parking areas, or fences. These elements must meet the setback requirements to avoid encroaching on neighboring properties or public spaces.

5. Special Use Permits (Pages 41-45)

Purpose: Defines the process for obtaining special use permits when you want to do something not normally allowed in your zone.

Detailed Explanation: A Special Use Permit is needed if you want to use your land for something that isn't typically allowed in your zone, but might still be approved under certain conditions. For example, you may need a permit to open a small church in a residential area. The permit ensures that the use won't negatively affect neighbors or the environment.

- **A Special Use Permit** is required when a property owner seeks to engage in a use that is not generally permitted by right in a given zoning district but may be considered appropriate under specific conditions. The permit allows for flexibility within zoning regulations, ensuring that the proposed use will fit harmoniously within the existing community.

Example: Opening a small church or daycare in a residential zone may not be a standard permitted use but could be allowed with a special use permit. The permit allows the county to evaluate the potential impact of such a use on traffic, noise, parking, and the overall character of the neighborhood.

Process for Obtaining a Special Use Permit:

1. Application Submission:

The property owner or developer submits an application to the county zoning office detailing the proposed use, its location, and any relevant site plans or architectural designs.

- The application will need to include descriptions of how the proposed use will be conducted and any efforts to mitigate potential issues, such as traffic congestion, noise, or environmental impact.

2. Review by Zoning Officials:

County zoning officials review the application to determine whether the proposed use is generally compatible with surrounding land uses. They assess whether the project will align with the long-term goals of the community as outlined in the zoning ordinance and comprehensive plan.

- Officials may also review site-specific factors, such as proximity to schools, road capacity, and environmental concerns, such as drainage or flood zones.

3. Public Hearing:

A public hearing is scheduled, where neighbors and other stakeholders can voice their support or concerns about the proposed use. This hearing is essential for gathering community input and ensuring transparency in the decision-making process.

- Notices are typically sent to nearby property owners, and a sign may be placed on the property to notify the public about the special use permit request.

4. Conditions for Approval:

If the special use permit is deemed acceptable, it may be granted with certain conditions attached. These conditions are designed to minimize the potential negative impact on the surrounding community. For example:

- **Traffic Management:** If the special use will increase traffic, the county may require additional parking or specific traffic flow plans.
- **Hours of Operation:** Some special uses, such as commercial businesses in residential areas, may be required to limit their operating hours to reduce disturbances.
- **Noise or Light Mitigation:** Conditions may include the installation of noise barriers, restrictions on outdoor lighting, or landscaping to buffer the impact on neighboring properties.

5. Approval or Denial:

After reviewing the proposal and community feedback, the county's zoning board or planning commission will either approve or deny the special use permit. If approved, the property owner must comply with any conditions set by the county.

6. Ongoing Compliance:

Once the special use permit is granted, the property owner must continue to adhere to the conditions of the permit. Failure to comply with the conditions could result in penalties, revocation of the permit, or legal action.

Common Special Uses:

- **Religious Institutions:** Churches, mosques, or synagogues in residential areas.
- **Daycare Centers:** In-home or small commercial daycare centers within residential neighborhoods.
- **Bed and Breakfasts:** Small-scale lodging in residential or mixed-use areas.
- **Event Venues**:** Wedding or banquet venues located in agricultural or rural zones.
- **Schools:** Private schools or tutoring centers in zones where educational institutions are not typically permitted by right.

Factors Considered in Granting a Special Use Permit:

1. **Impact on Traffic and Parking:** Will the proposed use generate more traffic than the current infrastructure can handle? Are there adequate parking spaces?
2. **Noise and Light Pollution** Will the use create excessive noise or light that could disturb nearby residents or businesses?
3. **Compatibility with Surrounding Uses:** Is the proposed use consistent with the character of the neighborhood? Will it disrupt the peace or increase safety concerns?

4. **Environmental Impact:** Will the proposed use negatively affect the environment, such as increasing water runoff, pollution, or reducing green spaces?

5. **Public Welfare:** Will the use contribute positively to the community, such as offering needed services or increasing property values, or will it create burdens such as additional public safety concerns?

Special Use Permit vs. Variance:

- **Special Use Permit:** Allows a use not typically allowed in a zoning district but may be compatible under specific conditions.
- **Variance:** Allows a property owner to deviate from specific zoning regulations, such as height limits or setback requirements, due to unique property characteristics (e.g., an oddly shaped lot).

By establishing clear guidelines and community involvement, special use permits ensure that development can evolve in a flexible yet controlled manner, balancing the needs of property owners with the broader community's well-being.

6. Overlay Districts (Pages 46-50)

Purpose: Overlay districts are special zones that impose additional regulations beyond the base zoning rules in order to protect specific community values, environmental features, or historic character. These regulations are designed to address particular needs that cannot be adequately covered by standard zoning, such as preserving historic areas or protecting environmentally sensitive lands.

Detailed Explanation:

Overlay districts are essentially layers of zoning regulations that apply to specific areas within the county. These areas may require additional oversight and restrictions due to their unique characteristics or importance to the community. The overlay regulations are applied *in addition to* the base zoning for the area. This means that properties in an overlay district must comply with both the base zoning requirements (residential, commercial, industrial, etc.) and the overlay rules, which often introduce more stringent controls.

Overlay Districts are created to protect certain areas.

For example:

- A Historic Overlay District might have stricter rules about what can be built or renovated to preserve the historical character of buildings.
- An Environmental Overlay District might restrict development near rivers or wetlands to protect wildlife.

- These rules are in addition to the regular zoning rules, so properties in overlay districts have more restrictions.

Types of Overlay Districts:

1. Historic Overlay District:

Purpose*: To protect the architectural and cultural heritage of areas that have historical significance. This district ensures that any modifications, renovations, or new construction respect the historical integrity of the area.

Regulations:

- Stricter guidelines on building materials, architectural styles, and construction techniques to ensure compatibility with the historical character.
- Restrictions on demolishing historic structures unless certain conditions are met, such as proving that a building cannot be preserved due to severe damage.
- Required approval from a Historic Preservation Committee or similar board before making any external changes to buildings.

Example: In a historic downtown district, property owners may be required to use specific materials when restoring building facades or maintaining certain architectural details like windows, doors, and roofing to retain the area's historic look.

2. Environmental Overlay District:

Purpose: To protect environmentally sensitive areas, such as wetlands, floodplains, rivers, and wildlife habitats. The goal is to mitigate potential harm caused by development and ensure long-term sustainability of natural resources.

Regulations:

- Strict limitations or prohibitions on development near rivers, lakes, or wetlands to prevent pollution, flooding, and habitat destruction.
- Requirements for buffer zones around water bodies, typically ranging from 25 to 100 feet, where development is restricted to prevent soil erosion and water contamination.
- Restrictions on impervious surfaces (e.g., paved roads or parking lots) to reduce water runoff and maintain natural drainage patterns.
- Mandatory environmental impact assessments before any large-scale development projects can proceed.

Example: A property near a wetland may be subject to restrictions on building, paving, or even tree removal to preserve the natural ecosystem and avoid disrupting wildlife habitats.

3. Floodplain Overlay District:

Purpose: To reduce the risk of flood damage to properties and protect the natural flow of water in flood-prone areas.

Regulations:

- Development is often restricted or prohibited in designated floodplains to minimize the risk of flooding and protect property and lives.
- Buildings may be required to be elevated above a certain height or floodproofed to reduce flood risk.
- Construction of new infrastructure, such as roads and drainage systems, must be designed to accommodate potential flooding.

Example: In areas with a high risk of flooding, new homes may need to be elevated on stilts or placed further back from the water to minimize damage during flood events.

4. Scenic Overlay District:

Purpose: To protect areas of natural beauty, such as scenic roads, viewsheds, or landmarks, ensuring that development does not negatively impact the visual appeal of these areas.

Regulations:

- Limitations on building height or size to preserve scenic views.
- Restrictions on signage, billboards, and advertising to prevent visual clutter.
- Requirements for landscaping and tree preservation to maintain the area's natural beauty.

Example: A scenic highway overlay district may prevent large-scale commercial developments from blocking picturesque views of mountains, forests, or bodies of water.

5. Economic Development Overlay District:

Purpose: To encourage economic growth in designated areas by allowing more flexible land uses and zoning regulations to attract businesses and developers.

Regulations:

- Incentives such as reduced setbacks, higher building heights, or streamlined permitting processes to encourage investment.
- Special conditions allowing for mixed-use development, where residential, commercial, and industrial uses might be combined to create vibrant, economically thriving areas.
- Infrastructure improvement plans tied to development in the overlay district to ensure businesses have access to necessary utilities, roads, and public services.

Example: An economic development overlay district in an industrial area may offer tax incentives to attract new manufacturing plants while allowing for the development of nearby residential areas to house workers.

6. Transit-Oriented Development (TOD) Overlay District:

Purpose: To promote higher-density, walkable development near public transportation hubs, such as bus stations, rail lines, or transit corridors. The goal is to reduce reliance on cars and encourage the use of public transportation.

Regulations:

- Higher density allowances for residential or mixed-use buildings near transit stations.
- Requirements for pedestrian-friendly design elements, such as sidewalks, bike lanes, and public spaces.
- Reduced parking requirements to encourage public transportation use rather than driving.

Example: A TOD overlay district near a bus or rail station might allow for multi-story apartment complexes with ground-floor retail, all within walking distance of the transit hub.

How Overlay Districts Work:

Overlay districts function on top of the base zoning district. This means that if your property is zoned for residential use but falls within a historic overlay district, you will have to comply with both the residential zoning regulations and the specific rules set forth by the historic overlay. For instance:

- A residential property owner in a historic overlay district may need to get special approval for any exterior changes to their house, ensuring it aligns with historical preservation standards.
- In an environmental overlay district, a property may be zoned for commercial use, but development might be limited by buffer zones around nearby wetlands or restrictions on cutting down trees.

Benefits of Overlay Districts:

Targeted Protection: Overlay districts allow the county to provide focused protection for areas that have special significance, whether cultural, environmental, or aesthetic.

Community Character Preservation: Historic and scenic overlays help maintain the unique identity of neighborhoods and communities by preventing incompatible development.

- Environmental and floodplain overlays reduce the risk of environmental degradation, ensuring long-term sustainability of ecosystems and protecting properties from natural disasters.
- **Economic Growth:** Economic development overlays help spur investment in underdeveloped or strategically important areas by relaxing certain zoning restrictions.

Challenges of Overlay Districts:

- **Increased Regulations:** Property owners within overlay districts must navigate additional regulations and, in some cases, go through a more rigorous approval process before making changes to their property.
- **Potential Limitations on Development:** Certain overlays, such as environmental or historic districts, can limit development opportunities, which could affect property values or business prospects.
- **Community Disagreements:** The creation of overlay districts can sometimes lead to disagreements between developers, property owners, and preservationists, particularly when balancing economic growth with cultural or environmental preservation.

By balancing development with preservation, overlay districts ensure that the long-term vision for Newton County is protected, while still allowing for growth and flexibility where appropriate.

7. Rezoning (Pages 51-60)

Purpose: Explains how landowners can apply to change the zoning classification of their property. Rezoning allows a property owner to modify the allowable uses of their land in line with their development goals, subject to the county's long-term planning and community input.

Detailed Explanation: is the formal process through which a property owner requests a change in the zoning classification of their land. Zoning classifications control the types of activities and developments that can occur on a given property, such as residential, commercial, industrial, or agricultural use. If a property owner wishes to use their land for a purpose that is not permitted under its current zoning classification, they must apply to have the zoning changed.

- The process includes submitting an application, attending public hearings, and receiving approval from the county's zoning board and commissioners. Neighbors can voice support or opposition during this process

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Example: If a property is currently zoned for **residential use** (e.g., single-family homes) but the landowner wants to develop a **commercial enterprise** (e.g., a retail store), the owner would need to apply for rezoning to a ****commercial**** classification.

Steps in the Rezoning Process:

1. Application Submission:

The property owner must submit a rezoning application to the county planning and zoning department. The application typically requires:

- A description of the proposed use and justification for the rezoning request.
- A site plan showing the current and proposed use of the land.
- Any environmental or traffic impact assessments that may be relevant to the project.
- The application must include a fee, and the planning department will review the application to ensure that it is complete before scheduling it for review.

2. Pre-application Meetings:

Some counties require a pre-application meeting between the property owner and planning staff to discuss the rezoning request, evaluate any potential issues, and ensure that the owner understands the requirements of the rezoning process.

3. Review by Zoning Officials:

- The planning department reviews the rezoning request to determine whether the proposed new use is compatible with the county's **comprehensive plan**—a long-term vision for land use, development, and infrastructure.

The officials will assess whether the proposed rezoning aligns with the goals of the community, including factors such as:

- **Land use compatibility:** Will the new zoning classification fit well with surrounding properties and land uses?
- **Infrastructure capacity:** Are there sufficient roads, utilities, and public services to support the proposed change?
- **Environmental impacts:** Will the rezoning lead to negative environmental consequences, such as flooding, habitat loss, or increased pollution?
- **Economic impact:** How will the rezoning affect property values and local businesses?

4. Public Hearings:

A key part of the rezoning process involves public hearings, which are opportunities for community members, neighbors, and stakeholders to express their opinions about the proposed change. Public hearings are typically held by the county planning commission or zoning board.

- **Notice:** Property owners near the rezoning site are notified about the public hearing via mail, and a sign is usually placed on the property to inform the broader community. This transparency ensures that all interested parties have a chance to participate in the process.
- **Community Input:** During the public hearing, the applicant presents their case for rezoning, while community members can raise concerns or offer support. Common concerns include the impact on property values, traffic congestion, or changes to the neighborhood's character.

5. Recommendation from the Planning Commission:

After the public hearing, the county's planning commission reviews the application and makes a recommendation. This recommendation may be:

- **Approval:** If the planning commission believes the proposed rezoning aligns with the county's comprehensive plan and benefits the community.
- **Denial:** If the rezoning request is not consistent with the county's goals or if there are strong concerns from community members or the planning department.
- **Conditional Approval:** The commission may approve the rezoning request with specific conditions that must be met (e.g., adding buffers, restricting building height, or limiting operating hours for commercial businesses).

The planning commission's recommendation is advisory, meaning that the final decision is made by the county's governing body (e.g., county commissioners).

6. Final Decision by the County Zoning Board or Commissioners:

- The final decision on the rezoning request is made by the county's elected officials—either the zoning board or the board of commissioners—based on the planning commission's recommendation and community input.
- The board may approve or deny the application or impose additional conditions for approval. If the application is denied, the property owner may not be able to reapply for rezoning for a set period (often six months to a year).

7. Conditions for Approval:

- In some cases, the rezoning may be granted with specific conditions, often called **conditional zoning** or **planned development zoning**. These conditions are meant to address concerns raised during the review and public hearing process and ensure that the proposed development integrates well with the surrounding area.

- For example, if a commercial development is approved in a residential area, the county may require the developer to include **landscaping buffers** or limit the operating hours to reduce the impact on neighboring homes.

8. Rezoning Maps and Ordinance Amendments:

- If the rezoning request is approved, the official zoning map is updated to reflect the new classification. The county zoning ordinance may also be amended to include any conditions or special provisions related to the rezoning.

9. Appeal Process:

- If the property owner disagrees with the decision or if neighbors feel that the rezoning negatively impacts their properties, there may be an appeal process where the decision can be challenged in court.

Common Reasons for Rezoning Requests:

- **Development Changes:** A property owner may want to change the zoning of undeveloped land to accommodate new housing or commercial projects.
- **Economic Development:** A commercial or industrial rezoning may be requested to stimulate economic growth or create jobs in certain areas.
- **Land Use Conflicts:** Rezoning may be necessary to resolve conflicts between different land uses (e.g., transitioning a residential area to mixed-use to accommodate growing commercial activity).
- **Correction of Zoning Errors:** In some cases, rezoning is requested to correct past zoning mistakes or align the zoning map with the actual use of the land.

Factors Considered in Rezoning Decisions:

1. **Compatibility with Surrounding Land Uses:** Will the rezoning create conflicts between neighboring properties or uses (e.g., commercial businesses next to residential homes)?
2. **Impact on Public Services and Infrastructure:** Will the rezoning strain existing infrastructure, such as roads, schools, or emergency services?
3. **Environmental Impact:** Does the proposed change increase the risk of flooding, pollution, or other environmental concerns?
4. **Community Input:** How do neighbors and local businesses feel about the rezoning request? Are there strong objections or broad support?
5. **Consistency with the Comprehensive Plan:** Does the rezoning align with the county's long-term land use goals and growth strategy?

Conclusion:

The rezoning process provides a structured framework for landowners to request changes to the allowable uses of their property, ensuring that any changes are compatible with the county's overall development plans and the community's interests. While rezoning offers flexibility in land use, it also involves a rigorous review process to protect the interests of neighbors and ensure that the change benefits the broader community.

8. Enforcement and Penalties (Pages 61-65)

Purpose: This section outlines the consequences for violating zoning regulations and the mechanisms the county uses to ensure compliance. Zoning enforcement ensures that developments adhere to the county's regulations to maintain orderly land use, protect property values, and ensure the safety and welfare of residents.

Detailed Explanation: When a property owner violates zoning regulations—whether by building something that isn't permitted in their zone or by failing to meet specific standards (such as setbacks or building heights)—the county has the authority to take corrective action. This process helps maintain the integrity of zoning laws and protects surrounding properties from potential harm caused by non-compliant developments.

Types of Zoning Violations:

- **Unauthorized Construction:** Building a structure or addition that is not allowed in the zoning district without obtaining the necessary permits or approvals. For example, constructing a garage or shed too close to the property line.
- **Non-compliant Uses:** Using property for purposes that are not permitted by the zoning ordinance, such as operating a commercial business in a residential area without a special use permit.
- **Failure to Adhere to Conditions:** If a property owner fails to comply with the conditions attached to a special use permit or variance (e.g., operating outside allowed hours or violating noise restrictions), this would also be considered a violation.

Penalties for Violating Zoning Rules:

1. **Fines:**
 - The most common penalty for a zoning violation is a monetary fine. The county may impose fines on a daily basis until the violation is corrected. These fines are meant to incentivize quick compliance.
 - The amount of the fine varies depending on the severity of the violation, the length of time it has persisted, and whether the property owner has received prior warnings. Fines can accumulate quickly if the violation is not addressed in a timely manner.

2. Stop-Work Orders:

- If the violation occurs during construction or development, the county may issue a **stop-work order**, which immediately halts all construction activities on the property.
- A stop-work order is issued to prevent further violations or damage while the situation is investigated and remedied. Work can only resume once the property is brought into compliance with zoning laws.

3. Removal or Modification of Structures:

- In cases where a structure was built in violation of zoning rules (e.g., a house too close to the property line or a building exceeding height restrictions), the county may require the property owner to modify or completely remove the non-compliant structure.

For example, if a shed is built too close to a neighbor's property, the county may order the owner to relocate the shed to meet the required setback distance. If the structure cannot be modified to comply with the regulations, it may need to be demolished.

4. Legal Action and Court Orders:

- If a property owner refuses to comply with zoning regulations or fails to remedy the violation, the county may take legal action. This can include filing a lawsuit in civil court to force compliance or to collect unpaid fines.
- The court may issue an injunction that requires the property owner to cease the offending activity, remove the structure, or pay damages. In some cases, the court may authorize the county to remedy the situation directly and place a lien on the property to recover the costs.

5. Revocation of Permits:

- If a property owner has violated the conditions of a **special use permit, variance, or building permit**, the county has the authority to revoke the permit, which may force the business or use to cease operations.

For example, if a business that received a special use permit violates operating conditions (e.g., exceeding noise limits or failing to provide sufficient parking), the county can revoke the permit and require the business to close until the violation is resolved.

6. Mediation and Settlement:

- In some cases, zoning violations can be resolved through mediation or negotiated settlements between the property owner and the county. The owner may agree to correct the violation in exchange for reduced fines or leniency in enforcement actions.
- Settlement agreements are sometimes used when violations are minor or when the property owner demonstrates a willingness to cooperate with zoning officials.

Steps the County Takes to Enforce Zoning Laws:

1. Inspection and Identification of Violations:

- Zoning violations are often discovered through inspections conducted by county zoning officials or through complaints made by neighbors or other community members.
- Once a violation is identified, the zoning office will inspect the property and document the violation. The property owner is then notified of the issue.

2. Notice of Violation:

- The property owner receives a formal ****Notice of Violation****, which details the specific zoning rules that have been violated. The notice typically includes:
- A description of the violation (e.g., improper setback, unauthorized use).
- Instructions for how to remedy the situation, such as removing the structure or applying for the appropriate permit.
- A deadline by which the property owner must comply.
- The notice may also include information about potential penalties, such as fines or stop-work orders, if the violation is not corrected within the specified time frame.

3. Opportunity to Remedy the Violation:

- In most cases, property owners are given the opportunity to correct the violation before penalties are enforced. This might involve submitting an application for a special use permit, modifying the structure, or ceasing non-permitted activities.
- If the violation is corrected within the time frame provided, fines may be reduced or avoided.

4. Imposing Penalties:

- If the property owner does not take corrective action by the deadline, the county will begin imposing penalties, which could include fines, stop-work orders, or legal action.
- The county may also take enforcement actions to ensure compliance, such as issuing citations or pursuing court orders.

5. Ongoing Monitoring:

- Zoning officials may continue to monitor the property after the violation is corrected to ensure that compliance is maintained. In cases where repeat violations occur, the county may impose additional penalties or revoke permits.

Common Zoning Violations:

- **Building Without a Permit:** Constructing a building or addition without first obtaining the required permits from the zoning office.
- **Illegal Land Use:** Operating a business in a residential zone or using the property in a way that is not allowed under the current zoning classification.
- **Setback Violations:** Constructing buildings or additions too close to property lines, streets, or other structures, violating setback requirements.
- **Overbuilding:** Exceeding the allowable lot coverage, where too much of the property is covered by buildings or impervious surfaces like parking lots.
- **Failure to Maintain Landscaping:** In some zones, failure to maintain required landscaping or green spaces can be considered a violation.

Preventing Zoning Violations:

- **Pre-construction Consultation:** Property owners should consult with zoning officials before starting construction or changing the use of a property to ensure that their plans comply with all local regulations.
- **Regular Inspections:** Conducting regular inspections of the property and maintaining compliance with zoning regulations can help avoid violations and potential fines.
- **Obtaining the Necessary Permits:** Always ensure that the proper permits are obtained before beginning any construction or changing the use of a property. This includes building permits, special use permits, and variances.

Conclusion:

The enforcement of zoning laws is essential for maintaining orderly development and protecting the rights of property owners and the community at large. By providing a clear process for identifying and addressing violations, Newton County ensures that land use regulations are upheld and that property owners have the opportunity to correct violations before facing penalties. Penalties like fines, stop-work orders, and legal action are used to ensure compliance and deter future violations.

Glossary of Key Terms

- **Conditional Use (Page 35):** A use that is allowed in a zoning district only under certain conditions, such as restrictions on operating hours, size limits, or impacts on surrounding properties. Conditional uses often require additional approval from the zoning board.
- **Density (Page 32):** The number of buildings, housing units, or people allowed per unit of land. For example, in a low-density residential area, there may be fewer houses per acre than in a high-density area.
- **Lot Size (Pages 31-40):** The minimum amount of land required to build on a property. Different zoning districts have different minimum lot sizes, which help to control the density and character of development.
- **Non-conforming Use (Page 55):** A building or land use that was legally established under previous zoning regulations but does not comply with current zoning rules. Non-conforming uses are often allowed to continue, but they may face restrictions on expansion or modification.
- **Overlay District (Pages 46-50):** A special zoning district that imposes additional regulations on top of the existing zoning rules for a particular area. Overlay districts are typically created to protect certain features, such as historic sites, scenic areas, or environmentally sensitive lands.
- **Permitted Use (Pages 16-30):** A use that is automatically allowed in a specific zoning district without the need for additional approval. Examples include single-family homes in residential zones or retail businesses in commercial zones.
- **Rezoning (Pages 51-60):** The process by which a property owner applies to change the zoning classification of a piece of land to allow different types of uses. Rezoning applications are reviewed by the planning commission and often require public hearings.
- **Setback (Pages 31-40):** The minimum required distance that a building or structure must be located from property lines, roads, or other structures. Setbacks help to maintain space between buildings, preserve privacy, and ensure access for utilities and emergency services.
- **Special Use Permit (Pages 41-45):** A permit that allows a property to be used in a way that is not typically permitted in the zoning district, but may be considered appropriate under certain conditions. For example, opening a daycare in a residential area may require a special use permit to ensure it doesn't disrupt the neighborhood.
- **Variance (Pages 41-45):** A request for permission to deviate from the standard zoning rules, such as reducing setback requirements or allowing a taller building than normally permitted. Variances are granted when unique circumstances make it difficult to comply with the zoning ordinance.
- **Zoning District (Pages 5-15):** A section of the county designated for specific uses, such as residential, commercial, industrial, or agricultural. Each zoning district has

its own set of regulations that control what types of buildings and activities are allowed in that area.

Breakdown of Zoning Types in Newton County

1. Residential Zoning (R)

Purpose: To manage and control areas where people live.

Types of Uses: Single-family homes, Multi-family homes (apartments, townhouses, duplexes), Accessory uses such as sheds or home offices.

Details: Restrictions may apply to building heights, lot coverage, and the number of residents allowed. Minimum lot sizes and setbacks are often required to ensure space between homes and roads.

Example: A typical neighborhood with single-family homes.

2. Commercial Zoning (C)

Purpose: To designate areas where businesses operate.

Types of Uses: Retail stores, Restaurants, Office buildings, Hotels or motels.

Details: Commercial zones may include parking, signage, and building design regulations. These zones are often larger, and multi-story buildings are allowed.

Example: A shopping plaza with stores and restaurants.

3. Industrial Zoning (I)

Purpose: To manage areas for manufacturing and industrial activities.

Types of Uses: Factories, Warehouses, Distribution centers, Heavy industrial operations.

Details: These zones have stricter environmental regulations, and buffer zones are often required to separate them from residential or commercial zones.

Example: A large warehouse facility or a factory.

4. Agricultural Zoning (A)

Purpose: To protect farmland and agricultural activities.

Types of Uses: Farming, Ranches, Horticulture, Farmhouses.

Details: Large minimum lot sizes are often required. Limited commercial uses may be allowed to support the farm.

Example: A family farm selling produce at a roadside stand.

5. Mixed-Use Zoning (MU)

Purpose: To combine residential, commercial, and sometimes industrial uses in the same area.

Types of Uses: Residential buildings, Shops and offices, Public spaces.

Details: Mixed-use zones promote walkability and allow people to live, work, and shop in the same area.

Example: A downtown area with apartments above stores and offices.

6. Special Purpose Zoning (SP)

Purpose: To regulate areas with unique needs, such as environmental conservation or historical preservation.

Types of Uses: Conservation areas, Historic preservation zones, Public facilities.

Details: Stricter regulations apply to protect these areas, such as requirements for building designs or limitations on development.

Example: A park or nature reserve with restricted development.

7. Planned Unit Development (PUD)

Purpose: To allow for flexible development that doesn't fit into traditional zoning categories.

Types of Uses: Residential developments, Mixed residential and commercial uses, Community amenities.

Details: PUDs allow developers to mix housing types with shops and recreational spaces, often requiring a master plan and approval from county officials.

Example: A large, planned community with homes, parks, and shopping centers.