AN ORDINANCE TO ADOPT
THE 2003 DEVELOPMENT REGULATIONS, NEWTON COUNTY, GEORGIA;
TO REPEAL CONFLICTING PROVISIONS;
TO PROVIDE FOR AN EFFECTIVE DATE;
AND FOR OTHER PURPOSES

BE IT ORDAINED by the Board of Commissioners, Newton County, Georgia, as follows:

Section 1

Newton County does hereby adopt the 2003 Development Regulations, Newton County, Georgia, attached as Exhibit "A" and incorporated herein by reference thereto.

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All ordinances or regulations or parts thereof in conflict herewith are hereby repealed.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 March 10, 2003. Notwithstanding the foregoing effective date of this Ordinance, the existing Subdivisions Regulations of Newton County, Georgia, adopted May 13, 1985, as amended, shall control any development for which a qualifying Preliminary Plat is filed on or before May 9, 2003. A qualifying Preliminary Plat shall be defined as a plat which substantially complies with the 1985 Subdivision Regulations of Newton County, Georgia, as amended.

Adopted and approved by the Board of Commissioners on the 4th day of March, 2003, after a public hearing on said date.

NEWTON COUNTY BOARD OF COMMISSIONERS

By:  
Aaron Varner, Chairman

Attest:
Jackie Smith, Clerk

Recommended for approval and adoption by the Newton County Planning Commission on February 25, 2003, after a public hearing on said date.

Richard Coleman, Chairman
Newton County Planning Commission
# NEWTON COUNTY, GEORGIA DEVELOPMENT REGULATIONS

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NEWTON COUNTY, GEORGIA
DEVELOPMENT REGULATIONS

ARTICLE 1: GENERAL PROVISIONS

DIVISION 100: SHORT TITLE

This Ordinance shall be known as and may be cited as the “Development Regulations of Newton County, Georgia.”

DIVISION 105: AUTHORITY AND PURPOSE

Sec. 105-010 AUTHORITY
This Ordinance is enacted pursuant to the authority contained in Art. IX, Sec. II, Paragraphs I, II, and IV of the Constitution of Georgia (1983).

Sec. 105-020 PURPOSE
These regulations are intended to serve the following purposes:

A. Protect and promote the public health, safety, and general welfare.

B. Encourage the development of economically sound and stable communities;

C. Assure the provision of required streets, utilities, and other facilities and services to new land development;

D. Assure the adequate protection of safe and convenient traffic access and circulation, both vehicular and pedestrian, in new land development;

E. Assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, and other public purposes;

F. Provide a system for the subdividing of lands and the accurate recording of land titles;

G. Assure equitable review and approval of all subdivisions and site planning by providing uniform procedures and standards for land development; and

H. Assure, in general, the wise development of new areas, in harmony with the Comprehensive Plan of the community as it now exists or may hereafter be established.

I. To insure that new development is aesthetically pleasing and compatible with the surrounding and pre-existing development.
Sec. 105-030 RELATIONSHIP TO COMPREHENSIVE PLAN AND ZONING
Proposed subdivisions or developments shall conform to the adopted Comprehensive Land Use Plan of Newton County and development policies in effect at the time of submission to the Planning Commission. When features of the adopted Comprehensive Plan, such as schools or other public building sites, parks, major streets, or other land for public uses are located in whole or in part in a proposed subdivision or development, such features shall be either dedicated or reserved by the developer for acquisition within a reasonable time by the appropriate public agency.

DIVISION 110: APPLICABILITY

Sec. 110-010 APPLICATION
Except as provided in Section 110-020, any "person" proposing to undertake any land disturbance activity or to develop or subdivide land within unincorporated areas of Newton County, Georgia, shall pay a fee and make application to the Newton County Planning Department, including plans of the proposed development or subdivision which shall conform to all regulations set forth in this document.

Sec. 110-020 EXEMPTIONS
A. No person shall proceed with any disturbance of the land, including clearing, grubbing, or grading activities on a proposed development or subdivision before being issued a Development Permit from the Planning Director, unless it is one of the following exempt activities:

1. An agricultural activity in the A or A-R zoning district;

2. The construction of an individual single-family detached residence on a buildable lot of record.

B. For the purpose of these Regulations each of the types of activities contained in this Section shall be considered subdivisions but exempt from the procedures and required site improvement provisions of the Development Regulations:

1. The combination or recombination of all of two or more buildable lots of record, where the total number of lots is not increased.

2. The division among heirs or family members of land in the Agricultural District into three or fewer lots having a minimum lot size of ten (10) acres.

3. The division among heirs or family members of land in the Agricultural-Residential District into three or fewer lots having a minimum lot size of 43,560 square feet (or 60,000 square feet where both private well and individual septic tank are required).

4. The division, among heirs or family members, of land in the Rural Estate District into three or fewer lots having a minimum lot size of two acres.
C. Subdivisions deemed exempt shall not require the extension of utilities or the construction of public streets.

D. Subdivisions deemed exempt shall be in compliance with all applicable requirements of the Newton County Zoning Ordinance.

E. Grandfathered projects:

1. These Regulations shall not apply to any portion of a property included within the limits of a valid and complete set of Construction Plan documents received by the Director prior to the effective date of this Ordinance, provided that all time constraints relating to the permit issued shall be observed.

2. In no case shall any grandfathered project be extended for a greater time period than 18 months from the date of enactment of this Ordinance, unless the applicant can show a vested right.

3. Development, including future development pursuant to the same approved Final Site Plan or Preliminary Plat, shall governed by the Development Regulations in effect at the time the Final Site Plan or Preliminary Plat were approved, unless two years lapse from approval without, in the case of a Final Site Plan (under Division 410 or 420), issuance of a development permit; or in the case of a Preliminary Plat (under Division 415), issuance of a Final Plat, for any portion of the approved development. In that case, the current version of these Development Regulations shall apply. This provision shall not affect rights vested by law pursuant to the zoning ordinance.

Sec. 110-030 JURISDICTION
These Regulations shall pertain to all unincorporated areas of Newton County, Georgia.

Sec. 110-040 INTERPRETATION
In the interpretation and application of these Regulations all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under federal or state statutes.

DIVISION 115: SEVERABILITY

Should any section, clause or provision of these Regulations be declared by a court of competent jurisdiction to be invalid, such adjudication shall not affect the validity of these Regulations as a whole or any part thereof other than the part so declared to be invalid, each section, clause, and provision thereof being declared severable.
DIVISION 120: CONFLICTING REGULATIONS

A. Whenever the provisions of these Regulations impose more restrictive standards than are required in or under any other statute, ordinance or resolution, the standard herein contained shall prevail, unless otherwise specified in these Regulations. Whenever the provisions of any other statute, ordinance, or resolution require more restrictive standards than are required herein contained, the requirements of such regulations shall prevail, unless otherwise specified in these Regulations.

B. In those instances where development standards for a specific project have been established as a condition of zoning or conditional use permit approval, the requirements of the conditions shall control, whether more or less restrictive than the requirements of these Development Regulations.

C. All ordinance and resolutions regulating the subdivision and development of land adopted prior to these Regulations are hereby repealed.

DIVISION 125: AMENDMENTS

Any regulations or provisions of these Regulations may be changed and amended from time to time by the Board of Commissioners of Newton County, provided, however, that such changes or amendments shall not become effective until after a recommendation by the Planning Commission and until after a public hearing has been held thereon, the time and place of which shall have been published in a newspaper of general circulation, at least fifteen (15) days prior to such hearing.

DIVISION 130: ADOPTION AND EFFECTIVE DATE

These Regulations shall take effect and be in force from and after the date of their adoption.
DIVISION 200: DEFINITIONS

Sec. 200-010 INTERPRETATION OF CERTAIN TERMS AND WORDS
For the purpose of these Regulations, certain words or terms used herein are interpreted as follows:

A. Words used in the present tense include the future tense. Words used in the singular include the plural; and words in the plural include the singular.

B. The word “shall” is always mandatory, and the word “may” is permissive.

C. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

D. The word “lot” includes the words “plot” or “parcel”.

E. The word “used” or “occupied”, as applied to any land or building, shall be construed to include the words “intended”, “arranged”, or “designed to be used or occupied”.

Sec. 200-020 DEFINITIONS

AASHTO
The American Association of State Highway and Transportation Officials

Access
A way or means of approach or entrance by which pedestrians, vehicles, or both shall have safe, adequate, and usable ingress/egress to a property or use. A private access is an access not in public ownership and controlled by means of deed, dedication, or easement.

Addition
Any walled or roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled or roofed addition that is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

Administrative Variance/Approval
A variance or administrative approval that is routine or too insignificant to require Board approval. For example: an administrative variance of 10% or less can be approved at the discretion of the staff for such things as building set back requirements. Staff may administratively approve a telecommunication tower in Industrial Zones as per the requirements of this ordinance. Decisions of the staff maybe appealed as per this ordinance.

Alley
A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.
Appeal
A request for a review of an administrative official’s interpretation of any provision of these Regulations or a request for an exception.

Applicant
A person seeking an action or approval under provisions of this ordinance.

Area of Shallow Flooding
A designated AO or VO Zone on a community’s Flood Insurance Rate Map (FIRM) with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard
The land in the flood plain within a community subject to a one (1) percent or greater chance of flooding in any given year.

Base Flood (100-Year Flood)
A flood having a one (1) percent chance of being equaled or exceeded in any given year.

Basement
That portion of the building having its floor sub-grade (below ground level) on all sides.

Best Management Practices (BMP)
A collection of structural measures and vegetative practices which, when properly designed, installed, and maintained, mitigate the adverse effects of development activity on the environment.

Bike Lane
Paved and marked lane on the side of a roadway or other path designed and marked specifically for bicycle traffic.

Buffer
That portion of a lot set aside with adequate natural or planted vegetation to accomplish visual and sound screening to separate residential zoning districts from other zoning districts, or to protect environmentally sensitive areas. In the event that insufficient existing vegetation or trees exist in the buffer zone, planting, fencing, or other supplemental screening shall be required, with a density or opacity to accomplish buffering as required by all approved ordinances. Roads, parking areas, above ground stormwater retention facilities, recreational facilities, or other above ground construction shall not be permitted within the required buffer area. Public rights-of-way and utility easements shall not be considered part of the buffer area. Required buffer areas are in addition to required yard areas.
Building, Elevated
A non-basement built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (post and piers), shear walls or break away walls.

Building/Facility Entrance
Any access point to a building or portion of building or facility used for the purpose of entering. An entrance includes the approach walk, the vertical access leading to the entrance platform, the entrance platform itself, vestibules if provided, the entry door(s) or gate(s), and the hardware of the entry door(s) or gate(s). The principal entrance of a building or facility is the main door through which most people enter.

Building Line
A line from which no foundation wall or part of the structure of any building projects, with the exception of roof overhangs, steps, and the sub-surface projection of footing. Such a line may coincide with the building setback line.

Building Official
The person or persons designated by the Newton County Planning Commission to be responsible for the administrative functions required in connection with the enforcement of the Development Regulations of Newton County.

Building Setback Line
A line parallel to and a specified minimum distance from the front, side or rear property lines (as specified) beyond which no foundation wall or part of the structure of any building projects with the exception of roof overhangs, steps, and the subsurface projection of footings.

Build-To Line
A line appearing graphically on the regulating plan or stated as a setback dimension, along which a façade must be placed, usually a designated minimum of the lot width.

Block
An area of land with a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river or lake.

Building
Any structure attached to the ground which has a roof and which is designed for the shelter, housing, or enclosure of persons, animals, or property of any kind.

Caliper
A standard measure of tree diameter of new or replacement plantings. It is defined by the American Association of Nurserymen. Caliper is the diameter of the trunk measured six (6) inches above the ground for up to and including four (4) inch caliper size and twelve (12) inches above the ground for larger sizes.
Cemetery
A place used or to be used and dedicated or designated for earth interments of human remains.

Clear-Cutting
The clearing or removal of all trees from a site larger than two (2) acres in a manner contrary to the Best Management Practices of the Georgia Forestry Commission, except as authorized by a development permit or building permit. This definition does not include clear-cutting necessary to install required infrastructure such as roads and utilities.

Concept Plan
A drawing which show the overall concept (e.g., a concept plan) of a proposed development, and which may include lots and streets in a subdivision or the general location of buildings and improvements for a multi-family or non-residential project.

Comprehensive Plan
Any part or element of the overall plan for development adopted by the Planning Commission and the Board of Commissioners.

Construction Entrance
A temporary access for the ingress and egress of construction vehicles.

Construction, Existing
Any structure for which the “start of construction” commenced before the effective date of the initial adoption of Regulations.

Construction, New
Structures for which the “start of construction” commenced on or after the effective date of these Regulations.

County
Newton County, Georgia.

Critical Root Zone
An area of root space that is within a circle circumscribed around the trunk of a healthy tree corresponding to the drip line.

Cul-de-sac
A minor street having but one vehicular access to another street and terminated by a vehicular turnaround.
**DBH**
Diameter at breast height is a standard of measure or tree size, and is the trunk diameter measured in inches a height of 4.5 feet above the ground. If the tree splits into multiple trunks below 4.5 feet, then each trunk is measured as a separate tree. If a tree splits above 4.5 feet, it is measure as a single tree.

**Dead-end street**
A street, other than a cul-de-sac, with only one outlet.

**Deciduous Tree**
Any tree which drops its leaves at the end of the growing season.

**Dedication**
A gift, by the owner, of a right to use land for a specified purpose(s). Because a transfer of property rights is entailed, dedication must be made by written instrument and is completed with an acceptance.

**Department**
The Planning Department of Newton County.

**Design Standards**
The specifications to landowners or developers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as rights-of-way, blocks, easements, and lots.

**Detention Facility**
A permanent structure for the temporary storage of stormwater runoff and its subsequent gradual discharge.

**Developer**
Any person, individual, firm, partnership, association, corporation, estate, trust or any other group or combination acting as a unit who directs the undertaking or proposes to undertake development activities.

**Developer Agreement**
An agreement between Newton County and the developer through which Newton County agrees to vest development use or intensity or refrain from interfering with subsequent phases of development through new legislation in exchange for the provision of public facilities or amenities by the developer in excess of those required under current regulations.

**Development**
Any of the following actions undertaken by a public or private individual or entity: the division of a lot, tract or parcel of land into two (2) or more lots, plots, sites, tracts, parcels or other divisions by plat or deed, or the combination or re-combination of two (2) or more lots, tracts or parcels of land into a lesser number of lots, plots, sites, tracts,
parcels or other combinations by plat or deed, and shall also mean any land change, including, without limitation, clearing, grubbing, stripping, dredging, grading, excavating, transporting, and filling of land.

**Development Permit**
An official authorization issued by the Building Official allowing grading or other alteration of the site that entails land disturbance related to construction activities.

**Director**
Administrative Director of Newton County or his/her designee.

**Disturbed Area**
Disturbed area is defined as the entire limits of the site project activity, outside of the buffer area.

**Drainage Area**
That area contributing runoff to a single point; measured in a horizontal plane which is enclosed by a ridgeline.

**Drainage Structure**
A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control or flood control purposes.

**Drainage Structure, Roadway**
A device such as a bridge, culvert or ditch composed of virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water under a roadway by interception of the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

**Driveway**
A vehicular access, other than a private street way, which is in private ownership and provides access primarily to one property.

**Easement**
A grant by a property owner for the use of a strip of land for the specified purpose of constructing and maintaining utilities; including, but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.

**Emergency Entrance**
A way of providing a secondary means of access and, not to be kept open except for ingress and egress of emergency vehicles and personnel.
Erosion
The process by which ground surface is worn away by the action of wind, water, ice or gravity.

Erosion and Sedimentation Control Plan
A plan for the control of soil erosion and sedimentation resulting from a land-disturbing activity.

Erosion and Sedimentation Control Measures, Structural
Measures for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating, or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading, etc.

Erosion and Sedimentation Control Measures, Vegetative
Practices for the stabilization of erodible or sediment-producing areas by covering the soil with:
1. Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
2. Temporary seeding, producing short-term vegetative cover; or
3. Sodding, covering areas with a turf of perennial sod-forming grass.

Evergreen
Any tree which retains its green foliage throughout the year.

Exempt Subdivision
A subdivision satisfying the criteria established in Section 110-020 which is exempt from the procedures and required site improvement provisions of these Development Regulations.

Final Plat
A finished drawing or map of a subdivision or development, meeting all of the requirements of these Regulations and showing, completely and accurately, all legal design and engineering information, and certified as necessary for recording.

Field Entrance
An access to undeveloped or agricultural property.

Fill
A portion of land surface to which soil or other solid materials have been added; the depth above the original ground.
Finished Grade
The final elevation and contour of the ground after cutting and filling and conforming to the proposed design.

Flood or Flooding
A general and temporary condition of partial or complete inundation of normally dry land areas from:
1. The overflow of inland or tidal waters
2. The unusual and rapid accumulation or run-off of surface waters from any source.

Flood Hazard Boundary Map (FHBM)
An official map of a community issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined. as Zone A.

Flood Insurance Rate Map (FIRM)
An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study
Official report provided by the Federal Emergency Management Agency containing flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

Flood Way
The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor
The top surface of an enclosed area in a building (including basement), i.e. top of slab in concrete slab construction or top of wood flooring in wood frame construction. Floor,

Floor, Lowest
The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built as to render the structure in violation of the applicable non-elevation design requirements of these Regulations.

Grading
Altering the shape of ground surface to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut and filled condition.
Green Space or Area
Land that is designated for conservation, preservation, recreation, landscaping or parks.

Ground Elevation
The original elevation of the ground surface prior to cutting and filling.

Grubbing
Cleaning out underbrush and growth by cutting roots and removing sub vegetation. This definition does not include grubbing necessary to install required infrastructure such as roads and utilities.

Highest Adjacent Grade
The highest natural elevation of the ground surface, prior to construction, next to proposed walls of a structure.

Historic Structure
Any structure that is:
1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing in the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior;
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

Impervious Surface
Areas which do not permit natural infiltration of rainfall, including, but not limited to rooftops, paved parking lots, driveways, paved roads and streets, patios, paved sidewalks, swimming pools, paved tennis courts and basketball courts, and any other exposed area surfaced in concrete or asphalt, except for gravel and pervious or porous paving materials.

Industrialized Home
A dwelling unit manufactured in accordance with the Georgia Industrialized Building Act (O.C.G.A. § 8-2-110 et seq.), and the Rules of the Commissioners of the Georgia Department of Community Affairs issued pursuant thereto, and meeting the following development standards:

1. A minimum width in excess of twenty-eight (28) feet.
2. A minimum roof pitch of 5:12, which means having a pitch equal to at least five inches of vertical height for every twelve inches of horizontal run. Any dwelling unit for which a building permit was obtained prior to the adoption of this Ordinance may be extended, enlarged or repaired as otherwise provided by this Ordinance with the same roof pitch as that allowed by the previous building permit.

3. A minimum roof overhang of 12 inches is required. All roof surfaces exposed to view shall be covered with asphalt or fiberglass shingles, wood shakes or shingles, standing seam (non-corrugated tin or steel), clay tiles, slate, or similar materials.

4. Exterior siding consisting of wood, hardboard, vinyl, brick, masonry, stone, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in site dwellings.

5. A curtain wall, unpierced except for required ventilation and access, must be installed so that it encloses the area located under the home to the ground level. Such a wall shall have a minimum thickness of four (4) inches and shall be constructed of masonry or similar material as approved by the Zoning Administrator.

6. The dwelling must be placed on a permanent foundation, either slab or pier, which meets the requirement of the Standard Building Code. In addition, the dwelling shall be completely underpinned with masonry, stone, or other similar materials for the purpose of underpinning as approved by the Zoning Administrator.

7. Utility meters must be mounted to the structure rather than on a utility pole, and all axles, tongues, and transporting and towing apparatus must be removed before occupancy.

8. A landing must be installed at each doorway. The minimum size of the landing shall be four feet by six feet (excluding steps) at each doorway. The structure must include steps which lead to ground level, and both landing and steps must meet the requirements of the Standard Building Code.

9. The dwelling must be installed in accordance with O.C.G.A. § 8-2-110 et seq. and the rules promulgated thereunder.

**Land-Disturbing Activity**
Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land unless otherwise stated herein.
Land Disturbance Permit
A permit issued to authorize clearing, dredging, grading, excavating, transporting and filling of land.

Landscaping
Any additions to the natural features of a plot of ground to restore construction disturbance and to make it more environmentally compatible, as by adding trees and shrubs, groundcover, etc., to the natural environment.

Lot
A portion, plot, or parcel of land separated from other portions, plots, or parcels by description as on a subdivision plat or record or survey map or as described by metes and bounds, and intended for transfer of ownership or for building development.

Lot, Corner
A lot abutting upon two or more streets at their intersection.

Lot, Double Frontage
A lot other than a corner lot abutting two streets.

Lot, Flag (Panhandle Lot)
A lot, whose unusual configuration or placement is necessary due to geometric, topographic, and other physical features that make it impractical to extend a publicly dedicated street to serve lots located in the area, that abuts a publicly dedicated street that has been accepted for maintenance by the county. The abutment shall be by a narrow strip of land (flag stem) twenty (20) feet in width the entire length of the flag stem. The flag stem shall be no greater than three hundred (300) feet in length and physically capable of providing reasonable access to the lot.

Lot, Reverse Frontage
A double frontage lot which is designed to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.

Lot of Record
A lot which is part of a subdivision, the plat of which has been recorded in the Office of the Clerk of the Superior Court of Newton County, Georgia, or a parcel of land described by metes and bounds, the plat or description of which has been recorded in said office.

Lot Remnant
Any portion or portions of a lot not suitable for building upon because of size or topography and remaining after the transfer of other portions of said lot to adjoining lots.

Lot Width
The width of the lot at the front building line measured parallel to the street right-of-way or in the case of a curvilinear street, parallel to the chord of the arc between the intersection of the side lot lines and the street right-of-way line.
Manufactured Home, Class A
A dwelling unit, meeting the definition of “manufactured home” contained in O.C.G.A. § 8-2-160, fabricated in an off-site facility for installation or assembly at the building site, bearing a label certifying it is constructed in compliance with the Federal Manufactured Home Construction and Safety Standards Act, 42 U.S.C. § 5401 et seq., and meeting the following development standards:

1. A minimum width in excess of twenty-eight (28) feet.

2. A minimum roof pitch of 5:12, which means having a pitch equal to at least five inches of vertical height for every twelve inches of horizontal run. Any dwelling unit for which a building permit was obtained prior to the adoption of this Ordinance may be extended, enlarged or repaired as otherwise provided by this Ordinance with the same roof pitch as that allowed by the previous building permit.

3. A minimum roof overhang of 12 inches is required. All roof surfaces exposed to view shall be covered with asphalt or fiberglass shingles, wood shakes or shingles, standing seam (non-corrugated tin or steel), clay tiles, slate, or similar materials.

4. Exterior siding consisting of wood, hardboard, vinyl, brick, masonry, stone, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in site dwellings.

5. A curtain wall, unpierced except for required ventilation and access, must be installed so that it encloses the area located under the home to the ground level. Such a wall shall have a minimum thickness of four (4) inches and shall be constructed of masonry or similar material as approved by the Zoning Administrator.

6. The dwelling must be placed on a permanent foundation, either slab or pier, which meets the requirement of the Standard Building Code. In addition, the dwelling shall be completely underpinned with masonry, stone, or other similar materials for the purpose of underpinning as approved by the Zoning Administrator.

7. Utility meters must be mounted to the structure rather than on a utility pole, and all axles, tongues, and transporting and towing apparatus must be removed before occupancy.

8. A landing must be installed at each doorway. The minimum size of the landing shall be four feet by six feet (excluding steps) at each doorway. The structure must include steps which lead to ground level, and both landing and steps must meet the requirements of the Standard Building Code.
9. The dwelling must be installed in accordance with O.C.G.A. § 8-2-160 et seq. and the rules promulgated thereunder.

Manufactured Housing Development
A development or subdivision intended for use as a residential area occupied by multiple manufactured homes.

Mass Grading
The grading of two (2) acres or more, for residential development, or twenty-five (25) acres or more, for Non-residential development, at one time to prepare multiple lots for construction, rather than lot-by-lot grading at the time of building construction. This definition does not include grading necessary to install required infrastructure such as roads and utilities.

Mean Sea Level
The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of these Regulations, the term is synonymous with National Geodetic Vertical Datum (NGVD).

National Geodetic Vertical Datum (NGVD)
Vertical control used as a reference for establishing varying elevations within the floodplain (as corrected in 1929).

Native Species
Any tree species that originated in a particular place or region. For the purposes of this ordinance, a tree species is considered to be native to Newton County if it is listed in Native Trees of Georgia, Georgia Forestry Commission.

Natural Vegetation
Natural vegetation shall mean a generally undisturbed, maintenance free, self-perpetuating stand of vegetation comprised of indigenous shrubs, flowers, ground cover, wild grasses, and trees.

Non-Conforming Lot
A lot with an area, dimension or location that fails to conform to the present requirements of the zoning district.

Overstory Trees
Canopy trees, either deciduous or evergreen, of greater height and spread than surrounding understory trees, which provide shade and protection to the earth and vegetation beneath it.

Owner(s) of Record
The owner(s) of property as specified on the deed of the lot of record.
Parking, Lot
A ground level open area that is used for the temporary parking of vehicles and does not include entry roads.

Pedestrian Way
Crosswalk or other areas designed and marked specifically for pedestrian traffic.

Person
Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this State, any interstate body or any other legal entity.

Planning Commission
The Newton County Planning Commission.

Pre-Application Conference
An initial and informal stage of development review at which the developer may make known concept plan proposals and the Planning Department may respond and/or advise the developer concerning the development regulations.

Preliminary Plat
A tentative drawing or map of a proposed subdivision or development meeting the specified requirements of these Regulations and showing the layout in sufficient detail to allow an evaluation of the proposed project.

Private Drive
A non-public, privately owned access way.

Project
A single development.

Project Activity
Project activity is defined as buildings, roads, parking areas, storm water management systems, etc.

Protected Zone
All lands that fall outside the buildable area of a parcel; all areas of a parcel required to remain in open space, and/or all areas required as yard areas, buffers, or landscaped areas according to provisions of the Newton County Zoning Ordinance or by conditions of zoning and variance approval.

Protective Covenants
Contracts made between private parties or conditions recorded with an approved plat and running with the title to the land, specifying the manner in which land may be used,
developed, or improved with the intent of protecting and preserving the physical and economic integrity of any given area.

**Public Hearing**
An official session of the Planning Commission or Board of Commissioners advertised according to law and called for purposes specified in the public notice.

**Recreation Area (Parks and Playgrounds)**
Public or community land, open spaces, or recreation areas represented on a plat of a subdivision as dedicated, reserved or to be reserved, for recreational purposes.

**Recreational Vehicle (Travel Trailer)**
A vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation uses not more than eight feet in body width and of any weight provided its body length does not exceed 27 feet.

**Reserve Strip**
A strip or parcel of land along, around or between properties, the purpose of which is to restrict access.

**Retention Facility**
A permanent facility that provides for the storage of runoff and is designed to maintain a permanent pool of water referred to as the normal pool.

**Right-of-Way**
A strip of land designated, reserved, dedicated, or purchased for the purpose of pedestrian or vehicular access or utility line installation.

**Sediment**
Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice or gravity as a product of erosion.

**Sedimentation**
The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

**Shrub**
A woody plant or bush of relatively low height (2-6 feet), distinguished from a tree by having several stems rather than a single trunk.

**Significant Cultural Feature**
Any man-made feature such as roads, bridges, dams, canals, structures, buildings, historic sites, and so forth.
Significant Natural Feature
Any topographic feature not made by man, such as rivers, streams, drainage channels, lakes, other bodies of water, and other known significant features such as extensive exposed rock, forests, etc.

Site Development Plan,
A development plan for an undivided parcel of land other than a single-family or duplex residential lot.

Specimen Tree
Any deciduous tree which has been determined to be of high value by the Zoning Administrator because of its species, size, age or other distinctive criteria.

Special Exception
The modification of the minimum requirements of these Regulations when strict adherence to such requirements would result in unnecessary hardship.

State Waters
Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

Stormwater Management
The collection, conveyance, storage, treatment, and disposal of stormwater runoff in a manner to prevent accelerated channel erosion, increased flood frequency, and/or degradation of water quality, and in a manner to enhance and ensure the public health, safety and general welfare.

Stormwater Management Facility, Off-Site
Any facility outside the project boundary that is or will be used for transporting and managing of stormwater runoff, including, but not limited to, culverts, detention ponds, storm drains, flumes, and headwater pools.

Stormwater Management, On-Site
The design and construction of a facility necessary to control stormwater runoff within and for a single development.

Stormwater Management Facility, On-Site
Any facility within the project boundary used for the purpose of transporting or managing stormwater runoff, including, but not limited to, culverts, detention ponds, storm drains, flumes, and headwater pools.
Stormwater Management, Regional
The design and construction of a facility necessary to control stormwater runoff; whether within or outside of a development, and serving one or more developments.

Street, Arterial
A street whose principal function is to carry a large volume of traffic at higher speeds through the county, or from one part of the county to another, or to circulate traffic into, out of, or around the municipalities within the county.

Street, Arterial Access
A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat less sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

Street, Collector
A through street having the primary function of connecting subdivisions or other areas to other collector streets or arterials or functioning as a central route within a subdivision channeling traffic from the local streets to an abutting thoroughfare.

Street, Frontage
A street adjacent to a freeway, expressway, or arterial street separated therefrom by a dividing strip and providing access to abutting properties.

Street, Half
A street or road adjacent to a subdivision tract boundary where only half the required right-of-way and road improvements are provided within the proposed subdivision and the responsibility for the other half is undecided or is left to the adjacent property owner.

Street, Local, Residential
A surface street intended primarily to provide local access to adjacent residential development and not for through traffic.

Street, Local, Non-residential
A street that serves as access for predominantly abutting commercial, industrial or other nonresidential properties or development and not for through traffic.

Street, Paved
A created surface, such as brick, stone, concrete, or asphalt, placed on the land to facilitate passage; that part of a street having an improved surface.

Street, Private
An access way similar to and having the same function as a public street, providing access to more than one property but held in private ownership.
Street, Public
A right-of-way purchased or dedicated to and accepted by Newton County for vehicular traffic or over which Newton County may hold a prescriptive easement for public access, including designated and numbered U.S. and State highways.

Street, Split-Level
Streets which are constructed so as to have two separate traffic ways, each at a different level within the same right-of-way

Street, Stub
An extension of a street in a subdivision extending to the property boundary of the tract being developed and intended to provide continuity of the street pattern between subdivisions or between the individual phases of the same subdivision.

Structure
Anything constructed or erected on the ground or attached to something on the ground, including, but not limited to, walled or roofed buildings such as manufactured homes or infrastructure such as storage tanks.

Subdivision
The division of a lot of record into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and includes all division of land involving a new street or a change in existing streets, and includes resubdivision.

Subdivision Entrance
A point of ingress-egress to a subdivision.

Subdivision, Minor
A subdivision of land into five (5) or fewer lots in accordance with the criteria established in these Regulations.

Subdivision, Major
The following subdivisions of land shall be classified as major subdivisions in accordance with these Regulations:
1. Any subdivision of land into more than five (5) lots.
2. Any subdivision of land into five (5) or fewer lots that does not meet the criteria of a minor subdivision as established in Section 410-010 of these Regulations.

Substantial Damage
Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
Substantially Improved Existing Manufactured Home Parks or Subdivisions
Repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads
equaling or exceeding 50 percent of the value of the streets, utilities and pads before
repair, reconstruction or improvement commenced.

Tree
Any self-supporting, woody perennial plant usually having a single trunk diameter of 1-
½ inches or more which normally attains a mature height of a minimum of ten (10) feet.

Tree Density Units
A measurement for tree density. For existing trees designated to remain, or replacement
trees, total existing TDU's = sum of tree diameters (DBH) in inches for existing trees, or
measured 6 inches from the base for replacement trees.

Tree Harvesting
The felling, loading, and transporting of timber products for gain. The term "tree
harvesting" includes forestry, selective tree harvesting, and thinning of trees as prescribed

Tree Replacement
The replacement of trees and landscape plant materials into the minimum required
landscape areas, as determined by the Development Regulations of Newton County.

Understory Tree
Any tree or woody plant which of lesser height and spread than surrounding evergreens
or deciduous trees but which still provides shade and a degree of protection to the earth
and vegetation beneath it.

Variance
A relaxation of the terms of this Ordinance that will not be contrary to the public interest
and where, owing to conditions peculiar to the property (and not the applicant), a literal
enforcement of the regulations would result in unnecessary and undue hardship.

Watercourse
Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit,
culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously
or intermittently and which has a definite channel, bed and banks, and including any area
adjacent thereto subject to inundation by reason of overflow or floodwater.

Watershed
That area contributing runoff to a single surface watercourse or waterbody.

Wetlands
Those areas that are inundated or saturated by surface or groundwater at a frequency and
duration sufficient to support, and that under normal circumstances do support, a
prevalence of vegetation typically adapted for life in saturated soil conditions. See
Division 420. Wetlands generally include swamps, marshes, bogs and similar areas. (33 CFR 32.93) The ecological parameters for designating wetlands include hydric soils, hydrophytic vegetation, and hydrological conditions that involve a temporary or permanent source of water to cause soil saturation. Freshwater wetlands do not include any areas defined as "coastal marshlands" by the State Coastal Marshlands Protection Act.

Zoning Administrator
As defined in Section 105-020 of the Newton County Zoning Ordinance.
ARTICLE 3: ADMINISTRATION

DIVISION 300: GENERAL

A. From and after the passage of these Regulations, no plat of a land subdivision as defined herein shall be entitled to be recorded in the Office of the Clerk of the Superior Court of Newton County unless it shall have the approval of the Newton County Planning Commission in conformity with these Regulations.

B. In addition to other responsibilities and authorities noted in other sections of these Regulations, the duty of administering and enforcing the provisions of these Regulations, is hereby conferred upon the Planning Director acting on behalf of the County Commissioners’ Office.

C. The Planning Commission shall define and establish the procedures for the administration of these Regulations except as otherwise provided by these Regulations.

D. When other local or state agencies have regulations and authority affecting any aspect of the development of a subdivision, it shall be the duty of those agencies to enforce those regulations, and it shall be the responsibility of the developer to submit appropriate documents and materials to those agencies and receive statements of acceptance or approval accordingly before submitting any plats to the Planning Commission.

DIVISION 305: EXCEPTIONS AND VARIANCES

Sec. 305-010 SPECIAL EXCEPTIONS PROCEDURES
The Newton County Board of Zoning Appeals shall consider all special exception variance and waiver requests from the requirements of these Regulations when due to extraordinary and exceptional conditions pertaining to a particular piece of property, the strict application of such requirements may result in unnecessary hardship. A formal written application, along with any such fees as may be established by the Board of Commissioners, shall be filed with the Director or Zoning Administrator and submitted to the Newton County Board of Zoning Appeals. The following procedures shall apply to all applications:

A. The application for a special exception shall state the specific regulation from which exception is sought and the reasons the exception is needed. The application shall contain such information, as the Director deems necessary to evaluate the request.

B. It shall be the applicant’s responsibility to provide sufficient justification for granting the special exception.

C. The Director and staff shall prepare an evaluation statement concerning each application for special exception. The evaluation shall consider the circumstances and supporting documents supplied by the applicant and other generally available technical information pertaining to the special exception request. The evaluation
shall consider whether the request satisfies each criteria governing special exceptions, and the Director shall make a recommendation as to grant, grant with conditions, or denial of the special exception.

E. No special exception shall be granted if the hardship has been created by the applicant (for example, by poor subdivision design). No special exception shall be granted to permit a use not otherwise authorized in the zoning district. No special exception shall be granted if it would result in increased threats to public safety, extraordinary public expense, create nuisances, or conflict with the Newton County Zoning Ordinance, Development Regulations, Comprehensive Plan or other applicable rules and regulations. No special exception shall be granted to any applicant currently in violation of any Newton County ordinance or regulation.

F. The application shall be heard at a regularly scheduled Board of Zoning Appeals meeting. At the hearing on a special exception application, the Director or staff shall appear and present its analysis and findings to the Board of Zoning Appeals. The Board of Zoning Appeals shall only consider evidence presented with the application or at the hearing. 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. The Board of Zoning Appeals shall make a decision to approve the special exception, approve with conditions, or deny the special exception, citing to the grounds relied upon, and/or to the staff evaluation comments.

G. In consideration a special exception request, the Board of Zoning Appeals shall consider the following criteria, all of which must be satisfied:

1. Whether there are extraordinary and exceptional circumstances or conditions pertaining to the particular piece of property because of its size, shape or topography, and through no fault of the applicant;

2. Whether the strict application of these regulations to this particular piece of property would create severe practical difficulty or unnecessary hardship;

3. Whether the exception requested is the minimum necessary; and

4. Whether relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations.

H. If the special exception 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.

Sec. 305-015 ADMINISTRATIVE VARIANCE
A. Administrative variances may be granted by the Director or Building Official. Such officials are authorized to vary the requirements of the Ordinance up to ten percent, in circumstances where doing so would not impair the purposes of the ordinance, and is necessary because of a hardship on the applicant that was not created by the applicant. Administrative variances are to be granted as infrequently as possible.

B. The grant of an administrative variance may be appealed pursuant to Sec. 305-020. The denial of an administrative variance may only be appealed by first applying for a Special Exception, under Sec. 305-010.

Sec. 305-020 APPEALS
A. Appeal of Planning and Zoning Department Staff/Building Official Decisions. The Newton County Board of Appeals shall hear and decide appeals when it is alleged that there is an error in any interpretation or determination made by the Planning and Zoning Department Staff or Building Official in the administration of these Regulations. Such appeals may be brought by the applicant, any member of the Planning Commission or Board of Commissioners, or any aggrieved person, as defined below. Such appeals shall be taken within thirty (30) days of the decision appealed by filing with the Planning and Zoning Department and the Board of Appeals a notice of appeal specifying the grounds for appeal. Appeal of Board of Zoning Appeals decisions shall be heard by the Planning Commission. Such appeals shall be taken within thirty (30) days of the decision appealed by filing with the Board of Appeals and Planning Commission a notice of appeal specifying the grounds for appeal.

B. Appeal of Planning Commission Decisions. Any person or persons severally or jointly aggrieved by any decision of the Planning Commission, or any member of the Board of Commissioners, may take an appeal to the Board of Commissioners by filing a notice of appeal within thirty (30) days of the date of the decision specifying the grounds for appeal. The secretary of the Planning Commission or Board of Commissioners shall transmit the record to the Board of Commissioners within fifteen days, and the Board shall hear the appeal de novo within forty five days of the filing of the notice of appeal.

C. Aggrieved Persons. A person is aggrieved only if they own the subject property, or they own nearby or adjacent property which is in danger of suffering special damages or injury not common to all property owners similarly situated as a result of the action.
DIVISION 310: VIOLATION AND PENALTY

A. It shall be the duty of the Planning Director to enforce these Regulations. The Planning Director shall have the authority to revoke, suspend or void any development permit and shall have the authority to suspend all work on a site or portion thereof.

B. Any permit issued in conformance with these Regulations shall be voided if its terms are violated.

C. Work which is not authorized by an approved permit, which is not in conformance with the approved plans for the project or which is not in compliance with the provisions of these Regulations or any other adopted code, regulation or ordinance of Newton County, shall be subject to an immediate stop work order issued by the Department. Work which proceeds without having received the necessary inspections of the Department shall be halted until all inspections of intervening work are complete.

D. Prohibited Use of Plats.

1. The filing or recording of a plat of a subdivision or development with the Newton County Superior Court Clerk's Office without the required approvals as established by these Regulations is declared to be a misdemeanor.

2. The transfer or sale of land or other use of a plat of a subdivision or development, as herein defined, that has not been given a Certificate of Development Conformance and recorded in the Office of the Clerk of the Superior Court of Newton County is prohibited.

This prohibition shall not apply to the following:

a. The transfer or sale of a lot in a nonresidential subdivision after the boundaries of the lot are clearly defined on a Final Site Plan approved in accordance with Section 420-030. Written notice of the transfer or sale shall be filed with the Planning Department. The notice shall identify the lot transferred or sold by reference to the approved Final Site Plan.

b. The creation of a lot for recording within an overall nonresidential development meeting the requirements of Section 420-010 B after a Concept Plan is approved in accordance with Section 420-010. A boundary survey of the lot created shall be filed with the Planning Department.

c. The sale or transfer of the entire tract of land to be developed.

E. Any responsible party or other persons convicted by a court of competent jurisdiction of violating any provision of these Regulations shall be guilty of violating a duly adopted Ordinance of Newton County and shall be punished either by a fine not to exceed $1,000 or by imprisonment not to exceed 60 days, or both. The owner of any lands or parts thereof, where anything in violation of these Regulations shall be placed or shall exist
and each responsible party or other person assisting in the commission of any such violation, shall be guilty of a separate offense.
ARTICLE 4: PROCEDURES and DOCUMENT SPECIFICATIONS

DIVISION 400: APPLICATION

Sec. 400-005 AUTHORIZATION
A. Any developer of land within unincorporated Newton County shall first submit to the Planning Department such plans, plats or construction drawings as may be required by the Development Regulations and receive approval from the Planning Department prior to the initiation of development activities.

B. Development activities shall be limited to those authorized by the applicable permit and as may be further restricted by conditions of approval attached by the Planning Department or other departments or agencies as may have authority or jurisdiction over development activities.

C. No permit shall be interpreted to relieve any owner or developer of the responsibility of maintaining full compliance with all codes, ordinances or other regulations of Newton County, except as amended by an approved waiver, variance, or other relief granted through applicable formal appeal procedures for a specific property or application. Any permit issued in error or in contradiction to the provisions of an adopted code, ordinance, or regulation of Newton County shall be considered to have been null and void upon its issuance.

D. Types of Development
   In this Article:
   1. Division 405 defines exempt residential subdivisions;
   2. Division 410 defines minor residential subdivisions and contains final plat approval procedures;
   3. Division 415 defines major residential subdivisions and contains preliminary and final plat approval procedures for those types of subdivisions; and
   4. Division 420 defines commercial, industrial, multi-family, mixed use and other subdivisions and contains preliminary site plan and final site plan approval procedures for those types of subdivisions.

Division 425 contains regulations regarding development permits, land disturbance permits, building plans, development conformance and certificates of occupancy, and all or portions of the Division apply to each type of development covered in Divisions 405, 410, 415, and 425.

E. Responsibility For Quality And Design
   The approval of plans or completion of inspections by Newton County officials or employees and authorization for work continuation shall not imply nor transfer acceptance of responsibility for the application of the principles of engineering, architecture, landscape architecture, or any other profession, from the professional corporation or individual who prepared or supervised and sealed the plans.
Sec. 400-010 PRE-APPLICATION CONFERENCE
Whenever the development of a site or subdivision of a tract of land is proposed, the developer is urged to consult early and informally with the Planning Department and the Environmental Health Department and/or the Newton County Water and Sewer Authority. The developer should submit to the Planning Department concept plans, maps, and data showing existing conditions within the site and its vicinity, and the proposed layout of the development.

Sec. 400-020 ASSIGNMENT

A. During the pre-application conference, the Planning Department shall determine which approvals are required and the appropriate board for hearing the approvals. The Director's determination shall be presumed to be correct. The following applications may be required:

1. Exempt Subdivision

2. Minor Residential Subdivision

3. Major Residential Subdivision

4. Multi-Family, Commercial, Industrial and Other Site Plan

B. When a proposed development or subdivision exceeds the thresholds of intensity listed in Section 500-080 or Section 500-090 of the Newton County Zoning Ordinance, the application for Preliminary Plat or Preliminary Site Development Plan review shall include three (3) copies of a completed traffic study prepared according to Division 705 of the Newton County Development Regulations and include two (2) copies of completed forms for review of Developments of Regional Impact by the Northeast Georgia Regional Development Center (NEGRDC) and other affected State and local government agencies as deemed appropriate. No action shall occur on any Preliminary Plat or Site Development Plan review application by the Newton County Planning Commission until a recommendation is received from the NEGRDC regarding the Development of Regional Impact.

Sec. 400-030 COMPLETE APPLICATION
The application is deemed complete unless:

1. The application lacks any required information.

2. Fees are not paid, not sufficient or the check was returned by the bank for insufficient funds.

It is the responsibility of the applicant to ensure the completeness and accuracy of the plans and to submit payment of any required fees.
DIVISION 405: EXEMPT RESIDENTIAL SUBDIVISION PROCEDURES

Exempt subdivisions meeting the standards of Section 110-020 shall be drawn in accordance with the Final Plat standards and nine (9) copies shall be submitted with appropriate fees to the Director for review and approval. Upon approval, the Plat shall be recorded with the Clerk of Superior Court and building permits issued pursuant to Newton County codes and ordinances.

Buildings in exempt subdivisions are subject to the requirements of Secs. 425-030 and 425-060 for building permits and certificates of occupancy.

DIVISION 410: MINOR RESIDENTIAL SUBDIVISIONS

Sec. 410-010 MINOR RESIDENTIAL SUBDIVISION CLASSIFICATION

A proposed development involving the division of a buildable lot of record into three (3) to five (5) lots shall be classified as a minor subdivision, provided that:

A. Each proposed lot complies with all applicable requirements of the Newton County Zoning Ordinance and is limited to agricultural or single-family detached residential use.

B. The proposed development does not require the platting, construction, or extension of new streets, sewer or water facilities, or improvement to existing streets.

C. All slope and utility easements and road right-of-way dedications are provided at no cost to the County.

D. Each lot thus created may not be re-subdivided pursuant to the provisions of this subsection.

E. Each proposed lot shall comply with the requirements of regulations.

Sec. 410-020 MINOR RESIDENTIAL SUBDIVISION PROCEDURES

A. Nine (9) copies of the Final Plat and supporting data to be reviewed by the Newton County Planning Office and applicable review agencies

B. Minor Subdivisions on State Routes require GDOT comments to be submitted to the Planning Department along with the Final Plat.

C. Approval of a Final Plat shall be deemed an expression of approval of the layout submitted, pending fulfillment of the requirements of these Regulations and the conditions of the Final Plat, if any.

D. If the Final Plat is not recorded within 24 months of approval, the approval shall expire, unless a request for an extension of time has been submitted to and is subsequently approved by the Planning Commission in a public hearing.
Sec. 410-030 ADDITIONAL REQUIRED APPROVALS

Development permits, land disturbance permits, building permits, certificates of development conformance and certificates of occupancy for minor residential subdivisions are governed by Division 425.

DIVISION 415: MAJOR RESIDENTIAL SUBDIVISION PROCEDURES

Sec. 415-005 STEPS OF REVIEW PROCESS
The following steps are required for development under this Division. First, Concept Plans may be submitted for review under Sec. 415-020. Second, the Preliminary Plat is submitted for approval pursuant to Sec. 415-030. Third, Construction and Development Plans are submitted for approval pursuant to Sec. 415-050. Fourth, the Final Plat is submitted for approval pursuant to Sec. 415-060. Additionally, any home requiring a House Location and Drainage Plan must satisfy the provisions of Sec. 415-070. Development permits, land disturbance permits, building permits, certificates of development conformance and certificates of occupancy are subsequently issued pursuant to Division 425.

Sec. 415-010: MAJOR RESIDENTIAL SUBDIVISION CLASSIFICATION
A proposed development involving the division of a buildable lot of record into two or more lots, not meeting the definition of a minor subdivision, shall be classified as a major subdivision and subject to the application procedures outlined below.

Sec. 415-020 CONCEPT PLANS
The developer has the option to submit a Concept Plan to the Planning Department. The Concept Plan shall include a general layout of the property, its boundaries, natural features, lots, streets, and access points for the subject property and the entire property proposed for development. The Concept Plan must also identify the boundaries of contiguous property owned or controlled by the developer or the developer’s heirs or entities in which the developer has a controlling interest. The Planning Department will review the Concept Plan for conformity with zoning and overall consistency with Development Regulations and return comments to the applicant within five (5) working days.

Sec. 415-030 PRELIMINARY PLAT REVIEW
A. Prior to making any street improvements or clearing or grading a site planned for development, installing any utilities or selling any lots, the developer shall submit to the Planning Director for approval, a Preliminary Plat of the proposed subdivision or development prepared in accordance with these Regulations. All preliminary plat and other engineering data shall be prepared and sealed by a Professional Engineer, Land Surveyor registered in the State of Georgia. The developer shall also provide copies of the Preliminary Plat to all utility companies. A space for Preliminary Plat approval by the Planning Commission shall be provided on the face of the Preliminary Plat.
B. At least 15 days prior to the Planning Commission’s regularly scheduled monthly meeting at which the developer desires Planning Commission action, and after securing signatures of the Environmental Health Dept. and Water and Sewer Authority, the developer of a major subdivision shall submit a complete application including:

1. Nine (9) copies of the Preliminary Plat and supporting data.

C. Official Date of Submission
The official date of submission of the plat shall be the date of the next regularly scheduled monthly meeting of the Planning Commission.

D. Public Hearing
Preliminary Plats shall be considered by the Planning Commission at regularly scheduled or specially called Planning Commission meetings, open to the public.

E. Preliminary Plat Review
The Planning Department shall review the Preliminary Plat for conformance to these and other relevant regulations and shall prepare a report including their comments and recommendations.

1. Preliminary Plat Information
The applicant shall submit nine (9) copies of the Preliminary Plat. The plat shall meet the minimum standards for plat preparation including, but not limited to:

a. General

1. Name, address, and phone number of designer of subdivision plat.

2. Name, address, and phone number of developer of subdivision.

3. Proposed name of subdivision with phase numbering if applicable.

4. List any previously assigned project names.

5. Date of plat preparation with space for revision dates.

6. North point, identified as magnetic, true or grid.

7. Sheet size shall be no larger than thirty-six (36) inches wide and twenty-four (24) inches long leaving a margin two (2) inches in width on left end for binding purposes, and a one-half (½) inch margin on the other three sides. If the complete plat cannot be shown on one sheet of this size, it may be shown on more than one sheet with an index map on a separate sheet of the same size.
8. Minimum Graphic scale of one (1) inch equals 100 feet.

9. Appropriate legend of symbols used on plat.

10. In the case of re-subdivision, a copy of the existing plat with the proposed re-subdivision superimposed thereon shall be provided.

11. List any conditions of zoning and date of zone change approval, if applicable.

b. Existing Conditions

1. Zoning district of land to be subdivided and zoning classification of adjoining properties.

2. Exact boundary lines of the tract indicated by a heavy line giving lengths and bearings. The boundary lines should include the entire tract to be developed. Provide date and source of survey.

3. Location map showing the subdivision in relation to the surrounding area at a minimum scale of one inch to 2,000 feet. Include well-known landmarks such as railroads, highways, bridges, creeks, etc. and city and/or county jurisdictional boundaries and land lot lines, if applicable.

4. Location of natural features including streams and watercourses with direction of flow on the proposed project.

5. Location and/or size of existing cultural features on or adjacent to the proposed subdivision.

6. Limits of 100-year floodplain. If none, note indicating such with data source and date.

7. Location and square footage of wetland areas.

8. Entrance location and dimensions.

9. Note as to provision of water supply and sewer disposal.

10. Existing sewers, water mains, drains, culverts, and other underground facilities or utilities within easements or rights-of-way on or within 300 feet of the tract to be subdivided, as relevant.
11. Note rezoning, conditional use, variance number(s), type(s),
dates(s) of approval and all conditions.

12. Adjoining property information, including subdivision name,
lot arrangement and/or adjoining property owners' names, rights-
of-way and easements within 300 feet of subdivision.

13. Topographic contours at the following intervals. Identify
source, method and date of topographic survey. (U.S.G.S.
Quadrangle interpolation shall not be acceptable):

<table>
<thead>
<tr>
<th>Ground Slope</th>
<th>Slope Interval (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flat:</td>
<td>0-2%</td>
</tr>
<tr>
<td>Rolling:</td>
<td>Over 2%</td>
</tr>
</tbody>
</table>

5. Proposed Conditions

1. Soils overlay where on-site sewer system is proposed. (Level 3
or above Soil Survey required)

2. Proposed lot layout including building setback lines with
approximate dimensions of lots and notes indicating land to be
used for purposes other than single-family dwellings.

3. Proposed streets, including right-of-way and pavement width.

4. Designation of lands to be dedicated or reserved for public use.

5. Proposed street names.

6. Proposed stormwater detention area and stormwater pipe
locations. Show where proposed structures will discharge and
proposed drainage easements.

7. Proposed water and sewer lines, sizes, and manhole and hydrant
locations.

8. Total acreage, number of lots, density, minimum dwelling size
and minimum lot size of project.

9. Such soil erosion and sediment control plans (or evidence of
official approval of such plans) separately attached to the plat, as
are required.
10. Lots requiring site plans or House Location and Drainage Plans due to difficult terrain or drainage conditions shall be marked by developer or staff.

d. Tree Protection and Landscape Plan, pursuant to Division 430.

e. Certificates of Review of the Environmental Health Dept. and/or Water and Sewer Authority.

f. When required by Section 400-020, a traffic impact study and/or completed forms for review of Developments of Regional Impact by the Northeast Georgia Regional Development Center (NEGRDC)

F. Action on the Preliminary Plat
No more than 45 days after the official date of submission of the Preliminary Plat, the Planning Commission shall either issue a Preliminary Plat Approval approving the plat; issue a conditional Preliminary Plat Approval, with the conditions of approval noted on the plat or attached; or disapprove the plat or any portion thereof. The action of the Planning Commission shall be noted on two (2) copies of the Preliminary Plat. One copy shall be returned to the applicant and the other copy retained and made a part of the Planning Commission's records. Disapproved plans may be resubmitted or appealed.

G. Failure to Take Action
Failure of the Planning Commission to act within 45 days of the official date of submission of the Preliminary Plat shall be deemed approval of the plat and a certificate to that effect shall be issued at the developer's request, provided the plat was submitted for approval at least fifteen (15) days prior to the regularly scheduled Planning Commission meeting date on which action was requested, or the developer does not consent verbally or in writing to an extension of time, if requested by the Planning Commission for further study of the plat.

H. The Planning Commission may not approve any Preliminary Plat on which is shown a lot presenting particularly unusual difficulties for construction of a building, which would clearly require a variance to be reasonably usable, or which is otherwise "unbuildable" whether due to the presence of a floodplain, configuration, lack of public utilities or any other reason.
Sec. 415-040 EFFECT OF PRELIMINARY PLAT APPROVAL

A. Approval of the Preliminary Plat shall be deemed an expression of approval of the layout submitted on the Preliminary Plat as a guide to the preparation of the Final Plat, pending fulfillment of the requirements of these Regulations and the conditions of the Preliminary Plat, if any.

B. Preliminary Plat approval shall expire if no Final Plat is submitted for any portion of the development within twenty-four (24) months of approval. A request for an extension of this deadline may be submitted to the Planning Commission for consideration.

C. A Certificate of Preliminary Plat Approval is authorization to proceed with submission of Construction Documents.

D. Preliminary Plat approval is not valid or official until ten (10) days have passed and no appeal of the Planning Commission’s decision has been filed. Any member of the Board of Commissioners may file an appeal to the Board of Zoning Appeals. Such appeal shall be initiated by filing a notice of appeal with the Planning Department within ten (10) days of the date of decision specifying the grounds for appeal. The secretary of the Planning Commission shall transmit the record to the Board within fifteen days, and the Board shall hear the appeal de novo within forty-five days of the filing of the notice of appeal. The Board of Zoning Appeals shall review the plat for conformance with zoning conditions, these Development Regulations and other applicable Newton County regulations.

E. Development, including future development pursuant to the same Preliminary Plat, shall governed by the Development Regulations in effect at the time the Preliminary Plat was approved, unless two years lapse from Preliminary Plat approval without Final Plat submission for any portion of the approved development. In that case, the current version of these Development Regulations shall apply. This provision shall not affect rights vested by law pursuant to the zoning ordinance.
Sec. 415-050  REVIEW OF CONSTRUCTION AND DEVELOPMENT PLANS

A. Following approval of the Preliminary Plat, the developer shall be cleared to submit all the Construction Documents required for a Development Permit. A Development Permit shall be issued based on staff review and approval of: a Tree Protection and Landscape Plan, Erosion and Sedimentation Control Plan, Stormwater Management Plan and related construction drawings, and other required Development Plans. The Development Permit shall be limited to the area included within the Development Plans and may be further conditioned as deemed appropriate or necessary pending development permit approval.

B. All construction drawings and other engineering data shall be prepared and sealed by a Professional Engineer currently registered in the State of Georgia, in accordance with the provisions of Georgia law.

C. The plans and related documents (excluding water, public safety and public or private sanitary sewer plans) shall be accepted and distributed by the Planning Department.

D. The Construction drawings shall generally conform to the Preliminary Plat and need only depict that portion of the approved Preliminary Plat which the developer proposes to construct at one time as a single unit, provided that such portion conforms to the requirements of these rules and regulations and all other applicable requirements.

E. The Development Plans shall be clearly and legibly drawn at an engineering scale convenient to illustrate the details of the project. Sheet size shall not exceed 48 inches by 36 inches. Plan and Profile sheets shall have a horizontal scale of no less than 100 feet to one inch and a vertical scale of no less than 10 feet to one inch.

F. Project Boundary Data

1. The boundary survey shall delineate the entirety of the property contained within the project and tied to a point of reference (tie point) with the same degree of accuracy as the boundary survey itself. The survey shall have an accuracy of no less than 1 in 10,000 ft and shall meet all requirements of Georgia law regarding the recording of maps and plats.

G. The Construction Plans shall contain the following (on one or more sheets):

1. Proposed name of subdivision.

2. Name, address, and telephone number of the owner of record and of the developer (if not the owner).

3. Name, address, and telephone number of each professional firm associated with the Construction Plans (State licensed engineer)
4. Date of survey, north point, and graphic scale, source of datum, date of plan drawing, and space for revision dates.

5. Location (land district and land lot), acreage or area in square feet, Number of lots, square footage of lots, zone district.

6. Location sketch placing the development in relation to the surrounding area with regard to well known landmarks such as major thoroughfares or railroads. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required but not less than one inch equal to 2,000 feet. U.S. Geological Survey maps may be used as a reference guide for the location sketch.

7. Size and location of all lots, building setback lines, lot lines.

8. Boundary lines of the perimeter of the tract indicated by a heavy line giving lengths to the nearest one-hundredth of a foot and bearings to the nearest second. Bearing and distance to designated tie point.

9. Directional flow arrows for street drainage.

10. Contour lines based on sea level datum. These shall be drawn at intervals of not more than two feet and shall include the entire site and all abutting public streets. Contour lines shall be based on field surveys or photogrammetric methods from aerial photographs. The basis for the topographic contour shown shall be specified and dated.

11. Natural features within the proposed development, including drainage channels, bodies of water, and other known significant features such as extensive exposed rock. On all water courses leaving the tract, the direction of flow shall be indicated. The 100-year floodplain shall be outlined and the source of the depicted floodplain information shall be indicated. The acreage or area in square feet within the floodplain shall be indicated.

12. All lots containing any extensive drainage flow, or posing a drainage problem for single family development, shall require a House Location and Drainage Plan prior to construction, and shall be marked ‘HLDP’ on the preliminary plat. All lots containing unusual topography or other significant development difficulties are to be marked “Site Plan”. Development staff may designate additional lots to be marked ‘HLDP’ or “Site Plan” as required.

13. Man-made and cultural features existing within and adjacent to the proposed development including existing right-of-way measured from the centerline, pavement widths, and names of existing streets; all easements, city and county jurisdiction lines; existing structures on the site, river corridor protection areas, and other significant information. Location and dimensions of existing bridges,
water, sewer, and other existing utility lines and structures, culverts and other existing features should be indicated.

14. Proposed street names, roadway and right-of-way lines and widths and sites reserved through covenant, easement, dedication or otherwise set aside for public purposes.

15. Identify unit number, division or stage of development as proposed by the developer.

16. Show all adjoining property owners, subdivision names, lot numbers, lot lines and block letters, and zoning.

17. Zoning district rezoning case number, date of approval and any conditions. Exceptions obtained on the property should be shown with the case number, date of approval and conditions. Note any approved waivers from these Regulations.

18. Show the location, size, and type (natural or planted) of required buffers. Show landscaping or screening measures in conformance with the requirements of the Tree Protection Plan and Landscape Plan as detailed in Division 430 of these regulations.

19. Location of all known existing landfills and proposed on-site bury and burn pits (State EPD permit and Newton County Conditional Use Permit or other approval may be required.)

20. Such additional information as may be reasonably required to permit an adequate evaluation of the project.

H. The Construction Plans shall be accompanied by other Development Plans showing the following information (The various plans may be combined where appropriate and clarity can be maintained):

1. An Erosion and Sedimentation Control Plan prepared in accordance with the requirements of the Newton County Soil Erosion and Sediment Control Ordinance. Erosion control measures may be shown on the grading plan.

2. Grading plan prepared in accordance with the requirements of these Regulations.


4. Sewage Disposal Plans, as follows:
   a. Sanitary Sewer Plans, including the profiles and other information as may be required by the Newton County Water and Sewer Authority, EPD or other agency.
b. For projects proposed to be served by on-site sewage disposal systems, any information required by the Health Department.

5. Street Widening and Construction Data:

a. Centerline profiles and typical roadway sections of all proposed streets, as well as plans and profiles for all proposed major thoroughfares. Profiles, and plans where required, shall be drawn on standard plan and profile sheet with plan section showing street layout, pavement and right-of-way width, curvature, and required drainage facilities. Typical roadway sections shall be provided for street widening.

b. Where sanitary or storm sewers are to be installed within a street, the grade, size, location and invert elevation of manholes shall be indicated on the road profile.

c. Profiles covering roadways that are extensions of existing roadways shall include: elevations at 50-foot intervals for such distance as may be adequate to provide continuity consistent with the standards required by these Règulations for street improvements but no less than 200 feet.

d. All elevations shall be coordinated and sited into U.S. Coast and Geodetic Survey or Department of Transportation bench marks where feasible or into reference monuments established by the Federal Emergency Management Agency.

6. Tree Protection and Landscape Plan, pursuant to Division 430.

7. If any floodplain areas are located on the property, such data as required shall be submitted.

8. Water System Plans, indicating proposed water main size and location, with fire hydrants on the site and fire flow data as required. The distance and direction to all other fire hydrants within 500 feet of the site or buildings along existing streets or other access drives shall also be indicated.

9. Street striping plan showing striping in accordance with the Manual on Uniform Traffic Control devices for any street newly constructed to four or more lanes and all newly constructed or widened major thoroughfares.

10. Documentation of federal permits, if applicable.

I. Encroachments

Where construction is proposed on adjacent property, an encroachment agreement or easement shall be submitted to the Department.
J. Failure of physical development to conform to the Preliminary Plat or submitted Construction or Development Plans shall subject the development to an immediate stop work order.

K. Action on Construction and Development Plans
No more than thirty (30) calendar days after the official date of submission of Construction and Development plans, the Planning Department shall either issue Approval; issue a Conditional Approval, with the conditions of approval noted on the plan or attached; or disapprove the plans or any portion thereof. The action of the Planning Department shall be noted on one copy of the Plans. Disapproved plans may be resubmitted or appealed.

Sec. 415-060 FINAL PLAT APPROVAL
After completion of the physical development, and before selling any lots, a Final Plat together with the required certificates shall be submitted to the Planning Department for approval.

A. Final Plat Submission

1. The Planning Director or his/her designee shall approve the Final Plat provided that it conforms to the Preliminary Plat and the Development Plans and after securing signatures of the Environmental Health Dept. and Water and Sewer Authority. The developer of a major subdivision shall submit: Nine (9) copies of the Final Plat and other documents as needed. Two (2) of the 9 required copies must be in Mylar format.

2. The Director or his/her designee shall determine that all improvements and installations to the subdivision that are to be dedicated under the rules and regulations of Newton County have been completed in accordance with the appropriate specifications.

3. The Final Plat shall not be deemed approved until it has been signed by the Planning Director or his/her designee and authorized representatives of the Health Department, and Newton County Water and Sewer Authority.

4. In addition, the applicant shall submit the required maintenance bond or letter of credit for placement on the Newton County Two Year Maintenance Program and the Director has received an executed a Development Performance and Maintenance Agreement, pursuant to Division 670, prior to issuing a Development Conformance Certificate. See Sec. 425-050.

5. In addition, a DWG file on disc must be submitted to the Office of the Newton County Tax Assessor in an electronic file format drawn on the Newton County GIS data. Copies of this data can be obtained from the GIS Office.

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a. Data must be submitted as dedicated layers for lots, parcels, utilities, paved surfaces, and centerlines to allow for the orderly importing of this data. Features attributes are encouraged over annotations.

B. Final Plat Specifications

The Final Plat must conform to the Preliminary Plat unless reviewed and approved by the Planning and Zoning Commission. Significant deviation from the Preliminary Plat without approval is grounds for denial of approval of the Final Plat. Non-compliance with the terms of the zoning ordinance, these regulations, or other regulations of Newton County, are also grounds for denial. No Final Plat approval shall be granted to any applicant currently in violation of any Newton County ordinance or regulation. The standards for plat preparation shall include, but not be limited, to:

1. General
   a. Name, address, and phone number of designer of subdivision plat.

   b. Name, address, and phone number of owner/developer of subdivision.

   c. Date of plat preparation with space for revision dates.

   d. North point, identified as magnetic, true or grid.

   e. Sheet size shall be no larger than sixteen (16) inches wide and fourteen (14) inches long leaving a margin two (2) inches in width on left end for binding purposes, and a one-half (½) inch margin on the other three sides. If the complete plat cannot be shown on one sheet of this size, it may be shown on more than one sheet with an index map on a separate sheet of the same size.

   f. Graphic scale of one (1) inch equals 100 feet.

   g. Appropriate legend of symbols used on plat.

2. Required Conditions

   a. Name of subdivision with phase numbering, if applicable.

   b. Name of former subdivision if any or all of the proposed subdivision has been previously subdivided.

   c. Exact boundary lines of the tract, to be indicated by a heavy line, giving distances to the nearest one-tenth (1/10) foot and angles to
the nearest minutes, which shall be balanced and closed with an error of closure not to exceed one (1) to five thousand (5,000). The error of closure shall be stated.

d. Accurate location, material, and description of monuments and markers.

e. Location sketch map at a minimum scale of one (1) inch equals 2,000 feet showing the development in relation to the immediately surrounding area and generally including well known landmarks such as railroads, highways, bridges, creeks, etc. and city and/or county jurisdictional boundaries and land lot lines, if applicable.

f. Street addresses as assigned by the Planning Department.

g. Location of bury/burn pits.

h. Indicate compliance with all conditions of zoning.

i. Lot lines with dimensions to the nearest one hundredth (1/100) foot area; necessary internal angles; arcs and chords, and tangent or radii of rounded corners. Building setback line with dimensions shall be shown.

j. Exact locations, widths, and names of all streets and public access ways and rights-of-way within and immediately adjoining the platted property.

k. Street centerlines showing angles of deflection, angles of intersection, radii, length of tangents and arcs, and degree of curvature with basis of curve data.

l. Total acreage, zoning district and number of lots.

m. Location of adjoining property lines and the names of owner(s) of record and/or the location of adjoining subdivision lines and names.

n. Exact location and dimensions of natural features, including streams and water courses with direction of flow. Source and date of data shall be included.

o. Show natural, undisturbed buffer measured from bank adjoining State Waters.
p. Indicate source (panel number) elevation and location of 100-year floodplain. If none, include note indicating such with data source and date. Include floodplain (including detention pond) lot chart.

q. Show all easements, including slope easements, if required, and public service utility right-of-way lines. Any areas to be reserved, donated, or dedicated to public use and sites for uses other than single-family residential purposes. Include designations stating the purpose or proposed use, area, and any use limitations of such areas, and any deed covenants reserving areas for common use by all property owners.

r. Label all drainage structures on plat.

s. Show the location of all sanitary sewer and drainage structures, their dimensions and purpose. Show all pipe crossings, note pipe sizes on plat.

t. Reserved.

u. Location of any floodplain, and source of data.

v. All lots requiring a House Location and Drainage Plan shall be marked ‘HLDP’. All lots requiring a site plan because of unusual topography features or other development difficulties are to be marked “Site Plan”.

w. Right of way length or linear footage.

C. The Final Plat shall be accompanied by other Development Plans showing the following information (The various plans may be combined where appropriate and clarity can be maintained):

1. Water System Plans, indicating proposed water main size and location, with fire hydrants on the site and fire flow data as required in Section 640-050. The distance and direction to all other fire hydrants within 500 feet of the site or buildings along existing streets or other access drives shall also be indicated.

D. Certificates

1. The following certifications shall be in the form and substance approved by the Planning Commission and inscribed directly on the Final Plat:

   a. A Georgia registered Professional Engineer or Land Surveyor’s Seal and Signature

   b. An Owner’s Certificate.

   c. A Certificate of Approval for Recording by the Planning Commission.


   e. Each Final Plat shall carry the following certificate printed or stamped thereon:

   “All requirements of the Newton County Development Regulations relative to the preparation and submission of a development permit application having been fulfilled, and application and all supporting plans and data having been reviewed and approved by all affected County departments as required under their respective and applicable regulations, approval is hereby granted of this Final Plat and all other development plans associated with this project subject to all further provisions of said Development and other County Regulations. This further certifies that the developer has complied with the requirements of Division 670 and has submitted an acceptable Development Performance and Maintenance Agreement.”

2. The following certificates or statement shall be attached to the Final Plat when applicable:

   a. Certificate(s) or Statement(s) of Guaranty to Dedicate.

   b. Certificate or Statement of Approval of Streets, whether or not the streets are to be dedicated to the public.

   c. Certificates or Statements of Approval of the Sewerage Disposal System in the proposed subdivision.

   d. Certificates or Statements of Approval of the Water System in the proposed subdivision obtained from the Newton County Department of Health, the Environmental Protection Division of the State Department of Natural Resources, and/or the Newton County Water and Sewer Authority as applicable.
e. A Certificate or Statement of Approval of the Drainage Provisions within the proposed subdivision.

f. Documentation of federal permits, if applicable.

E. Action on the Final Plat

No more than ten (10) working days after the official date of submission of the Final Plat, the Planning and Zoning Department shall either issue a Final Plat Approval; issue a conditional Final Plat Approval, with the conditions of approval noted on the plat or attached; or disapprove the plat or any portion thereof. The action of the Planning Department shall be noted on four (4) copies of the Final Plat. Disapproved plats maybe resubmitted or appealed pursuant to paragraph G.

F. Final Plat approval shall not be deemed acceptance of any dedications to the public. After Final Plat approval, the developer shall prepare appropriate documents and plans as constructed, if required, and request the County and other appropriate authorities to accept dedicated streets, other public spaces, and utilities. The developer shall be responsible for maintenance of all subdivision Construction Improvements for two years from the date of issuance of the Final Plat.

G. Final Plat approval is not valid or official until ten (10) days have passed from the approval and no appeal has been filed. Any member of the Board of Commissioners may file an appeal to the Board of Zoning Appeals. Such appeal shall be initiated by filing a notice of appeal with the Planning Department within ten (10) days of the date of decision specifying the grounds for appeal. The Department shall transmit the record to the Board within fifteen days, and the Board shall hear the appeal de novo within forty-five days of the filing of the notice of appeal. The Board of Zoning Appeals shall review the plat for conformance with zoning conditions, the Preliminary Plat and other applicable Newton County regulations.

Sec. 415-070 ADDITIONAL REQUIRED APPROVALS

Once Final Plat approval has been received, major residential subdivisions are subject to the additional regulations contained in Division 425, including Sec. 425-010 through 425-060 relating to development permits, land disturbance permits, building permits, development inspections, development conformance certificates, and certificates of occupancy. If a house location and drainage plan has been required, the provisions of Sec. 415-080 apply.

Sec. 415-080 HOUSE LOCATION AND DRAINAGE PLANS

House Location and Drainage Plans are required on all lots marked ‘HLDP’ on a final plat, on lots subject to periodic flooding, and on all lots which the development staff determines have a drainage problem. An HLDP shall be prepared by a qualified professional Civil Engineer, Architect, Landscape Architect, or Surveyor, and will be required before issuance of a Building Permit. A review period is required before
permitting and therefore the HLDP should be submitted at least ten (10) working days prior to the building permit request.

A. House Location and Drainage Plans shall be drawn to scale and may be shown on a certified boundary survey of the lot or any other drawing showing the information required below. The Planning Department may accept a House Location and Drainage Plan drawn to the same scale as shown on the Final Plat where sufficient detail can be shown to support an adequate review and approval.

B. The House Location and Drainage Plan shall be a drawing with sufficient readability and accuracy to ensure that the proposed improvements will be constructed on the lot in conformance with the requirements of these Development Regulations, the Zoning Ordinance, or other regulations as applicable.

C. House Location and Drainage Plans shall show the following, as applicable:

1. Boundary lines of the lot, giving distances to the nearest one-tenth of a foot and bearings to the nearest minute.

2. Location and names of all abutting streets or other rights-of-way.

3. Minimum required front, side, and rear building setback lines with dimensions and notation of the existing zoning on the property.

4. The approximate outline of all buildings, driveways, parking areas, swimming pools, recreational courts, patios, accessory structures and other improvements existing or proposed on the property, and dimensions of buildings and distances between all structures and the nearest property lines.

5. All easements, public water, sewer or storm drainage facilities traversing or located on the property, septic tank, and septic tank drain field.

6. Subdivision name, lot designation, land lot, and district.

7. North arrow and scale.

8. Limit of the 100-year floodplain, wetland areas, streams, historic structures and any applicable buffers or special building setback lines.

9. All other applicable requirements of the Zoning Ordinance or conditions of zoning approval.

10. Name, address, and telephone number of the owner and the person who prepared the House Location and Drainage Plan.

11. A two-foot contour map of the proposed final grading.
D. A Certificate of Occupancy shall not be issued for the structure or other improvements until conformance to the provisions or other requirements of the House Location and Drainage Plan with an as-built certification.

E. The House Location and Drainage Plan shall contain the following signature block:

“This House Location and Drainage Plan has been reviewed for general compliance with the Zoning Ordinance and Development Regulations of Newton County, Georgia, and is approved for issuance of a building permit for the residential structure and other improvements shown hereon. This approval is granted with the provision that no Certificate of Occupancy shall be issued for the completion of construction until conformance to this House Location and Drainage Plan has been field verified with an as-built certification.”

F. An updated ‘As Built Certification’ must be submitted prior to final inspection and issuance of a certificate of occupancy, in the following form:

'I, ______________________, a qualified registered Professional in the State of Georgia, hereby certify with my signature and seal, that I have made sufficient visits to the construction site and to the best of my knowledge, the structures located on Lot ______ of the project known as ______________________, and located in land lot _______, of the ________ district, ________ section of Newton County, Georgia, have been constructed in substantial compliance with the approved House Location and Residential Drainage Plan for the above listed project.
This ______ day of _______________, 20__.

_________________________  [Signature]  ________________________  [Seal]
GA Registration No. ______________________
DIVISION 420: COMMERCIAL, INDUSTRIAL, MULTI-FAMILY AND OTHER DEVELOPMENTS

Any proposed development of a parcel or parcels of land for commercial, industrial, multi-family or mixed-use purposes, that meets any of the following criteria, shall be classified as Commercial, Industrial, Multi-family and Other Non-Residential Developments and shall be subject to the review procedures established below.

A. Any new construction of any industrial, commercial, office or institutional building(s) or structure(s), provided they are located either on property greater than 1.00 acre in size and/or the building(s) constructed total more than 2,500 square feet. Any non-residential subdivision is included in this definition.

B. Any manufactured housing rental community, camper/trailer park, or other multi-family residential development.

C. Any mixed use project.

D. Any additions to any industrial, commercial, office or institutional building(s) or structure(s): adding a gross floor area of fifty percent (50%), or more of the existing floor space, provided total square footage will be greater than 2,500 square feet once the addition is complete.

Sec. 420-005 Steps of Review Process

A. Subdivision Review Procedures

1. The following steps are required for subdivision development under this Division.

   a. Preliminary Site Plans are submitted for approval pursuant to Sec. 420-020.
   b. Final Site Plans and Development Plans are submitted for approval pursuant to Sec. 420-030.
   c. Development permits, land disturbance permits, building permits, certificates of development conformance and certificates of occupancy are subsequently issued pursuant to Division 425.

2. Anything contained in the foregoing paragraph to the contrary notwithstanding, when an overall non-residential development is being undertaken as a single multi-phase or multi-use project under the unified control of a single developer, and is zoned for such use or development, the following steps are required.

   a. A Concept Plan is submitted for approval pursuant to Sec. 420-010.
   b. Final Site Plans are submitted for approval pursuant to Sec. 420-030.
   c. Lots of record within the overall subdivision may be developed through the use of Final Site Plans and Development Plans submitted for approval pursuant to Sec. 420-030.
d. Development permits, land disturbance permits, building permits, certificates of development conformance and certificates of occupancy are issued pursuant to Division 425.

B. Non-Subdivision Review Procedures

The following steps are required whenever any development of a single parcel of land is proposed to be made.

1. Final Site Plans and Development Plan are submitted for approval pursuant to Sec. 420-030.
2. Development permits, land disturbance permits, building permits, certificates of development conformance and certificates of occupancy are subsequently issued pursuant to Division 425.

Sec. 420-010 Concept Plans

A. In order to qualify for the alternate review procedures set forth in Section 420-005 A.2, the developer of a qualifying non-residential subdivision must submit a Concept Plan of the proposed development for approval by the Planning Commission.

B. Qualifying non-residential subdivisions are those subdivisions undertaken as a single multi-phase or multi-use project under the unified control of a single developer, zoned for such use or development. This section is intended to be applicable to those non-residential subdivisions which, due to the nature of the proposed development, cannot feasibly be pre-divided into established lots. Thus, qualifying developments will generally be large developments in excess of 60 acres which are planned for a build-out period in excess of five (5) years.

C. At least fifteen (15) days prior to the Planning Commission's regularly scheduled monthly meeting at which the developer desires Planning Commission action, the developer shall submit a complete application, including nine (9) copies of the Concept Plan and supporting data and appropriate fees.

D. Official Date of Submission
The official date of submission of the Concept Plan shall be the date of the next scheduled Planning Commission meeting.

E. Public Meeting
Concept Plans shall be considered by the Planning Commission at regularly scheduled or specially called Planning Commission meetings, open to the public.

F. The Concept Plan shall contain a plan for all portions of the development including future phases that may not be immediately built, in order that the Planning Commission can properly review the overall development scheme. The Planning Department shall review the Concept Plan and shall prepare a report including their
comments and the comments of the appropriate review agencies requested to review the Concept Plan. The Planning Commission shall review the report of the Planning Department and review the Concept Plan for conformance with these Development Regulations. The Concept Plan shall include the following:

1. General
   a. Name, address, and phone number of designer of concept plan.
   b. Name, address, and phone number of developer.
   c. Proposed name of development with phase numbering if applicable. List any previously assigned project names.
   d. Date of concept plan preparation with space for revision dates.
   e. North point, identified as magnetic, true or grid.
   f. Sheet size shall be no larger than thirty-six (36) inches wide and twenty-four (24) inches long leaving a margin two (2) inches in width on left end for binding purposes, and a one-half (½) inch margin on the other three sides. If the complete concept plan cannot be shown on one sheet of this size, it may be shown on more than one sheet with an index map on a separate sheet of the same size.
   g. Minimum Graphic scale of one (1) inch equals 100 feet.
   h. Appropriate legend of symbols used on plat.
   i. List any conditions of zoning and date of zone change approval, if applicable.

2. Existing Conditions
   a. Zoning district of land and zoning classification of adjoining properties.
   b. Exact boundary lines of the tract indicated by a heavy line giving lengths and bearings. The boundary lines should include the entire tract to be developed.
   c. Location map showing the property in relation to the surrounding area at a minimum scale of one inch to 2,000 feet. Include well known landmarks such as railroads, highways, bridges, creeks, etc. and city and/or county jurisdictional boundaries and land lot lines, if applicable.
d. Location of natural features including streams and water courses with direction of flow.

e. Location and/or size of existing cultural features on or adjacent to the proposed site plan.

f. Limits of 100-year floodplain.

g. Location and square footage of wetland areas.

h. Entrance location, details and dimensions.

i. Note as to provision of water supply and sewer disposal.

j. Existing sewers, water mains, drains, culverts, and other underground facilities or utilities within easements or rights-of-way on or within 300 feet of the tract to be site plan, as relevant.

k. Note rezoning, conditional use, variance number(s), type(s), dates(s) of approval and all conditions.

l. Adjoining property information, including subdivision name, lot arrangement and/or adjoining property owners’ names, rights-of-way and easements within 300 feet of development.

m. Topographic contours at the following intervals. Identify source, method and date of topographic survey. (U.S.G.S. Quadrangle interpolation shall not be acceptable):

<table>
<thead>
<tr>
<th>Ground Slope</th>
<th>Slope Interval (feet)</th>
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<td>0-2%</td>
</tr>
<tr>
<td>Rolling</td>
<td>Over 2%</td>
</tr>
</tbody>
</table>

3. Proposed Conditions

a. Proposed layout and, for mixed use developments, proposed locations of uses.

b. Proposed major street layout.

c. Proposed regional stormwater detention areas and stormwater pipe locations, if known.

d. Proposed major water and sewer lines.
4. When required by Section 400-020, a traffic impact study.

5. When required by Section 400-020, completed forms for review of Developments of Regional Impact by the Northeast Georgia Regional Development Center.

G. Action on the Concept Plan.
No more than 45 days after the official date of submission of the Concept Plan, the Planning Commission shall either issue a Certificate of Concept Plan Approval approving the Plan; issue a Certificate of Concept Plan Approval conditionally approving the Plan with the conditions of approval noted on the plans or attached; or disapprove the Concept Plan or any portion thereof. The action of the Planning Commission shall be noted on two (2) copies of the Concept Plan. One copy shall be returned to the applicant and the other copy retained and made a part of the Planning Commission’s records. Disapproved plans may be resubmitted or appealed.

H. Failure to Take Action
Failure of the Planning Commission to act within 45 days of the official date of submission of the Concept Plan shall be deemed approval of the plan and a certificate to that effect shall be issued at the developer’s request, provided the plan was submitted 15 days prior to the regularly scheduled Planning Commission meeting date on which action was requested, or the developer does not consent verbally or in writing to an extension of time, if requested by the Planning Commission for further study of the plat.

I. Concept Plan approval is not valid or official until ten (10) days have passed and no appeal of the Planning Commission’s decision has been filed. Any member of the Board of Commissioners may file an appeal to the Board of Zoning Appeals. Such appeal shall be initiated by filing a notice of appeal with the Planning Department within ten (10) days of the date of decision specifying the grounds for appeal. The Department shall transmit the record to the Board within fifteen days, and the Board shall hear the appeal de novo within forty-five days of the filing of the notice of appeal. The Board of Zoning Appeals shall review the concept plan for conformance with zoning conditions, these Development Regulations and other applicable Newton County regulations.

J. Approval of the Concept Plan shall be deemed an expression of approval of the layout submitted on the Concept Plan as a guide to the preparation of construction documents. Approval of the Concept Plan shall also qualify the development for the alternative review procedures set forth in Sec. 420-005 A.2.

Sec. 420-020 Preliminary Site Plan Approval

A. Prior to clearing, grubbing or grading of a site planned for subdivision development, installing any utilities or constructing any buildings, the developer shall submit to the Planning Commission for approval a Preliminary Site Plan of the proposed development prepared in accordance with these Regulations.
B. At least 15 days prior to the Planning Commission's regularly scheduled monthly meeting at which the developer desires Planning Commission action, the developer shall submit a complete application, including nine (9) copies of the Preliminary Site Plan and supporting data and appropriate fees.

C. Official Date of Submission
The official date of submission of the plat shall be the date of the next scheduled Planning Commission meeting.

D. Public Meeting
Preliminary Site Plans shall be considered by the Planning Commission at regularly scheduled or specially called Planning Commission meetings, open to the public.

E. Preliminary Site Plan Review
The Preliminary Site Plan shall contain a plan for all portions of the development including future phases that may not be immediately built, in order that the Planning Commission can properly review the overall development scheme. The Planning Department shall review the Preliminary Site Plan and shall prepare a report including their comments and the comments of the appropriate review agencies requested to review the Preliminary Site Plan. The Planning Commission shall review the report of the Planning Department and review the Preliminary Site Plan for conformance with these Development Regulations. The Preliminary Site Plan shall include, but not be limited to, the following information:

1. General
   a. Name, address, and phone number of designer of site plan.
   b. Name, address, and phone number of developer.
   c. Proposed name of development with phase numbering if applicable. List any previously assigned project names.
   d. Date of site plan preparation with space for revision dates.
   e. North point, identified as magnetic, true or grid.
   f. Sheet size shall be no larger than thirty-six (36) inches wide and twenty-four (24) inches long leaving a margin two (2) inches in width on left end for binding purposes, and a one-half (½) inch margin on the other three sides. If the complete site plan cannot be shown on one sheet of this size, it may be shown on more than one sheet with an index map on a separate sheet of the same size.

1 In the event one or more of the lots described on the Preliminary Site Plan is not planned for initial development, said lot(s) may be notated for future development and need not contain the detailed information required by subsection 3.
g. Minimum Graphic scale of one (1) inch equals 100 feet.

h. Appropriate legend of symbols used on plat.

i. List any conditions of zoning and date of zone change approval, if applicable.

2. Existing Conditions

   a. Zoning district of land and zoning classification of adjoining properties.

   b. Exact boundary lines of the tract indicated by a heavy line giving lengths and bearings. The boundary lines should include the entire tract to be developed. Provide date and source of survey.

   c. Location map showing the property in relation to the surrounding area at a minimum scale of one inch to 2,000 feet. Include well known landmarks such as railroads, highways, bridges, creeks, etc. and city and/or county jurisdictional boundaries and land lot lines, if applicable.

   d. Location of natural features including streams and water courses with direction of flow. Indicate date and source of data.

   e. Location and/or size of existing cultural features on or adjacent to the proposed site plan.

   f. Limits of 100-year floodplain with data source and date.

   g. Location and square footage of wetland areas.

   h. Entrance location, details and dimensions.

   i. Note as to provision of water supply and sewer disposal.

   j. Existing sewers, water mains, drains, culverts, and other underground facilities or utilities within easements or rights-of-way on or within 300 feet of the tract to be site plan, as relevant.

   k. Note rezoning, conditional use, variance number(s), type(s), dates(s) of approval and all conditions.

   l. Adjoining property information, including subdivision name, lot arrangement and/or adjoining property owners’ names, rights-of-way and easements within 300 feet of development.
m. Topographic contours at the following intervals. Identify source, method and date of topographic survey. (U.S.G.S. Quadrangle interpolation shall not be acceptable):

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</table>

3. Proposed Conditions

a. Proposed layout including building locations and dimensions, setback lines, existing and proposed curbing, driveways, landscape strips, buffers and screening required and proposed.

b. Proposed streets, including right-of-way and pavement width. Proposed street names.

c. Proposed uses on the property, with square footage if applicable. Designation of lands to be dedicated or reserved for public use.

d. Proposed stormwater detention area and stormwater pipe locations. Show where proposed structures will discharge and proposed drainage easements.

e. Proposed water and sewer lines, sizes, and manhole and hydrant locations.

f. Proposed building locations, dimensions, heights and finished floor elevations.

g. Closest distance between buildings.

h. Parking spaces and interior drive dimensions. Show striping plan.

i. Note indicating number of parking spaces required and number provided.

j. Location of dumpsters, if any.

k. Total number of units, breakdown of number of units by bedrooms, square footage. (multi-family)

l. Proposed sign locations.

m. Add note to site plan: “Preliminary Site Plan approval does not constitute approval of storm drainage, pipe design, easements,
culverts, ditches. No construction shall begin until Construction Plans are approved and a Development Permit obtained.

n. Impervious surface calculations.

4. Tree Protection and Landscape Plan.

5. When required by Section 400-020, a traffic impact study.

6. When required by Section 400-020, completed forms for review of Developments of Regional Impact by the Northeast Georgia Regional Development Center.

F. Action on the Preliminary Site Plan.
No more than 45 days after the official submission of the Preliminary Site Plan, the Planning Commission shall either issue a Certificate of Preliminary Site Plan Approval approving the Site Plan; issue a Certificate of Preliminary Site Plan Approval conditionally approving the site plan with the conditions of approval noted on the plans or attached; or disapprove the site plan or any portion thereof. The action of the Planning Commission shall be noted on two (2) copies of the Preliminary Site Plan. One copy shall be returned to the applicant and the other copy retained and made a part of the Planning Commission’s records. Disapproved plans may be resubmitted or appealed.

G. Failure to Take Action
Failure of the Planning Commission to act within 45 days of the official date of submission of the Preliminary Site Plan shall be deemed approval of the site plan and a certificate to that effect shall be issued at the developer’s request, provided the site plan was submitted 15 days prior to the regularly scheduled Planning Commission meeting date on which action was requested, or the developer does not consent verbally or in writing to an extension of time, if requested by the Planning Commission for further study of the plan.

H. Preliminary Site Plan approval is not valid or official until ten (10) days have passed and no appeal of the Planning Commission’s decision has been filed. Any member of the Board of Commissioners may file an appeal to the Board of Zoning Appeals. Such appeal shall be initiated by filing a notice of appeal with the Planning Department within ten (10) days of the date of decision specifying the grounds for appeal. The Department shall transmit the record to the Board within fifteen days, and the Board shall hear the appeal de novo within forty-five days of the filing of the notice of appeal. The Board of Zoning Appeals shall review the site plan for conformance with zoning conditions, these Development Regulations and other applicable Newton County regulations.

I. Effect of Preliminary Site Plan Approval
Approval of the Preliminary Site Plan shall be deemed an expression of approval of the layout submitted on the Preliminary Site Plan as a guide to the preparation of construction documents, including the Final Site Plan and Development Plans.
Sec. 420-030 Final Site Plan and Development Plan Review

A. An application for a development permit for a non-residential development site shall consist of the Final Site Plan, a certified boundary survey or Final Plat reference, associated slope or construction easements, and other such Development Plans as may be required by these Regulations.

All such documents, plans and drawings shall be logged and distributed by the Planning Department to the applicable review agencies.

B. The Development Plans shall generally conform to the Preliminary Site Plan and may constitute only that portion of the approved Preliminary Site Plan which the developer proposes to construct at one time as a single unit, provided that such portion conforms to the requirements of these rules and regulations and all setbacks, maximum density, and other zoning requirements. If no Preliminary Site Plan were approved on the property, the Development Plans shall include the entire property being developed and having the same zoning category.

The developer shall be responsible for compliance with all codes, regulations, and zoning requirements and for the satisfaction of all noted and written comments of the Planning Director and applicable review agencies.

C. The Development Plans shall be clearly and legibly drawn at an engineering scale convenient to illustrate the details of the project. Sheet size shall not exceed 48 inches by 36 inches. Plan and Profile sheets shall have a horizontal scale of no less than 100 feet to one inch and a vertical scale of no less than 10 feet to one inch.

Nine (9) copies of all final site plans, drawings, and development plans shall be submitted to the Planning Department for review. All construction drawings or other engineering drawings shall be prepared and sealed by a Professional Engineer currently registered in the State of Georgia, in accordance with the provisions of Georgia law.

D. Project Boundary Data

1. The Final Site Plan shall be based on the boundaries of a lot as recorded on a Final Subdivision Plat or on a certified boundary survey delineating the entirety of the property contained within the project and tied to a point of reference (tie point) with the same degree of accuracy as the boundary survey itself. The survey shall have an accuracy of no less than 1 in 10,000 and shall meet all requirements of Georgia law regarding the recording of maps and plats.

2. Each site plan shall be drawn on, accompanied by or referenced to a boundary survey, which shall at least meet the requirements of subsection (D) (1) above.
E. The Final Site Plan shall contain the following (on one or more sheets):

1. Proposed name of development. If the project is located within a subdivision, the name of the subdivision, lot, and the block number must also be shown.

2. Name, address, and telephone number of the owner of record and of the developer (if not the owner).

3. Name, address, and telephone number of each professional firm associated with the Development Plans (engineer, landscape architect, etc.)

4. Date of survey, north point, and graphic scale, source of datum, date of plan drawing, and space for revision dates.

5. Proposed use of the site, including gross square footage for each different use type or building.

6. Location (land district and land lot), acreage or area in square feet.

7. Location sketch placing the development in relation to the surrounding area with regard to well known landmarks such as major thoroughfares or railroads. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required but not less than one inch equal to 2,000 feet. U.S. Geological Survey maps may be used as a reference guide for the location sketch.

8. Size and location of all buildings, building setback lines, minimum yard lines, and distances between buildings and from buildings to property lines; location of outdoor storage areas; parking and loading areas, driveways, curb cuts and designated fire lanes. Each building shall be identified with a number or letter.

9. Boundary lines of the perimeter of the tract indicated by a heavy line giving lengths to the nearest one-hundredth of a foot and bearings to the nearest second. Bearing and distance to designated tie point.

10. Directional flow arrows for street drainage.

11. Contour lines based on sea level datum. These shall be drawn at intervals of not more than two feet and shall include the entire site and all abutting public streets. Contour lines shall be based on field surveys or photogrammetric methods from arterial photographs. The basis for the topographic contour shown shall be specified and dated.
12. Natural features within the proposed development, including drainage channels, bodies of water, and other known significant features such as extensive exposed rock. On all water courses leaving the tract, the direction of flow shall be indicated. The 100-year floodplain shall be outlined and the source of the depicted floodplain information shall be indicated. The acreage or area in square feet within the floodplain shall be indicated.

13. Man-made and cultural features existing within and adjacent to the proposed development including existing right-of-way measured from the centerline, pavement widths, and names of existing streets; all easements, city and county jurisdiction lines; existing structures on the site, river corridor protection areas, and other significant information. Location and dimensions of existing bridges, water, sewer, and other existing utility lines and structures, culverts and other existing features should be indicated.

14. Proposed street names, roadway and right-of-way lines and widths and sites reserved through covenant, easement, dedication or otherwise set aside for public purposes.

15. Identify unit number, division or stage of development as proposed by the developer.

16. Show all adjoining property owners, subdivision names, lot numbers, lot lines and block letters, and zoning.

17. Show the location and number of parking spaces according to the size of the building on the plans. Show factors used in determining the number of spaces as required in the Zoning Ordinance. Parking spaces for the disabled must be shown in accordance with Georgia law.

18. Zoning district rezoning case number, date of approval and any conditions. Exceptions obtained on the property should be shown with the case number, date of approval and conditions. Note any approved waivers from these Regulations.

19. Show the location, size, and type (natural or planted) of required buffers or other landscaping or screening measures in conformance with the requirements of the Tree Protection Plan and Landscape Plan as detailed in Division 430 of these regulations.

20. Location, height, and size for all freestanding signs to be erected on the site and indication of whether lighted or unlighted.
21. Location of all known existing landfills and proposed on-site bury and burn pits (State EPD permit and Newton County Conditional Use Permit or other approval may be required.)

22. Impervious surface calculations.

23. Such additional information as may be reasonably required to permit an adequate evaluation of the project.

F. Certificate of Development Plans Approval
Each Final Site Plan shall carry the following certificate printed or stamped thereon:

“All requirements of the Newton County Development Regulations relative to the preparation and submission of a development permit application having been fulfilled, and application and all supporting plans and data having been reviewed and approved by all affected County departments as required under their respective and applicable regulations, approval is hereby granted of this Final Site Plan and all other Development Plans associated with this project subject to all further provisions of said Development and other County Regulations.

THIS CERTIFICATE EXPIRES TWELVE MONTHS FROM THE DATE OF APPROVAL UNLESS A DEVELOPMENT PERMIT IS ISSUED.”

G. The Final Site Plan shall be accompanied by other Development Plans showing the following information (The various plans may be combined where appropriate and clarity can be maintained):

1. An Erosion and Sedimentation Control Plan prepared in accordance with the requirements of the Newton County Soil Erosion and Sediment Control Ordinance. Erosion control measures may be shown on the grading plan.

2. Grading plan prepared in accordance with these Regulations.

3. Stormwater Management Plan in conformance with these Regulations.

4. Sewage Disposal Plans, as follows:

   a. Sanitary Sewer Plans, including the profiles and other information as may be required by the Newton County Water and Sewer Authority.

   b. For projects proposed to be served by on-site sewage disposal systems, location and extent of septic tank, drain field and attendant structures, and other information required by the Health Department.

5. Street Widening and Construction Data:

   a. Centerline profiles and typical roadway sections of all proposed streets, as well as plans and profiles for all proposed major thoroughfares. Profiles, and plans where required, shall be drawn on standard plan and
profile sheet with plan section showing street layout, pavement and right-of-way width, curvature, and required drainage facilities. Typical roadway sections shall be provided for street widening.

b. Where sanitary or storm sewers are to be installed within a street, the grade, size, location and invert elevation of manholes shall be indicated on the road profile.

c. Profiles covering roadways that are extensions of existing roadways shall include: elevations at 50-foot intervals for such distance as may be adequate to provide continuity consistent with the standards required by these Regulations for street improvements but no less than 200 feet.

d. All elevations shall be coordinated and sited into U.S. Coast and Geodetic Survey or Department of Transportation bench marks where feasible or into reference monuments established by the Federal Emergency Management Agency.

6. Tree Protection and Landscape Plan as required in Division 430.

7. If any floodplain areas are located on the property, such data as required by the Planning Department and/or County Engineer shall be submitted.

8. Water System Plans, indicating proposed water main size and location, with fire hydrants on the site and fire flow data as required in Section 640-050. The distance and direction to all other fire hydrants within 500 feet of the site or buildings along existing streets or other access drives shall also be indicated.

9. Street striping plan showing striping in accordance with the Manual on Uniform Traffic Control devices for any street newly constructed to four or more lanes and all newly constructed or widened major thoroughfares.

10. Documentation of federal permits, if applicable.

11. Site lighting plans per (Lighting Standards) of the Newton County Development Regulations.

H. Encroachments
Where construction is proposed on adjacent property, an encroachment agreement or easement shall be submitted to the Department.

I. Public Water and Sewer Plans
The developer is responsible for submitting Water and Sewer drawings to the Newton County Water and Sewer Authority for review. A Development Permit shall not be issued until a letter of water and sewer plan approval is received by the Planning Department from the Newton County Water and Sewer Authority.
J. Development on Private Sewage Disposal System
A Development Permit shall not be issued until approval from the Newton County Environmental Health Department is received by the Planning Department for all lots to be served by private sewage disposal systems.

K. No more than thirty (30) calendar days after the submission of the Final Site Plan and other development plans, the Planning Department shall either issue Approval; issue a Conditional Approval, with the conditions of approval noted on the plans or attached; or disapprove the plans or any portion thereof. The Planning Director shall sign and date three (3) copies of approved or conditionally approved plans. One (1) copy of the approved plans shall be transmitted to the applicant and two (2) copies shall be retained by the Department for its records. Disapproved plans may be resubmitted or appealed.

L. Final Site Plan approval is not valid or official until ten (10) days have passed and no appeal has been filed. Any member of the Board of Commissioners may file an appeal to the Board of Zoning Appeals. Such appeal shall be initiated by filing a notice of appeal with the Planning Department within ten (10) days of the date of decision specifying the grounds for appeal. The Department shall transmit the record to the Board within fifteen days, and the Board shall hear the appeal de novo within forty-five days of the filing of the notice of appeal. The Board of Zoning Appeals shall review the site plan for conformance with zoning conditions, these Development Regulations and other applicable Newton County regulations.

M. Development, including future development pursuant to the same Final Site Plan, shall governed by the Development Regulations in effect at the time the Final Site Plan was approved, unless two years lapse from Final Site Plan approval without a Development Permit issuing for any portion of the approved development. In that case, the current version of these Development Regulations shall apply. This provision shall not affect rights vested by law pursuant to the zoning ordinance.

Sec. 420-030 ADDITIONAL REQUIRED APPROVALS

Once Final Site Plan approval has been received, subdivisions under this Division are subject to the additional regulations contained in Division 425, including Sec. 425-010 through 425-060 relating to development permits, land disturbance permits, building permits, development inspections, development conformance certificates, and certificates of occupancy.
DIVISION 425: DEVELOPMENT PERMITS, LAND DISTURBANCE PERMITS, BUILDING PERMITS, CERTIFICATES OF DEVELOPMENT CONFORMANCE AND CERTIFICATES OF OCCUPANCY

Sec. 425-010 SITE DEVELOPMENT LAND DISTURBANCE PERMITS

A. Following the approval of either a Preliminary Plat or a Final Site Plan by all affected County Departments, a Site Development Land Disturbance Permit shall be issued at the developer’s request to begin construction activities based on the approved Plat and Plan(s), including any applicable Development Plans. Site Development Land Disturbance permits are not required for exempt residential subdivisions under Division 405, but apply to all subdivisions governed by Divisions 410, 415 and 420.

B. Expiration Of Site Development Land Disturbance Permits

1. Expiration of Site Development Land Disturbance Permits
A site development land disturbance permit shall expire twelve (12) months after issuance unless development activity as authorized by the permit is initiated within the twelve (12) month period or if such authorized activities lapse and the project is abandoned for a period exceeding ninety (90) calendar days. The Development Coordinator approve one extension not exceeding three (3) months within which time development activity must commence or the permit shall expire. The extension shall be applied for within the first twelve (12) consecutive calendar months after the permit’s issuance.

2. Lapse in Construction Activity
For the purposes of these Development Regulations, a lapse in or suspension of development activity as authorized by a site development land disturbance permit, as a direct result of action or inaction on the part of Newton County completely beyond the control of the developer, shall not be considered as a lapse in activity causing the permit to expire. The twelve (12) months within which development activity must begin shall exclude any such time period during which the activity is prohibited or has been caused to lapse by County action or inaction.

C. Following the issuance of a Site Development Land Disturbance permit authorizing clearing or grading of a site:

1. Required erosion control measures must be installed by the developer and inspected and approved by the Department prior to actual grading or removal of vegetation except for vegetation removal incidental to the installation of required erosion control measures. All control measures shall be in place as soon after the initiation of activities as possible and in coordination with the progress of the project.
2. Soil sedimentation facilities must be installed and operational prior to major grading operations.

D. Issuance of a Site Development Land Disturbance Permit, with regard to residential development, does not authorize the grading of an entire area. The limits of disturbance shall be limited to the preparation of streets/roads (limited to 100 ft road bed), parking areas, drainage, detention ponds and other required soil sedimentation measures and facilities. All land disturbance activities must be in accordance with Best Management Practices (BMPs). Exception to these requirements may be granted to Conservation Subdivisions that meet the requirements as contained in these regulations.

E. Areas outside the limits of disturbance, protected zones or buffer areas as required by a Tree Protection ordinance, conditions of zoning or any other applicable ordinances or regulations shall be designated by survey stakes, flags or other appropriate markings and shall be inspected and approved by the Planning Department prior to commencement of any clearing or grading activities.

F. If for any reason a site development land disturbance permit expires after land disturbance activities have begun, the developer shall be responsible for stabilizing the site for erosion control, under the direction of the Department.:

G. Failure of physical development to conform to the Final Site Plan, Preliminary Plat, or approved Construction or Development Plans shall subject the development to an immediate stop work order.

Sec. 425-020 LAND DISTURBANCE PERMIT
Except as otherwise authorized in Sections 425-010 and 425-020

A. No Grading or Land Disturbance may commence until an applicable Land Disturbance Permit has been issued and shall be limited to those activities specifically authorized by permit. A Land Disturbance Permit will become void if there is no activity begun within 12 months of the issuance of the permit or if there is a lapse of activity for 12 months after issuance of the permit. The Development Coordinator may approve one extension not exceeding three (3) months within which time construction activity must commence or the permit shall expire.

B. Following the issuance of a Land Disturbance permit authorizing clearing or grading of a site:

1. Required erosion control measures must be installed by the developer and inspected and approved by the Department prior to actual grading or removal of vegetation except for vegetation removal incidental to the installation of required erosion control measures. All control measures shall be in place as soon after the initiation of activities as possible and in coordination with the progress of the project.
2. Soil sedimentation facilities must be installed and operational prior to major grading operations.

C. Except as otherwise provided herein, issuance of a Site Development Land Disturbance Permit does not authorize the grading of an entire area. All land disturbance activities must be in accordance with Best Management Practices (BMPs). The limits of the disturbance shall be limited to the preparation of streets/roads (limited to 100 ft. road bed), parking areas, drainage, detention ponds and other required soil sedimentation measures and facilities. The foregoing sentence to the contrary notwithstanding, disturbance shall not be limited to the preparation of streets/roads in residential subdivisions subject to the Open Space Conservation Residential Overlay but shall be limited to thirty (30) acres of disturbance at any one time and shall be allowed only upon approval by the Department of a plan prepared in accordance with BMPs indicating the limits of such disturbance.

D. Areas outside the limits of disturbance, protected zones or buffer areas as required by a Tree Protection ordinance, conditions of zoning or any other applicable ordinances or regulations shall be designated by survey stakes, flags or other appropriate markings and shall be inspected and approved by the Planning Department prior to commencement of any clearing or grading activities.

E. If for any reason a land disturbance or building permit expires after land disturbance activities have begun, the applicant shall be responsible for stabilizing the site for erosion control, under the direction of the Department.

F. Failure to conform to the requirements of these regulations shall subject the project to an immediate stop work order.

Sec. 425-030 BUILDING PERMITS
Except as otherwise authorized in Sections 425-010 and 425-020

A. It shall be unlawful to commence the excavation or filling of any lot for any construction of any building or structure or commence the moving or alteration of any building or structure until the Building Official has issued a building permit for such work. Building permits are required for all buildings and structures in all subdivisions and developments governed by these regulations, including Divisions 405, 410, 415 and 420. In applying to the Building Official for a building permit, the applicant shall file plans as specified below.

B. Applicable Codes
Building permits for all structures or interior finishes (commercial construction) are issued after meeting the applicable requirements of the fire prevention codes, and the various health, water, sewer, and building codes of Newton County.
C. On-Site Sewage Disposal
For any structure for which on-site sewage disposal will be provided, a permit issued by the Health Department shall be required prior to issuance of a building permit. The permit may first require approval by the Health Department of a plan showing the location of the sewage disposal system and other site improvements, in accordance with their regulations.

D. Single-Family and Duplex Residences

1. A building permit for a single or two-family residence may be issued after the recording of a Final Plat or after the lot upon which the building is to be located has otherwise become a buildable lot of record.

2. The approval by the Planning Department of a House Location and Drainage Plan may be required prior to issuance of the building permit as noted and conditioned on the Final Plat. For such lots a Certificate of Occupancy shall not be issued until conformance to the House Location and Drainage Plan has been field verified by the Planning Department or shown on a certified foundation survey prepared by a Registered Land Surveyor, Engineer, Landscape architect.

E. For commercial, industrial, mixed-use, multi-family and related accessory structures, or other non-residential structures:

1. Issuance of a building permit for any principal building other than a single-family detached or duplex residence (and associated accessory structures) shall first require issuance of a Development Permit for the building site, and the building permit shall be consistent with the Development Permit.

F. Building plans must be reviewed and approved by the Building Official or that person’s designee prior to issuance of any permit for any structure, except for single and two-family residences or accessory structures.

G. Expiration of Building Permits. Building permits and building plan approval shall expire after one (1) year, after which re-review and approval by the Planning Department shall be required prior to issuance of a building permit for the building or additional buildings.

H. Swimming Pools
Issuance of a building permit for a swimming pool as an accessory use to a single or two-family residence, whether to be issued at the same time as or subsequent to the permitting or construction of the house or duplex, shall first require conformance with Section 510-510 of the Newton County Zoning Ordinance, all other applicable Ordinances, and the safety standards of the Newton County Health Department.

I. Special Exceptions
Building permits shall only be issued on buildable lots of record, as defined in these Development Regulations, except under special circumstances limited to and as specifically described below:

1. In single-family detached and duplex residential subdivisions, building permits for no more than two model home buildings on specific lots may be issued by the Planning Department on the basis of an approved Preliminary Plat after the approval of the Fire Marshal, the Health Department or Water and Sewer Authority, as appropriate, and subject to all limitations or requirements as may be established by the Building Official. No Certificate of Occupancy shall be issued for the model home until the Final Plat, including the model building lots, has been approved and recorded.

Sec. 425-040 DEVELOPMENT INSPECTIONS
These provisions are not applicable to exempt residential subdivisions under Division 405, but apply to all subdivisions governed by Divisions 410, 415 and 420. The developer or contractor shall make oral notification to the Development Coordinator at least 24 hours prior to commencement of activity for each of the following phases as authorized by any permit for site work or development. Inspections shall be made by the Department and passed prior to continuation of further activity or proceeding into new phases:

A. Grading. Installation of slope stakes shall be required. Upon completion of roadway grading, the Water Certificate shall be submitted to the Newton County Water and Sewer Authority certifying that the centerline of the road and the offset centerline of the water line is within 12 inches of that shown on the approved plans or red-lined plan submittal. Inspection and approval shall be required prior to trenching or continuation with sub-base preparation.

B. Installation of storm drainage pipe, detention or other storm water facilities.

C. Installation of sanitary sewer and appurtenances. This notification shall be made simultaneously with official notification by the developer or contractor to the Newton County Water and Sewer Authority for informational purposes only to the Department.

D. Curbing of roadways. Inspection should be requested before the forms have been set (if used). Roadway width will be spot checked by string line between curb stakes.

E. Sub-base or sub-grade of streets. After compaction, the sub-grade will be string-lined for depth and crown. The sub-grade shall be roll tested and shall pass with no movement to the satisfaction of the Department.

F. Street base. The base will be string-lined for depth and crown and shall pass with no movement to the satisfaction of the Department.
G. Paving. A Department inspector shall be notified prior to the paving process to check consistency, depth, and workmanship, as applicable. For asphalt paving, the temperature of the material may be spot-checked and the roadways may be cored after completion to check thickness.

H. Failure of development to conform to the requirements of this Regulation shall subject the development to immediate stop work order.

Sec. 425-050 DEVELOPMENT CONFORMANCE APPROVAL PROCESS
A. This approval shall be a prerequisite to the issuance of a Certificate of Occupancy for any part of a project included in a Development Permit. These provisions are not applicable to exempt residential subdivisions under Division 405, but apply to all subdivisions governed by Divisions 410, 415 and 420. The approval shall reflect certification that all site work and construction has been accomplished according to the terms of approved plans and permits, and that all facilities intended for maintenance, supervision and/or dedication to the public are in compliance with appropriate standards, regulations, codes, and ordinances. Such approval shall be revoked in cases of fraud or whenever unauthorized changes are made to the site without the benefit of required permits.

B. Final approval by the Director shall not be shown on the Certificate of Development Conformance until all requirements of these and other applicable regulations have been met and the Director has received an executed Development Performance and Maintenance Agreement, in accordance with Division 670.

C. The Director shall further determine that either:

1. All public improvements and installations to the development that are to be dedicated and are required for approval of the Certificate of Development Conformance under the rules and regulations of Newton County have been completed, or the completion thereof otherwise provided for to the satisfaction of the Director, in accordance with the appropriate specifications

D. Once the Department has approved the Certificate of Development Conformance and all other affected departments and agencies as authorized have certified compliance, the Director shall certify by signature on the original Certificate of Development Conformance that all of the requirements of these Regulations, the Zoning Ordinance, and the conditions of zoning have been met. The Certificate of Development Conformance shall not be deemed approved until it has been signed by the Director, and where use of septic tanks or private wells is proposed, by an authorized representative of the Newton County Health Department.

E. Submission Requirements
Upon completion of the project as authorized for construction by the development permit, the owner may request a Certificate of Development Conformance from the Director after submitting appropriate plats and record drawings of all storm water detention facilities
and modifications to the limits of the 100-year flood plain. A record drawing of the sanitary sewer facilities shall also be prepared, separately or included with the above, and submitted to the Water and Sewer Authority in accordance with regulations.

F. Following final inspection and approval of all record drawings, the Director shall approve the Certificate of Development Conformance.

G. Form of Certificate.
The Certificate of Development Conformance shall be in a form as required by the Director and shall be accompanied by evidence of development sureties.

CERTIFICATE OF DEVELOPMENT CONFORMANCE

The Newton County Planning Director hereby certifies that the applicant know as _______________________________ has, on behalf of the development known as _______________________________, located in land lot ______, of the _______ district, ______ section of Newton County, Georgia, submitted the following applicable plats, plans and record drawings, and further certifies that all applicable plats, plans and record drawings are complete and are in conformance with the Zoning Ordinance and Development Regulations of Newton County, that all such plats, plans and record drawings have been field checked and that the development is in compliance with all such plats, plans and record drawings:

[check "✓" if applicable, or [indicate compliance]

indicate "n/a" if not applicable]  

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<th>Final Site Plan or Final Plat submitted and approved development complies</th>
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<td>Tree Protection and Landscape Plan (including parking lots and street trees) submitted and approved development complies</td>
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<td>Traffic Impact Study submitted and approved development complies</td>
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<td>Development of Regional Impact forms submitted and approved</td>
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<td>Sewage Disposal Plan submitted and approved development complies</td>
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Sewer System / Facility Plan
submitted and approved
development complies

Site Lighting Plan
submitted and approved
development complies

Stormwater Management Plan
(including hydrology study)
submitted and approved
development complies

Shared Parking Plan
submitted and approved
development complies

Street Striping Plan
submitted and approved
development complies

Conditions of Zoning
development complies
✓ Complies with Zoning Ordinance

Landscaping completed

Street base and paving completed

Curb and gutter completed

Storm water drainage
and detention facilities completed

Development Performance and
Maintenance Agreement
(including surety)
submitted and approved
development complies

This approval may be revoked in cases of fraud or whenever unauthorized changes are made to the site without the benefit of required permits or other approval. Continuing compliance with the above plans is required. This approval certifies that the final plat is ready for approval, provided it accurately reflects the condition of the site.

This ___ day of ____________, 20___.

__________________________
Planning Director

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Sec. 425-060  CERTIFICATE OF OCCUPANCY REQUIRED
A. A Certificate of Occupancy issued by the Building Official is required in advance of occupancy or use of:

1. A building or structure hereafter erected.

2. A building or structure hereafter altered so as to affect the front, side or rear yards or height.

3. A building or structure or premises in which there is a change of use.
4. A building or structure moved from one location to a second location where that building will house persons or property.

B. Certificates of Occupancy are required for all buildings and structures in all subdivisions and developments governed by these regulations, including Divisions 405, 410, 415 and 420.

C. Except in exempt subdivisions under Division 405, a Certificate of Occupancy may not be issued until a Certificate of Development Conformance for the project has been issued by the Director or his/her designee, and an executed Development Surety and Development Performance and Maintenance Agreement, in accordance with Division 670, have been received in accordance with these Regulations, if applicable.

D. Within three working days after the application for a Certificate of Occupancy, a final inspection of the property in question shall be made.

E. The Building Official shall issue a Certificate of Occupancy if the building is found to conform to the provisions of these Regulations, and accurately reflect statements made in the application for the building permit, and accurately reflects the approved plans including exterior elevations.

F. A record of all certificates shall be kept on file in the office of the Planning Director and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land involved.
DIVISION 430: TREE PROTECTION AND LANDSCAPING

Sec. 430-010 STATEMENT OF PURPOSE AND INTENT

A. The purpose of these standards is to preserve the rural character of Newton County by directing the preservation and/or replacement of trees as a part of land development in the county. It is also the purpose of this ordinance to enhance all development in the county by requiring the inclusion of landscaping in the planning and site design process.

B. It shall be the policy of Newton County to encourage developers to identify, protect and preserve healthy and aesthetically valuable hardwood specimen or historic trees when ever possible, as defined below:

1. Trees which have a diameter at breast height (DBH) of thirty-six inches or more shall be presumed to be at least 100 years old and shall be known as specimen or historic trees for the purpose of this section.

3. The County Arborist shall maintain a list, updated quarterly, of all trees 100 years old or older, and of groves which contain trees 100 years or more in age.

4. In no case shall the number of residential lots be reduced by more than 5% to accommodate trees.

C. No development or clearing or building permit shall be issued unless and until a Tree Protection and Landscaping Plan has been approved, except for 1 & 2 family single dwellings.

Sec. 430-020 GENERAL APPLICABILITY

This section shall apply to any and all activity within Newton County that requires a Land Disturbance Permit or Soil Erosion and Sediment Control Permit. Land Disturbance Permits must be obtained for total vegetation removal on any construction site. If the activity is restricted to cutting trees, either with or without stump removal, sites one acre or more will require a Land Disturbance Permit.

A. On lots one (1) acre or more, a permit shall be required for cutting any tree greater than 36” DBH. A permit shall be granted if the tree is posing a threat to property or safety. A permit shall be granted if the tree removal is necessitated by construction, and there is no possible way to save the tree; under this circumstance, the tree-owner shall be required to plant, either on his property or -- if that is not desired by the owner, or is not feasible -- on County property as determined by the County Arborist, one two (2) inch caliper tree for each four inches of DBH tree cut down, rounded down. (e.g., if a 37” DBH tree is cut down, nine 2” caliper trees must be planted; if a 63” DBH tree is cut down, fifteen 2” caliper trees must be planted).
B. Approval or denial of a permit to cut a tree may be appealed to the Planning Commission by the owner or any adjoining landowner. Appeal may be initiated by filing a notice of appeal with the Planning Commission within thirty days of the date of decision specifying the grounds for appeal. The secretary of the Planning Commission shall transmit the record to the Board within fifteen days, and the Board shall hear the appeal de novo within forty five days of the filing of the notice of appeal.

Sec. 430-030 EXEMPTIONS
The following activities are exempt from the provisions of this Division:

A. The removal, replacement, planting, or transplanting of trees on an existing single-family or duplex residential property lot or parcel of land that remains in residential use, except as required in Sec. 430-020.

B. The removal of a tree, that is found to be diseased or insect-infested or threatens to become, a public nuisance or danger to human life or property by the County Extension Service, the State Forestry Commission, or a certified arborist or urban forester.

C. The removal or transplanting of trees from horticultural properties, such as farms, nurseries or orchards.

D. Bonified Agricultural activities on land zoned A-Agriculture and A-R Agricultural-Residential, including crop cultivation and clearing pastures for raising livestock.

E. Tree harvesting under the conditions established in Section 430-140.

Sec. 430-040 PROCEDURES FOR COMMERCIAL, MULTI-FAMILY AND INDUSTRIAL DEVELOPMENT

A. A Tree Protection and Landscape Plan shall be submitted with other permit drawings when filing an application for a development permit. This plan must be a separate drawing drawn at the same scale as the Site Development Plan, and shall include the following information:

B. Definition of spatial limits:

1. Boundaries of property indicating each phase of construction for which a permit authorizing land disturbance is requested;

2. Limits of land disturbance, clearing, grading, and trenching;

3. Utility easements;

4. Limits of 100-year floodplain, delineated wetland, and riparian buffers;
5. Survey of all existing trees over 12” DBH, and trees that are to be counted in
the required tree density for the site, indicating their size, location, and species;

6. Tree protection zones;

7. Specimen trees and/or stands of trees; and

8. Areas of re-vegetation, including description of the number, species, and
approximate size of trees and shrubbery proposed as (refer to Appendix A for list
of tree species and their recommended uses):
   a. landscaping in parking lots;
   b. landscaping in transitional buffers;
   c. street trees; and
   d. any other landscaping.

9. Location of all proposed or existing buildings, structures, parking areas,
driveways, roadways, walkways etc.

C. A chart demonstrating the tree density of each phase of construction for which a
permit authorizing land disturbance is requested.

D. Detail drawings of tree protection measures (where applicable):
   1. Tree fences;
   2. Erosion control fences;
   3. Tree protection signs;
   4. Tree wells;
   5. Aeration systems;
   6. Transplanting specifications;
   7. Staking specifications; and
   8. Other applicable drawings.

E. Procedures and schedules for the implementation, installation, and maintenance of
tree protection measures. Refer to Appendix C for tree protection guidelines during
construction).
F. The name, address, and telephone number of the Registered Landscape Architect, Urban Forester, Arborist or Civil Engineer responsible for preparation of the plan along with the seal or statement of professional qualifications.

G. Any buffer plantings or landscaped areas required by the Zoning Ordinance or as a condition of zoning or conditional use permit approval.

H. Issuance of the Development Permit is contingent upon approval of the Tree Protection Plan.

I. All tree protection measures shall be installed prior to land disturbance.

J. Methods and standards for tree protection shall be established in administrative Guidelines to this section.

K. Final Inspection
No Certificate of Occupancy shall be issued by the Building Official with respect to any permit unless and until a Newton County building inspector shall have inspected the site and confirmed that all existing trees to remain are in healthy condition and all replacement trees are acceptable and have been planted in accordance with this Division.

Sec. 430-050 TREE AND LANDSCAPING REQUIREMENTS FOR RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT

A. Residential Requirements

1. Required Tree Density for residential property development or redevelopment subject to this Section in the A, A-R, R-E, RE-2, R-1, R-2, R-3, MHS, MHP and D-R zone Districts. The required tree density shall be accomplished with the preservation of trees, tree planting, or a combination of preservation and planting.

2. Each Residential lot 1-acre or less shall contain a minimum of three (3) one and a half (1 ½) inch Caliper hardwood trees. Each Residential lot greater than 1 acre shall contain a minimum of seven (7) one and a half (1 ½) inch Caliper hardwood trees. No tree shall be planted closer than fifteen (15) feet from any structure. Remaining hardwood trees on each lot with a DBH of 3” or greater shall be credited as replacement trees.

3. Each residential lot shall contain a minimum of 20 gallons of Shrubs per house. Of the 20 gallons, there shall be a minimum of two (2) three (3) gallon shrubs per house.

4. Balance of lot area is to be seeded, sodded, hydro-seeded or stabilized with other landscape materials.
5. Recommended areas for additional tree preservation and planning include subdivision entrances, contiguous rear/side setbacks outside required drainage easements, external road frontage, streamside buffers, and storm water detention facilities.

B. Commercial, Multi-family, and Other Requirements:

1. Each lot or development shall contain a minimum of 20 Tree Density Units per acre proportional to the lot size. Each item listed below is inclusive to the 20 tree density units per acre.
   
   a. Each lot or development must contain a minimum of one 2.5” caliper hardwood tree per 50’ of roadway, located adjacent to the ROW, and not closer than fifteen (15) feet from any structure.
   
   b. The required tree density shall be accomplished with the preservation of trees, tree planting, or a combination of preservation and planting.

2. All parcels requiring off-street parking spaces shall contain landscaping and planting as follows (these items listed below are inclusive to the 20 tree density units per acre):
   
   a. One (1) shade tree for each seven (7) spaces around the perimeter of
      The parking lot. Landscaped area shall be a minimum of 10 ft. wide.
   
   b. One (1) shade tree for each seven (7) spaces in the interior of the
      parking lot. No parking space shall be more than seventy (70) feet from
      any shade tree. Size of tree islands will be at least ten (10) feet in width,
      which can be reduced, as determined by the County Arborist and
      Engineer, if permeable surfacing is employed.
   
   c. Each tree shall be at least 2” caliper and six (6) feet in height at time of
      planting.
   
   d. The minimum planting area or pervious area around each tree shall be
      100 square feet.
   
   e. Trees shall be planted in landscaped strips surrounding the perimeter
      of the parking lot and shall be planted in planting areas or islands internal
      to the parking lot. Perimeter planting strips shall be a minimum of ten (10)
      ft wide.
   
   f. Ground areas shall be sodded, seeded or hydroseded with grass
      and/or planted with shrubs and/or groundcover species, and/or provided
      with other landscaping material or any combination thereof.
g. Planting areas may be recessed below the grade of parking surfaces with curb breaks on upgrade side of plant areas in order to allow natural irrigation of landscape material and percolation of runoff.

h. For parking lots with more than three parallel aisles, there shall be a continuous planting area at least eight (8) feet wide and fifteen (15) feet long between alternate rows of opposing spaces.

3. Each lot or development shall contain a minimum of 50 Gallons of Shrubs per acre.

4. Balance of lot area is to be seeded, sodded, hydro-seeded, or stabilized with other landscape materials.

C. Tree Credits
Credit will be granted toward existing trees located or relocated on site. Trees located within any required buffers may be counted towards the minimum density requirements so long as street tree and parking lot tree requirements are satisfied outside of the buffer. Refer to Appendix B of these regulations for the tree credit chart.

D. Protection of Trees during Construction
Methods and standards for tree protection shall be demonstrated on the Tree Protection and Landscape Plan as established in the administrative guidelines to this section.

1. Trees identified to be preserved and/or counted as credit for meeting the required tree density shall have four (4) foot orange tree protection fencing installed around the critical root zone prior to any land disturbance activity commencing.

2. No person in the construction of any structure(s) or improvement(s) or any activity shall encroach or place solvents, material, construction machinery or temporary soil deposits within six (6) feet of the area outside the critical root zone.

3. All tree protection devices must remain fully functional until completion of the project or until the Certificate of Occupancy is issued.

4. Under ground utilities with in the Critical Root Zone must be bored.

E. Tree Density Conversion

1. TDU (Tree Density Unit) = one (1) caliper inch of diameter as measured at breast height (DBH) for existing trees, or as measured six (6) inches from the ground for replacement trees.
Sec. 430-060 TREE REPLACEMENT STANDARDS

A. Replacement trees shall be planted in a manner that provides adequate topsoil and space for nourishment, light, and maturation. Trees selected for replanting shall not include those to be disallowed in Tree Species Selection List found in the Administrative Guidelines.

B. The trunk of a replacement tree may not be located closer than fifteen (15) feet from any portion of an occupied structure.

C. Trees selected must meet the standards of American Standards for Nursery Stock (ANSI Z60.1, 1980) and must be free of injury, pests, disease, nutritional disorders or root defects, and must be in good vigor to assure a reasonable expectation of survival. Standards for transplanting shall be in keeping with those established in the International Society of Arboriculture publication Tree and Shrub Planting Manual or a similar publication. Refer to Appendix A for the Tree Species Chart.

Sec. 430-070 TREE PRESERVATION
Standards for identification, preservation, and protection of specimen trees shall be as follows:

A. Standards for identification, preservation and protection of specimen trees shall be as follows:

1. Specimen. Any hardwood tree in fair or better condition which equals or exceeds 36 inches DBH and meeting the following standards:

   a. A life expectancy of greater than 15 years
   b. A relatively sound and solid trunk with no extensive decay or hollow, and less than 20 percent radial trunk die-back.
   c. No more than one major dead limb.
   d. No major insect or pathological problem.

Sec. 430-080 PARKING LOT LANDSCAPING
Parking lots shall be landscaped as required in this Section.

Sec. 430-090 MAINTENANCE
Trees which are used to meet the density requirements for this Division shall be maintained for two (2) years after the date that the Certificate of Occupancy is issued. Landscaping and trees shall be included with other site improvements that are subject to performance bonds. One (1) and two (2) family residential construction is exempt from this section.
Sec. 430-100  ALTERNATIVE COMPLIANCE
Where the Zoning Administrator has determined that special constraints of a site result in an absolute inability to provide the required tree density, the number of trees will be determined based on site review. The remaining balance of trees may be provided for plantings in common open spaces or on public grounds as determined by the Parks and Recreation Department.

Sec. 430-110  SPECIAL EXCEPTIONS
The Board of Zoning Appeals is authorized to consider requests for a special exception for the removal of a specimen tree located in a protected zone. All such requests shall be made in conformance with the procedures established in Division 305 of the Development Regulations. No such special exception for the removal of a specimen tree located in a protected zone shall be granted by the Board of Zoning Appeals unless there is a showing that absent such approval the owners is unable to obtain a reasonable economic use of the parcel in question.

Sec. 430-120  ADMINISTRATIVE VARIANCES
A. Front, side, and rear yard setbacks may be reduced by an amount not to exceed 10 percent where it is determined by the Zoning Administrator to be necessary in order to preserve existing specimen or significant trees. Such an administrative variance shall be considered and decided consistent with the procedures and criteria contained in the Zoning Ordinance.

B. Any variance granted under the provisions of this section shall include a condition that should the subject tree(s) die as a consequence, of construction, despite granting of the variance, the tree or trees shall be replaced at the property owner’s or applicant’s expense.

Sec. 430-130: TIMBER HARVESTING
A. Timber Harvesting shall be exempt from the requirements of this Section, except as follows subject to the following restrictions:

1. In the A-Agriculture, RE 1 & 2 and A-R Agricultural-Residential Zoning Districts, selective tree harvesting is exempt from the requirements of this section.

2. Authorized tree harvesting shall be conducted in compliance with recommended Best Management Practices (BMPs) as established by the Georgia Forestry Commission and shall not be permitted on property that has been subdivided in the past two (2) years.
DIVISION 440: TRAFFIC STUDY STANDARDS

Sec. 440-010 TRAFFIC STUDY REQUIRED
A traffic impact study is required when applying for certain types of rezonings, conditional use permits, and Preliminary Plat or Site Development Plan approvals as specified in Section 500-080 of the Zoning Ordinance and Section 400-020 (B) of these Regulations. Three (3) copies of the final traffic impact study must accompany rezoning, conditional use permit, Preliminary Plat or Site Development Plan applications for the proposed developments. Copies of the final traffic impact study must accompany applications for developments that require traffic studies before the application deadline or they will be declared incomplete.

Sec. 440-020 PRELIMINARY CONFERENCE
An applicant proposing a development that requires a traffic study should arrange a preliminary conference with the Zoning Administrator to discuss how the traffic impact study requirements apply. This discussion will cover subjects such as trip generation, distribution, and assignment assumptions, the County’s road classification map, planned road improvements, and other approved developments nearby which should be considered in the traffic impact study.

Sec. 440-030 SCOPE OF TRAFFIC STUDY
A. Traffic studies must describe the extent, nature, and location of traffic impacts for all property for which the application is being sought and further all contiguous property owned by the applicant. The study area shall include the entire site being developed, future phases of multi-phase development, and the surrounding roadways, which are likely to be significantly impacted. At a minimum, the surrounding roadways to be included are:

1. The expected routes of access to the site as far as the nearest major arterials serving the site from each direction nearest the site;

2. The routes and site access to freeway interchanges or major intersections expected to carry fifteen (15) percent of the project’s traffic; and

3. Other roadways expected to carry 1,000 additional daily vehicles as a result of the development.

B. It is recommended that a preliminary traffic assignment be performed to establish the scope of the study before beginning the inventory of existing conditions.

C. Traffic studies must include the following elements:

1. Site development proposal;

2. Inventory of existing conditions;
3. Trip generation;
4. Trip distribution;
5. Trip assignment;
6. Planned transportation improvements;
7. Identification of traffic impacts, problems, and deficiencies; and
8. Recommended transportation improvements and other impact mitigation measures.

Sec. 440-040 SITE DEVELOPMENT PROPOSAL
A. The traffic study must include a conceptual site plan for the overall project. The site plan should include the following information:

1. District, land lot, and the parcels that are the subject of the application and all parcels in a multi-phase development;

2. Location of the above parcels with respect to existing adjacent private and public roadways;

3. Location of on-site parking, vehicular, and pedestrian circulation elements on the site;

4. Dimensioned locations of land lot lines, property lines, existing and proposed rights-of-way, roadway centerlines, and driveways to public roadways which are part of the overall project;

5. Locations of intersecting streets and public or private driveways which abut the site or are opposite the site on the adjacent public roadways.

B. In addition, the site development proposal will include a narrative description of the phases of the project, the amount of land for each phase, along with the size and location of buildings and amount of parking for each phase, keyed to the site plan, and the expected date of occupancy for each phase.

C. Impact studies for multi-phased projects may be accepted without a layout of proposed buildings, parking, and driveways. Similarly, the level of analysis may be less detailed if approved in advance by the Zoning Administrator. In these cases, the Zoning Administrator will recommend that, as a condition of rezoning, a complete site plan and a revised traffic study must be submitted and approved for each phase of the development before sketch plan approval may be issued pursuant to the Development Regulations.
Sec. 440-050 INVENTORY OF EXISTING CONDITIONS
The inventory of existing conditions will include a location map of the overall project and the surrounding roadways. For each of these roadways, the inventory will identify:

A. Adjacent land uses;

B. Existing travel lanes and rights-of-way;

C. Existing pavement conditions;

D. Existing peak hour volumes, turning movement data collected within six (6) months prior to application date, and levels of service for the peak hour period used in the assignment phase; and

E. Existing problems or deficiencies, such as excessive horizontal or vertical curvature, inadequate sight distances, drainage, paving markings or other deficiencies.

Sec. 440-060 TRIP GENERATION
A. The traffic study will include trip generation data for each phase of the overall project. Trip generation data will include the total number of vehicles computed to be entering and exiting the site on an average weekday and during a.m. and p.m. peak hours. Trip generation rates will usually be based on the peak hour of adjacent roadways described in the latest edition of Trip Generation (ITE). If the planned development includes more than 250,000 square feet of retail space, include similar trip generation data for Saturdays. If the existing site is zoned for a use other than single-family residential, include trip generation data for the site developed as zoned.

B. Trip generation rates must be taken from the latest edition of the ITE Trip Generation publication unless suitable documented local data are provided from at least three similar developments collected within the past five (5) years. Suitable documentation includes the type, location, and size of each development; the dates and hours of data collection; the availability of public transportation; and the vacancy rate for the development. Copies of actual trip data may be required.

C. Vehicle trips will be computed by multiplying appropriate trip generation rates by the appropriate units for which the rates were intended. There are exceptions to this procedure:

1. When mixed-use developments are designed to encourage a significant number of internal trips, the total vehicle trips may be reduced by the estimated number of internal person trips, divided by the average auto-occupancy rate. The study must provide adequate published documentation or evidence of its assumptions concerning internal trips.
2. When retail developments are located along an arterial where a significant number of passerby traffic is reasonable, an appropriate adjustment may be made if adequate published documentation or evidence is provided in the study.

3. When the applicant commits to provide pedestrian improvements, ridesharing programs, shuttle buses, flextime, or other means of reducing peak hour vehicle travel, appropriate reductions may be allowed in the published trip generation rates for use in the traffic impact study. The Planning Department encourages these strategies and will provide limited technical assistance to applicants requesting this consideration. The Planning Department encourages applicants to pursue travel demand management techniques that are implementable, verifiable, and can be maintained through the life of the project. Annual reports may be required.

Sec. 440-070 TRIP DISTRIBUTION
The trip distribution process will estimate the directional distribution of travel to and from the site for the approximate year of occupancy. Note that trip distribution for residential development (home-based work trip productions) and office development (home-based work trip attractions) are different. Retail development has a trip distribution similar to office development. The trip distribution process may be accomplished by one of three means:

A. Use appropriate trip distribution rates from trip tables prepared by state or regional planning agencies; or

B. Prepare a custom trip distribution based on the “area of influence” method described in the American Planning Association publication Traffic Impact Analysis by Greenberg and Hechimovich (PAS Advisory Service Report No. 387, 1984); or

C. Prepare another acceptable distribution and assignment using data approved in advance by the Newton County Planning Department in the Preliminary Conference.

Sec. 440-080 VEHICLE TRIP ASSIGNMENT
A. The traffic impact study will prepare vehicle trip assignments for the peak hour period or periods which represent the worst case in terms of the sum of existing traffic and the traffic generated by the overall proposed development. Normally this would be the p.m. peak hour. If the trip generation for the a.m. peak hour exceeds 75 percent of the traffic generated by the p.m. peak hour, then both a.m. and p.m. peak hour trip assignments should be prepared. Two trip assignments will be prepared for each peak hour period stipulated above:

1. Generated vehicle trips added to existing traffic assigned on the existing roadway system; and
2. Generated vehicle trips added to existing traffic and to traffic from other planned developments near the site, assigned on the system of existing roadways including recommended improvements; include other nearby large developments which have been rezoned or issued a development permit during the past 24 months. When information about nearby developments is not available, growth factors may be used to inflate existing traffic in lieu of estimating traffic from other developments. Growth factors should be computed from the forecast population and employment of the Census tract which includes the site, and can be obtained from the Planning Department during the Preliminary Conference.

B. These trip assignments will be prepared and illustrated for the internal roadways and driveways within the overall development, along with the surrounding roadways, intersections, and interchanges in the study area. Trip assignments will describe the peak hour directional vehicle volumes and turning movements at intersections.

Sec. 440-090 PLANNED TRANSPORTATION IMPROVEMENTS
A. The traffic impact study will include a description of transportation improvements for the study area which are contained in the adopted transportation plans of Newton County or the Georgia Department of Transportation.

B. The description of the planned improvements will indicate the current status of planning, engineering, design, and implementation of each project and the relationship of each to the proposed site development plan.

Sec. 440-100 IDENTIFICATION OF IMPACTS, PROBLEMS, AND DEFICIENCIES
A. The traffic impact study will analyze the vehicle trip assignments with respect to:

1. The adequacy of existing transportation facilities for existing plus generated traffic;

2. The adequacy of the existing facilities with planned transportation improvements for the total traffic (existing, plus generated, plus traffic generated by other specified developments); and

3. Other on-site or off-site improvements or mitigation measures recommended by the applicant.

B. This analysis will include a comparison of the appropriate peak hour levels of service for the intersections on the surrounding roadways:

1. With existing traffic and geometrics;

2. With existing plus generated traffic assigned on the existing roadways; and

3. With total traffic assigned on the roadway system recommended by the applicant.
D. This analysis will quantify the traffic impacts of the proposed development and address specific traffic problems and roadway deficiencies that the recommendations are designed to relieve. For purposes of this analysis, level of service at intersections will be evaluated using either critical movement summation or delay estimations described in the Highway Capacity Manual. Recommended improvements or mitigation measures will be designed such that intersections on all public roadways are expected to operate at level of service D or better at all times.

Sec. 440-110  RECOMMENDED IMPROVEMENT AND MITIGATION MEASURES
A. The traffic study will conclude with a summary of recommended transportation improvements and impact mitigation measures needed for the overall project and the surrounding roadways to function at the minimum level of service upon full occupancy. When a multi-phase project is proposed, the improvements will be identified for each phase of the project so that a minimum level of service will be maintained throughout all development phases. The traffic study will identify the rights-of-way dedications, paved road lanes and widths, geometrics of principal driveways and intersection improvements, and traffic control devices recommended to achieve this result.

B. For multi-phase projects, assignments for later phases extending more than ten (10) years in the future may have less detailed recommendations. At a minimum, specify the number of through-lanes required on access routes and major interior roadways, the location of major intersections, and general criteria for spacing driveways and traffic signals.

C. In addition to roadway and intersection improvements, the traffic impact study may identify other traffic mitigation measures to reduce peak hour traffic vehicle trip making. One example would be the incorporation of special site plan concepts, including sidewalks, pedestrian amenities and shuttle bus between homes, offices, and stores both within the site and to off-site attractions, which may reduce vehicle trip generation to a significant degree. Another example would be an aggressive carpool or vanpool program that includes a computer rideshare matching program and employer-sponsored incentives. “Flextime” programs can be used, especially for large single occupant buildings with a past history of staggered shift work hours. In each of these cases, the applicant will confer with the Planning Department staff prior to submitting the traffic study to discuss the specifics of such a proposal and to agree upon the extent of traffic reduction to be assumed.

D. The County staff encourages creative approaches to traffic impact mitigation and will give such plans full consideration and support. However, there must be ample evidence of the effectiveness of the specific plan, the commitment of the applicant to implement the program, and a specific mechanism to maintain the program and sustain the full participation of successive owners, managers, and tenants for the life of the project.

Sec. 440-120  REPORT FORMAT
The traffic impact study will be presented in an 8½” x 11” typed report. The report should include one chapter for each of the eight elements listed in Section 440-030(B).
The traffic impact study report should include the following illustrations not larger than 11” x 17”:

A. Conceptual site plan – showing the size, location, and arrangement of proposed buildings, parking, and driveways on the site;

B. Existing roadways in the study area – showing the relationship of the site to the surrounding area and roadway network;
C. Trip distribution – showing the directional distribution of traffic between the site and the market area;

D. Existing trip assignments – showing the peak hour turning movement volumes and levels of service at selected intersections in the study area, using a diagram which is as continuous as possible;

E. Future trip assignments – showing the peak hour turning movement volumes and levels of service at selected intersections in the study area, using a diagram which is as continuous as possible; prepare a separate diagram for each of the assignments required. Project-generated traffic volumes should be indicated distinctly from total traffic volumes in each of these diagrams.

F. Recommended transportation improvements – illustrating the location and extent of recommended new roadways, widening, intersection improvements, traffic control devices; and other physical improvements, either on-site or off-site.

Sec. 440-130 STAFF REVIEW OF TRAFFIC IMPACT STUDIES
The Newton County Planning Department will coordinate the review of traffic impact studies by affected Departments prior to the first review of the corresponding applications for rezoning, conditional use permit, or Preliminary Plat or Site Development Plan approval by the Planning Commission. If necessary, the Planning Department will convene a meeting and prepare a consolidated set of written comments from the reviews made by affected Departments. Those comments will be summarized in the normal staff review process of applications prepared by the staff for agenda packages of the Planning Commission and Board of Commissioners.
DIVISION 450: STORMWATER MANAGEMENT

Sec. 450-010 STORMWATER MANAGEMENT PLAN
As required, the Stormwater Management Plan shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures proposed for managing stormwater runoff. The minimum information submitted for support of a Stormwater Management Plan or applications for a variance or waiver shall be to provide a site plan drawn to a scale of not less than one (1) inch equals one hundred (100) feet with the following characteristics and information:

A. Graphic scale, north arrow and date.

B. Vicinity map showing the site location relative to surrounding landmarks, highway intersections, rivers, and streams.

C. Topography showing existing and proposed elevations in accordance with the following:

1. For sites with slopes less than two percent, show contours at intervals of not more than two (2) feet and spot elevations at all breaks in grade along drainage channels or swales at selected points not more than fifty (50) feet apart.

2. For sites with slopes more than approximately two (2) percent, show contours with an interval of not more than five (5) feet.

3. Elevation shall be based on the datum plane established by the U.S. Coast and Geodetic Survey.

D. Delineation of property lines and deed record names of adjacent property owners.

E. Location of existing structures.

F. Location and right-of-way of streets, roads, railroads and utility lines, either on or adjacent to the property to be developed. Specify whether utility lines are in easements or right-of-way and show location of towers and poles.

G. Size and location of existing sewers, water mains, storm drains, culverts, or other underground facilities within the tract or within the right-of-way of streets or roads adjoining the tract. Grades and invert elevations of storm drains, sewers and culverts shall be shown.

H. Proposed conditions:

1. Layout of streets, roads, alleys, drives and paved areas, and public crosswalks, with widths, road names or designations.
2. Location of structures. All detention/retention areas to be located outside of building lots.

3. Proposed storm sewer system with grade, pipe size, and location of outlet, both in plan and profile.

4. Delineation of drainage areas that are to be routed through the proposed drainage structure and/or stormwater detention facility.

I. Provide computations and supporting documentation of hydrologic and hydraulic analyses.

1. Analysis of drainage areas fifty (50) acres and less in size may be performed using the Rational Method.

2. Analysis of drainage areas of twenty (20) acres or more may be performed using SCS methods.

3. Use of other methods will require prior approval from the County Engineer.

J. The stormwater management plan shall provide the following information for pre-development and post-development conditions:

1. The composite runoff curve number or runoff coefficient for the site.

2. The peak runoff rate at the point, or points, of discharge for the two (2), five (5), ten (10), twenty-five (25), fifty (50), and one hundred (100) year, design frequency storm event.

3. The capacity of storm sewers, ditches, and other hydraulic structures.

Sec. 450-020 HYDROLOGY STUDY REQUIREMENTS

A. The hydrology study used in the Stormwater Management Plan shall consist of analytical computations resulting in pre-developed and post-developed runoff rates for the 2, 5, 10, 25, 50, and 100-year frequency storms and contain the following:

1. Statement of methodology used (Rational or NRCS, or a derivative thereof with prior approval from the County Engineer).

2. Statement of all assumptions.

3. Calculations should be shown for time of concentration or lag time.

4. Calculations should be shown for all weighted C-factors or weighted curve numbers used.
5. Rainfall intensities and amounts are to be consistent with data for the Newton County or Metro Atlanta area.

B. All detention and/or retention facility plans shall be at a scale of not less than one inch equals fifty feet with a maximum contour interval of two feet. Hereinafter where the term detention facility is used, it will be taken that the same criteria applies to a retention facility as well. The plans should be based on a stage-storage design and contain the following information:

1. Maximum storage requirements for the proposed detention facility based on the storage volume required for the 100-year frequency storm event.

2. The plans shall present clearly all information needed for proper review and construction of the storage facility, including dimensions and contours as appropriate.

3. The outlet device shall be thoroughly and clearly detailed for proper construction. The design shall be such as to require minimal maintenance and provide maximum longevity. Trash racks shall be required whenever deemed necessary by the County Engineer.

4. The type and size of pipes to be used for the outlet, along with detail drawings and specifications for all facilities should be indicated.

5. Actual results obtained from routing the 2, 5, 10, 25, 50, and 100-year post-developed storm hydrographs through the facility are required.

6. A summary chart showing maximum pond elevation, storage required, and pre-developed and post-developed discharge rates for the 2, 5, 10, 25, 50, and 100-year storms should be included.

C. Acceptable methods are as follows:

1. The Rational Method and the Natural Resources Conservation Service (NRCS) Methods are acceptable for computing peak runoff and hydrographs.

2. Other methods may be used with the prior approval of the County Engineer.

D. Acceptable stormwater management facilities are not limited to conventional detention and/or retention facilities. Constructed wetlands, infiltration systems, and other innovative solutions are encouraged, so long as the intent of these Regulations is satisfied. However, it is recommended that proposals for alternative systems be presented to the Director for tentative acceptability prior to formal submittal of a stormwater management plan.
E. Criteria for Acceptability:

1. The peak release rate of stormwater from all developments where detention is required shall not exceed the corresponding peak stormwater runoff rate from the area in its natural undeveloped state for all intensities up to and including the 100-year storm event.

2. The same methodology must be used for calculating the pre-development and post-development rates of runoff from a site.

3. Reservoir routing techniques shall be used for designing all detention facilities. Use of the Bowstring Method is not acceptable.

DIVISION 460: LIGHTING STANDARDS

Sec. 460-010 GENERAL PROVISIONS
A. Any lighting used to illuminate parking areas, access drives or loading area shall be of such a design or level of illumination so that no direct light is cast upon or adversely affects adjacent properties and roadways.

B. Exterior architectural, display and decorative lighting visible from the street shall be generated from concealed, low level fixtures.

C. All interior lighting shall be so designed to prevent the light source or high levels of light from being visible from the street.

D. Entrances into a developments from a street may be lighted for traffic safety reasons provided such lighting does not exceed the foot candle requirements for lighting walkways and streets. Lighting poles mounted within fifty (50) feet from the street right of way may not exceed a height of twenty (20) feet.

E. The Planning Director will have the discretion to allow limited flexibility as to variations in the minimum and average levels if the proposed levels are below the ordinance standards, depending on site and traffic conditions. Proposed illumination levels which exceed the maximum levels will not be permitted, unless such levels strictly conform to the recommended levels within the IESNA Lighting Handbook, the accepted industry standards.

Sec. 460-020 Lighting Standards

A. All lighting fixtures designed or placed as to illuminate any portion of a site shall meet the following requirements:

1. Fixture (luminaire). Any light fixture shall be a cutoff luminaire whose light source is completely concealed with an opaque housing and shall not be visible from any street. This provision includes lights mounted on poles as well as architectural display and decorative lighting visible from a street or highway.