# NEWTON COUNTY, GEORGIA
## DEVELOPMENT REGULATIONS

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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 (Rev 02/21/06)
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 (Rev 11/20/07)
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 Development Services 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.
5. The division, among immediate family members, of land in the A (Agricultural) and AR (Agricultural Residential) Zoning Districts as provided in Division 405 of the Development Regulations. (10/18/16)

C. Subdivisions deemed exempt may reduce the minimum frontage requirements to no less than 20 feet.

D. Subdivisions deemed exempt shall not require the extension of utilities or the construction of public streets.

E. Subdivisions deemed exempt shall be in compliance with all applicable requirements of the Newton County Zoning Ordinance. (Rev. 12/20/05)

F. In addition to rules and requirements for these subdivisions, no property from which an Exempt Subdivision was divided, may be subdivided as an exempt subdivision. The exempt subdivision may be part of a minor subdivision.

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.
Article 1 General Provisions

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 (Rev. 07/17/12)

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 may be 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.
Amenity / Amenity Area (Amm 03/21/17)
An amenity is something considered to benefit a property and increase its value. Tangible amenities may include a park, communal area, swimming pools, pool houses, golf courses, fountains, planters, picnic tables, club houses, walking trails, bike paths and playgrounds. An amenity should encourage pedestrian connectivity between uses or between other common areas. An amenity area is that part of the subdivision designated for the location of the above mentioned facilities. An amenity area may be located within the Enhanced common Area in a subdivision or non-residential development.

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

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Adopted 03/04/2003 – (Unofficial Working copy with all amendments through 10/18/2016)
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.

**Buffer, Transitional** *(07/17/12)*
A natural, undeveloped portion of a lot or parcel of land set aside for visual screening purposes pursuant to applicable provisions of this Ordinance for the purpose of separating different use districts, or to separate dissimilar uses on one property from uses on another property of the same use district. See Division 520 of the Newton County Zoning Ordinance.

**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.
Article 2 - Definitions

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.

Cluster Mailbox Units (CBU) (Ammd 03/21/17)
A structure or shelter housing multiple mailbox units to serve each residential dwelling of the development for the expressed purpose of regular mail delivery provided by the United States Post office (USPS)

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 Development Services 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.
Enhanced Common Area (03/21/17)
An area designed and improved for use by people both for passive and active recreation. Improvements may range from gentle grading and grassing for leisure activities, playing of games or holding an event, up to provision of active amenities like swimming pools and tennis courts.

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.

Family, immediate - Any person who is a natural or legally defined offspring, spouse, sibling, parent, grandparent, or grandchild. For purpose of a Family Conveyance Lot, an aunt, uncle, cousin, niece or nephew are considered immediate family. (10/18/16)

Family Conveyance Lot - A division of a lot or parcel (aka initial lot or parent parcel) for the purpose of sale or gift to a member of the immediate family of the property owner as allowed under Sec. 405-010 C. of these regulations. (10/18/16)
Article 2- Definitions

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) (rev. 02/21/06)
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 “access portion” of a flag lot is the flag stem or panhandle area. Flag lots shall be regulated by Section 505-030 E. of the Newton County Development Regulations.

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.

Resubdividing
A change in an approved or recorded subdivision plat, if such change increases the number of lots.  (added 02/21/06)

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, are 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 by Best Management Practices of the Georgia Forestry Commission.

**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 2- Definitions
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.

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Adopted 03/04/2003 – (Unofficial Working copy with all amendments through 10/18/2016)
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.
Article 3- Administration

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 Department of Development Services such plans, plats or construction drawings as may be required by the Development Regulations and receive approval from the Department of Development Services 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 Department of Development Services 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 Department of Development Services 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 Department of Development Services 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. (Rev. 07/19/11)

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 (10/18/16)

Sec. 405-010 EXEMPT RESIDENTIAL SUBDIVISION PROCEEDURES
Exempt subdivisions as allowed pursuant to Section 110-020 shall comply with the following requirements:

A. Be drawn in accordance with the Final Plat standards and six (6) 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. The plat shall meet the minimum standards for plat preparation including, but not limited to:

1. General
   a. Name, address, and phone number of designer of subdivision plat.
   b. Name, address, and phone number of developer of subdivision.
   c. Name of subdivision or address of project location.
   d. Date of plat preparation with space for revision dates.
   e. North point, identified as magnetic, true or grid.
   f. Sheet size shall be no larger than Fourteen (14) inches wide and sixteen (16) 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.
   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, rezoning, variance and date of approval, if applicable.
   j. Street address as assigned by the Tax Assessor.
   k. Certificates of Review of the Environmental Health Dept. (if applicable).

2. Existing Conditions
   a. Zoning district of land to be subdivided 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 parent parcel 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 watercourses
with direction of flow on the proposed project.

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

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

g. Location and square footage of wetland areas.

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

i. 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.

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

k. 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</th>
<th>(feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flat:</td>
<td>0-2%</td>
<td>2</td>
</tr>
<tr>
<td>Rolling:</td>
<td>Over 2%</td>
<td>5</td>
</tr>
</tbody>
</table>

l. Total acreage, minimum dwelling size and minimum lot size of
project.

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

C. Family Conveyance Lots shall comply with the following:
1. The property must be zoned A (Agricultural) or AR (Agricultural Residential) to be subdivided under these provisions.

2. The maximum density allowed after subdivision shall not exceed one single-family residence per 10 acres on property zoned A (Agricultural). (Example: The parent parcel is at least 20 acres but not greater than 29.99 acres. The property could be subdivided into a total of 2 lots maximum regardless of the size of each lot.)

3. Properties zoned AR (Agricultural Residential) shall meet the minimum lot size of the Newton County Zoning Ordinance.

4. For the purpose of this section, the property owner (grantor) may be a family trust or family partnership so long as the trustees, beneficiaries and/or partners (grantee) are composed only of members of the immediate family of the landowner as defined in Sec. 200-020 “Definitions”.

5. The lot to be conveyed shall only be conveyed to an immediate family member who shall not receive more than one lot under the Family Conveyance Lot.

6. The grantor may not have previously divided any other land within the county by family conveyance subdivision to the same family member.

7. The purpose of a family conveyance transfer must be to provide for the housing needs of the grantee.

8. Each lot proposed to be created must comply with all applicable requirements of the Newton County Zoning ordinance.

9. The initial or parent parcel may only be subdivided under the provisions of a Family Conveyance Lot once every 2.5 years.

10. All proposed plats for family conveyance subdivision shall include an affidavit which shall be signed by the grantor and grantee under oath and penalty of perjury that identifies the subdivision as being for the purposes of conveyance to a qualifying family member and identifies the receiving family members and their relationship to the grantor.

11. For any newly created Family Conveyance Lot not abutting a public road, access to the public road shall be provided by a permanent easement. Proof of recorded easement must be provided prior to the issuance of a building permit.

12. The family conveyance transfer may not be proposed for the purpose of circumvention of the subdivision ordinance.

13. The provisions of this section shall not prohibit the conveyance of interest in a lot to a third party as security for a mortgage, deed of trust or other secured loan.

14. A Family Conveyance Lot subdivision shall follow the permitting procedures of Sec. 405-010 A. (above).
DIVISION 410: MINOR RESIDENTIAL SUBDIVISIONS

Sec. 410-010 MINOR RESIDENTIAL SUBDIVISION CLASSIFICATION (rev.2/22/06)

A proposed development involving the division of a buildable lot of record into two (2) 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.

F. In addition to rules and requirements for these subdivisions, no property from which a Minor Subdivision was divided, may be subdivided as an exempt or minor subdivision.

Sec. 410-020 MINOR RESIDENTIAL SUBDIVISION PROCEDURES (Amm 03/21/17)

Minor Residential Plat Review
The Department of Development Services shall review the Minor Plat for conformance to these and other relevant regulations and shall prepare a report including their comments and recommendations.

A. Four (4) copies of the Minor Plat and supporting data to be reviewed by the Newton County Planning Office and applicable review agencies. The plat shall meet the minimum standards for plat preparation including, but not limited to:

1. General
   a. Name, address, and phone number of designer of subdivision plat.
   b. Name, address, and phone number of developer of subdivision.
   c. Name of subdivision or address of project location.
d. Date of plat preparation with space for revision dates.

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

f. Sheet size shall be no larger than Fourteen (14) inches wide and sixteen (16) 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.

g. Minimum Graphic scale of one (1) inch equals 400 feet.

h. Appropriate legend of symbols used on plat.

i. List any conditions of zoning, rezoning, variance and date of approval, if applicable.

j. Street address as assigned by the Tax Assessor.

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

2. Existing Conditions

a. Zoning district of land to be subdivided 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 parent parcel 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 watercourses with direction of flow on the proposed project.

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

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

g. Location and square footage of wetland areas.
h. Note as to provision of water supply and sewer disposal.

i. 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.

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

k. Total acreage, minimum dwelling size and minimum lot size of project.

B. Minor Subdivisions on State Routes require GDOT comments to be submitted to the Planning Department of Development Services 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 NON-RESIDENTIAL SUBDIVISION PROCEDURES (Amm 01/21/17)
Prior to making any street improvements or clearing or grading a site planned for development, installing any utilities or selling any, parcels the developer shall submit to the Director of Development Services for approval, a plat, showing any combination or subdivision of the proposed lot/s prepared in accordance with these Regulations.

Nonresidential Plat Review

A. Seven (7) copies of the Plat and supporting data to be reviewed by the Newton County Department of Development Services and applicable review agencies. The plat shall meet the minimum standards for plat preparation including, but not limited to:

1. General

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

   b. Name, address, and phone number of developer of parcel.

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

   d. North point, identified as magnetic, true or grid.
Article 4 - Procedures and Document specifications

e. Sheet size shall be no larger than Fourteen (14) inches wide and sixteen (16) 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. Minimum Graphic scale of one (1) inch equals 400 feet.

g. Appropriate legend of symbols used on plat.

h. List any conditions of zoning, rezoning, variance and date of approval, if applicable.

i. Street address as assigned by the Tax Assessor.

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

2. Existing Conditions

a. Zoning district of land to be subdivided 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 parent parcel 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 watercourses with direction of flow on the proposed project.

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

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

g. Location and square footage of wetland areas.
h. Note as to provision of water supply and sewer disposal.

i. 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.

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

k. Total acreage, minimum dwelling size and minimum lot size of project.

Sec. 410-040 ADDITIONAL REQUIRED APPROVALS (Amm 03/21/17)

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 Department of Development Services. 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 Department of Development Services 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 Director of Development Services 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. (Amm 03/21/17)

B. The deadline for submission of a complete application for preliminary plat review shall be the last Friday of the month previous to the month during which the developer desires Planning Commission action. The application shall include the following:

1. Seven (7) copies of the Preliminary Plat and supporting data.
2. Signatures of the Environmental Health Department and Water and Sewer Authority. (Amm 03/21/17)

C. Official Date of Submission
1. The official date of submission of the plat shall be the date of the next regularly scheduled monthly meeting of the Planning Commission. (Rev. 0/08/05)

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 (Amm 03/21/17)
The Department of Development Services 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 seven (7) 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</th>
<th>(feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flat</td>
<td>0-2%</td>
<td>2</td>
</tr>
<tr>
<td>Rolling</td>
<td>Over 2%</td>
<td>5</td>
</tr>
</tbody>
</table>

c. 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 60 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 disapproves 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. (Amm 03/21/17)

G. Failure to Take Action
Failure of the Planning Commission to act within 60 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. (Amm 03/21/17)

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. 415-035 REVISIONS TO PRELIMINARY PLAT (Amn 03/21/17)
When it becomes necessary to revise an approved plat due to some error, required adjustment or desired adjustment, the applicant shall confer with the Director of Development Services to determine if the revision is a minor or major revision. Revisions of approved plats shall be submitted with a fee in the amount established by the Board of Commissioners per plat for approval.

1. A minor change is one that corrects a drafting or scrivener’s error or is otherwise administrative in nature and does not affect how the subdivision will be developed or built. If the Director of Development Services determines the change is minor, then the Director of Development Services may review and accept the revised plat.

2. A major change is any other change, including changes that alter how the subdivision will be developed or built, which may include, but is not limited to, the following:
   a. Increasing the number of lots;
   b. Decreasing or relocating open space;
   c. Decreasing or relocating buffers;
   d. Opening and/or closing of proposed streets; and

   If the Director of Development Services determines the change is major, the revised plat must proceed through the approval process for plats contained in these regulations.

3. All changes shall be noted on the plat with a statement of what revisions were made. A revised preliminary plat shall contain the following statement: “This plat supersedes the plat approved on ________.”

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 Department of Development Services 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 of Zoning Appeals within fifteen days, and the Board of Zoning Appeals 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. (Amm 03/21/17)

E Development, including future development pursuant to the same Preliminary Plat, shall be 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. (Amm 03/21/17)

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 1 inch and a vertical scale of no less than 10 feet to one inch. (Amm 03/21/17)

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, unit density, zone district. (Amm 03/21/17)

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 1 inch equal to 2,000 feet. U.S. Geological Survey maps may be used as a reference guide for the location sketch. (Amm 03/21/17)

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 arterial 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. The direction of flow shall be indicated on all water courses leaving the tract. 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. (Amm 03/21/17)

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.

21. Location of Cluster Box Units. (CBU’s) (Added 03/21/17)

22. Location of street lights. (Added 03/21/17)
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 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, 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 Department of Development Services shall either issue Approval; issue a Conditional Approval, with the conditions of approval noted on the plan or attached; or disapproves the plans or any portion thereof. The action of the Department of Development Services shall be noted on one copy of the Plans. Disapproved plans may be resubmitted or appealed. (Amm 03/21/17)

Sec. 415-060 FINAL PLAT APPROVAL (rev. 12/20/11)
After completion of the physical development, and before selling any lots, a Final Plat together with the required certificates shall be submitted to the Department of Development Services for approval.

A. Final Plat Submission

1. The Director of Development Services 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 Tax Assessors Office, Environmental Health Dept. and Water and Sewer Authority. The developer of a major subdivision shall submit: Seven 7 copies of the Final Plat and other documents as needed. (Amm 03/21/17)

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 Director of Development Services or his/her designee and authorized representatives of the Tax Assessors Office, Environmental Health Department, and Newton County Water and Sewer Authority.  

4. In addition, the applicant shall submit the required performance and maintenance bond and cash escrow for placement on the Newton County Maintenance Program and the Director has received an executed Development Performance and Maintenance Agreement, pursuant to Division 670, prior to approval of the Final Plat. 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.

   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.

6. The Homeowner's Association shall be incorporated and organized at the same time the Final Plat for the subdivision or, if the subdivision is developed in phases, at the same time the final plat for the first phase of the subdivision is first submitted for review. A copy of the Articles of Incorporation issued by the Secretary of State plus organization minutes, including but not limited to adoption of by-laws, election of directors and officers and designation of depository for reserve funds shall be submitted to the Development Services Department at the time the final plat is submitted for recording.

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.
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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 400 feet. (Amm 03/21/17)

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 Tax Assessor. (Amm 03/21/17)

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.
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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.

x. Location of Cluster Box Units (CBU’s) *(Amendment 03/21/17)*

y. Location of Street lights *(Amendment 03/21/17)*

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 Section 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.

g. Documentation that the Subdivision has been properly registered according to Section 820-020. (02/21/06)/03/21/17)

E. Action on the Final Plat
No more than ten (10) working days after the official date of submission of the Final Plat, the Department of Development Services 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 disapproves 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. (Amm 03/21/17)

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, and utilities. The developer shall be responsible for maintenance of all subdivision Construction Improvements for three years from the date of issuance of the Final Plat. The developer shall provide applicable maintenance bonds in an amounts approved by the Board of Commissioners per linear foot of road as required in Division 670. (Amm 03/21/17)

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 Department of Development Services 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. (Amm 03/21/2017)

Sec. 415-062 REVISIONS TO FINAL PLAT  (added 02/22/06) (Amm 03/21/2017)

When it becomes necessary to revise an approved plat due to some error, required
adjustment or desired adjustment, the applicant shall confer with the Director of
Development Services to determine if the revision is a minor or major revision. Revisions
of approved plats shall be submitted with a fee in the amount established by the Board of
Commissioners per plat for approval.

a. A minor change is one that corrects a drafting or scrivener’s error or is otherwise
administrative in nature and does not affect how the subdivision will be developed or built.
If the Director of Development Services determines the change is minor, then the Director
of Development Services may review and accept the revised plat.

b. A major change is any other change, including changes that alter how the subdivision will
be developed or built, which may include, but is not limited to, the following:
   1) Increasing the number of lots;
   2) Decreasing or relocating open space;
   3) Decreasing or relocating buffers;
   4) Opening and/or closing of proposed streets; and
   5) Relocating major public facilities of utilities

If the Director of Development Services determines the change is major, the revised plat
must proceed through the approval process for plats contained in these regulations.

c. All changes shall be noted on the plat with a statement of what revisions were made. A
revised final plat shall contain the following statement: “This plat supersedes the plat
recorded in Plat Book _____, page _____."

Sec.415-065 RESUBDIVISION OF LAND  (added 02/22/06)

Any change in an approved or recorded subdivision plat which affects the street layout, area
reserved for public use, any lot line, any minor residential subdivision, or any plan legally
platted prior to the adoption of any ordinance controlling subdivisions, shall be approved by
the Planning and Zoning Commission by the same procedures, rules and requirements as for
a subdivision and the additional procedures set forth below.

In addition to the procedures, rules and requirements for a subdivision, any petition for
resubdivision shall include the following:
1. The name and address of all owners of record of the land contained in the entire plat;
2. The name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered, or amended;

3. The signature of each of these owners who consents to the petition. A petition that lacks the consent of all owners must first give notice before scheduling for consideration at a public hearing before the Planning Commission. Notice shall be by mail to each owner of property identified in the petition, and shall include the date, place, and time when a hearing will be held to consider the petition. The petitioner shall pay the cost of the notice.

The Planning Commission shall hold a public hearing on the petition and may approve a petition to resubdivide a plat if it finds:

1. Neither the public nor a person will be materially injured by the proposed resubdivision; and
2. There is good cause for the resubdivision.

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.

12. 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]
GÃ 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. (Rev. 12/20/05)

B. Any manufactured housing rental community, camper/mobile home park/Tiny
House Village, 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 Department of Development Services 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 Department of Development Services 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</th>
<th>(feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flat:</td>
<td>0-2%</td>
<td>2</td>
</tr>
<tr>
<td>Rolling:</td>
<td>Over 2%</td>
<td>5</td>
</tr>
</tbody>
</table>

3. Proposed Conditions

a. Proposed layout and, for mixed use developments, proposed locations of uses.
Article 4- Procedures and Document specifications

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 Department of Development Services 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 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. (rev.02/22/06)

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 Department of Development Services 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 Department of Development Services 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 information1:

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.

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.
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.

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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<td>Over 2%</td>
<td>5</td>
</tr>
</tbody>
</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 Department of Development Services 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 Department of Development Services 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 Director of Development Services 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 designate 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 Department of Development Services 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 Department of Development Services 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 Department of Development Services 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 Director of Development Services 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 Department of Development Services 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 be 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
(Rev. 12/22/05)

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 (rev.02/21/06)

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 Director can 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.

3. 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 single family residential development, does not authorize the grading of an entire area. All land disturbance activities must be in accordance with Best Management Practices (BMPs) and comply with all regulations regarding protected zones or buffer areas.

Limitations are as follows:

a. For single family residential subdivisions requiring septic systems, clearing and grading shall be limited to streets/roads, utility easements and detention. Grading necessary for cut and fill must have approval from the Health Department, and shall be limited to 30% or 30 acres at a time as specified in item b.
b. For single family residential subdivisions requiring sewer systems, grading shall be limited to 30%, not to exceed 30 acres, at a time. Ponds and other required soil sedimentation measures and facilities are not included in the 30%, or 30 acres. In an Open Space Conservation Residential Overlay subdivision, the 30%, or 30 acres shall apply to the acres outside of the designated open space. Clearing of each 30% or 30 acres shall be designated on the approved plans. The first 30%, or 30 acres, must be stabilized with vegetation, temporary sediment ponds and all BMP’s, prior to the clearing of the next 30%, or 30 acres. Residential subdivisions less than 10 acres are exempt from these limitations.

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 Department of Development Services 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 may require a revision to the approved plans and may subject the development to an immediate stop work order. Revisions may be submitted without calendar restrictions. At a minimum the revised plans shall include a cover page with clear demarcation of revision, an erosion control plan, and any page relative to the revision. Any revisions shall be submitted with a fee in the amount established by the Board of Commissioners.

Sec. 425-020  LAND DISTURBANCE PERMIT (aka CLEARING AND GRADING PERMIT (REV.02/22/06))

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. Lots served by septic systems must first obtain a permit from the Health Department. 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 Director 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:
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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. The applicant shall schedule an inspection. Failure to obtain an inspection may subject applicant to penalties stipulated in this ordinance up to and including issuance of citations.

2. Soil sedimentation facilities must be installed and operational prior to major grading operations.

C. 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.

D. 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.

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

Sec. 425-025 CLEARING AND GRUBBING PERMIT (REV.02/22/06)

A. A permit may be issued for clearing and grubbing of a residential lot and shall be limited to those activities specifically authorized by permit.

B. The issuance of a clearing and grubbing permit is limited as follows:

1. No more than 60% of the lot may be cleared.
2. Immediately after clearing, the area must be stabilized.
3. There shall be no grading, change in topography, digging of basements, grading of pads, or placement of batter boards.
4. If a building permit is not issued in 45 days, permanent vegetation shall be applied.
5. Bury pits or burning must comply with Sec.540-030.
6. Failure to conform to the requirement of these regulations shall subject the project to an immediate stop work order, or other penalties up to and including a citation.

Sec. 425-030 BUILDING PERMITS (rev. 02/22/06)

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.

For Single Family and Duplex residences, and related accessory structures:

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 Department of a House Location and Drainage Plan (HLDP), or a Site Plan (SP) may be required before issuance of a Building Permit. Such lots shall be noted during final inspection and indicated on the final plat. For such lots a Certificate of Occupancy shall not be issued until conformance to the SP has been field verified by the Department, or for an HLDP certified by a registered Land Surveyor, Engineer, or Landscape Architect as specified in Sec.415-080. Significant deviations from the approved HLDP plan may require a foundation survey.

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 shall first require issuance of a Site Development Land Disturbance Permit for the building site. The building permit shall be consistent with the Site Development Land Disturbance Permit, Sec. 425-010.

B. Unless otherwise permitted under sections 425-020 or 425-010, no Grading or Land Disturbance may commence until an applicable Building Permit has been issued and shall be limited to those activities specifically authorized by permit. A building permit must remain valid, or will expire, as outlined in the Newton County Permit Administrative Procedures Control Ordinance.

C. Required erosion control measures for residential lots must be installed and inspected and approved by the Department prior to the first building inspection. All erosion control measures shall be in place as soon after the initiation of activities as possible and in coordination with the progress of the project. The NPDES inspector must sign off on the erosion control measures, before the building inspector arrives. Failure to comply may result in a turndown by the building inspector and a re-inspection fee.

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 on the site plan. On the property they shall be designated by survey stakes, flags or other appropriate markings and shall be inspected and approved by the Department prior to commencement of any clearing or grading activities.
E. If for any reason a 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. A building permit for a single or two-family residence may be issued after the recording of a Final Plat and after the lot upon which the building is to be located has otherwise become a buildable lot of record. See section L. for special exceptions.

G. 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.

H. Applicable Codes
   Building permits for all structures or interior finishes are issued after meeting the applicable requirements of the various health, water, sewer, fire and building codes of Newton County.

I. 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.

J. 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 510-020 of the Newton County Zoning Ordinance, all other applicable Ordinances, and the safety standards of the Newton County Health Department. An approved HLDP may also be required pursuant to Sec. 415-080.

K. 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 Department of Development Services 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.

78 Newton County Development Regulations
Adopted 03/04/2003 – (Unofficial Working copy with all amendments through 10/18/2016)
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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 “3” if applicable, or indicate “n/a” if not applicable]  

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Article 4- Procedures and Document specifications

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3 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___.

_____________________________
Director of Development Services

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 Director of Development Services 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 whenever 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.

2. The County Arborist/County Landscape Architect 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. (Amm 03/21/17)

3. 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 (Rev 12/20/11)

No Certificate of Occupancy shall be issued by the Building Official with respect to any permit unless and until the Newton County Landscape Architect 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 or a performance bond has been secured as provided by Section 670 A.5.

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-2, R-1, R-2, R-3, MHS, MHP and D-R R-D 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 hydroseeded with grass and/or planted with shrubs and/or groundcover species, and/or provided with other landscaping material or any combination thereof.
Article 4- Procedures and Document specifications

g. Planting areas may be recessed below the grade of parking surfaces with curb breaks on upgrade side of planting 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. Underground 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  (Rev 12/20/11)

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 and maintenance bonds. Prior to release of the bonds, the following conditions must be met to the satisfaction of the County Landscape Architect:

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*Newton County Development Regulations*

*Adopted 03/04/2003 – (Unofficial Working copy with all amendments through 10/18/2016)*
Prior to release of bonds:
1. Dead/dying trees must be replaced.
2. Stakes and ties must be removed.
3. The areas around the tree roots must be mulched.

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 suitably 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 Hecimovich (PAS Advisory Service Report No. 387, 1984); or

C. Prepare another acceptable distribution and assignment using data approved in advance by the Newton County Department of Development Services 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 Department of Development Services 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 Department of Development Services 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 8 ½” 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 Department of Development Services 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 Department of Development services 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: RESERVED (9/05/06)

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 development 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 Director of Development Services 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 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.

2. Light Source (lamp). Only incandescent, fluorescent, metal halide, mercury vapor, natural gas, or color-corrected high-pressure sodium light may be used. The same type must be used for the same or similar type of lighting on any one site or planned development. No colors other than white or off-white (light yellow tones) may be used for any light source for the lighting of signs, structures, or the overall site.

3. Mounting. Fixtures must be mounted in such a manner that the cone of light is not directed at any property line of the site. Maximum mounting heights: Pedestrian oriented - 14 ft. Commercial and other parking areas etc. - 20 ft.

4. Illumination Levels. All site lighting shall be designed so that the level of illumination as measured in foot-candles (fc) at any one point meets the following standards. Minimum and maximum levels are measured at any one point.

Average level is not to exceed the calculated value, and is derived using only the area of the site included to receive illumination. Points of measure shall not include the area of the building or areas that do not lend themselves to pedestrian traffic. Also, if the major portion of the lighting design is to be in front of a building, the average level should not be affected by adding lights in the back of the same building, which would raise the average of the intended area for lighting.

Illumination levels are as follows:

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<th>Location or Type of Lighting</th>
<th>Minimum Level (fc)</th>
<th>Average Level (fc)</th>
<th>Maximum Level (fc)</th>
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<td>15.0</td>
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<td>Commercial Parking Area</td>
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<td>Multi-Family Residential Parking Areas</td>
<td>0.2</td>
<td>1.50</td>
<td>10.0</td>
</tr>
</tbody>
</table>
Sec. 460-030: PLAN REQUIREMENTS

A. A site lighting plan shall be submitted at 1” = 20’ scale minimum.

B. Site lighting plans shall include:

1. Location and mounting information for each light;

2. Illumination calculations showing light levels in foot candles at points located on a ten (10) foot center grid, including an illustration of the areas masked out per the requirements above regarding points of measurement;

3. A fixture schedule listing fixture design, type of lamp, and wattage of each fixture, and number of lumens after using 85% depreciation for both metal halide and high pressure sodium of initial output;

4. Manufacturer’s photometric data for each type of light fixture, including initial lumens and mean depreciation values; and

5. An illumination summary, including the minimum, average, and maximum foot candle calculations (“array values”) and the total number of array points (points used on the ten (10) foot grid calculation).

Section 460-040 STREET LIGHTS (Added 03/21/2017)

A. Where ever one or more of the following applies, Street lights shall be installed.

1) If the width of the lot at the building line is less than or equal to 100ft.
2) Wherever sidewalks have been installed in subdivisions.
3) Wherever there are sewer lines.

B. All streetlight locations must be included on the construction and final plats.

C. New subdivisions may follow the process as set forth in The Newton County Board of Commissioners Code of Ordinances, Streetlight Ordinance Chapter 4, Article 1 Section 4-109 (Division II). (See appendix D)

D. New Subdivisions may also set up private arrangements with the utility provider but must provide proof of this transaction to the Development Services Department. It will be the responsibility of the HOA to follow up with streetlight provision once the developer/builder leaves.
DIVISION 470: SHARED PARKING

Sec. 470-010 SHARED PARKING ANALYSIS

A. When possible, shared parking may be utilized for any of the combinations of uses shown below on any number of properties when approval is reflected in the conditions of zoning for each such property. The conditions of zoning or conditional use permits, as applicable, establish the limits of parking requirements among uses and properties.

B. The standards for determining parking requirements in a multiple use development are:

1. Determine the maximum amount of parking required for each separate use.

2. Multiply each parking requirement by the corresponding percentage for each of the time periods given below.

3. Calculate the column total parking requirement for each time period.

4. The largest column total is the shared parking requirement.

<table>
<thead>
<tr>
<th>Uses</th>
<th>Weekdays</th>
<th>Weekends</th>
<th>Night Time</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>6 a.m.-5 p.m.</td>
<td>5 p.m.-1 a.m.</td>
<td>6 a.m.-5 p.m.</td>
</tr>
<tr>
<td>Office</td>
<td>100%</td>
<td>10%</td>
<td>10%</td>
</tr>
<tr>
<td>Retail</td>
<td>60%</td>
<td>90%</td>
<td>100%</td>
</tr>
<tr>
<td>Hotel</td>
<td>75%</td>
<td>100%</td>
<td>75%</td>
</tr>
<tr>
<td>Restaurant</td>
<td>50%</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Entertainment/Recreational</td>
<td>40%</td>
<td>100%</td>
<td>80%</td>
</tr>
<tr>
<td>Church</td>
<td>50%</td>
<td>50%</td>
<td>100%</td>
</tr>
</tbody>
</table>

Example:

Properties proposed for individual uses would require the following number of parking spaces:

Office: 300 spaces
Retail: 280 spaces
Entertainment: 100 spaces
Total: 680 spaces
Properties proposed for multiple uses under the provisions for shared parking would require the following number of parking spaces:

<table>
<thead>
<tr>
<th></th>
<th>Weekdays</th>
<th></th>
<th></th>
<th>Night Time</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>6 a.m.-5 p.m.</td>
<td>5 p.m.-1 a.m.</td>
<td>6 a.m.-5 p.m.</td>
<td>5 p.m.-1 a.m.</td>
</tr>
<tr>
<td>Office</td>
<td>300</td>
<td>30</td>
<td>30</td>
<td>15</td>
</tr>
<tr>
<td>Retail</td>
<td>168</td>
<td>252</td>
<td>280</td>
<td>196</td>
</tr>
<tr>
<td>Restaurant</td>
<td>40</td>
<td>100</td>
<td>80</td>
<td>10</td>
</tr>
<tr>
<td>Entertainment/Recreational</td>
<td>508</td>
<td>382</td>
<td>390</td>
<td>311</td>
</tr>
</tbody>
</table>

Thus, 508 spaces would be needed for this development, a reduction of 172 spaces or 25 percent.

DIVISION 480: RESERVED

DIVISION 490: RESERVED

DIVISION 495: FEES (Amn 03/21/2017)

A. Permit Fees
Permit fees shall be submitted as a prerequisite to issuance of the permit. Non-payment as a result of submission of a check having insufficient funds, or for any other reason, shall cause the permit to be voided and re-issuance will be subject to penalty as may be established by the Board of Commissioners.

B. Application Fees
Application fees shall be submitted with the application and upon acceptance of the submission for review and consideration shall be non-refundable. Failure to pay a required application fee shall cause the application to be returned to the applicant without acceptance for review or consideration by the County.

1. Following the approval of development plans and prior to authorization to begin construction, the developer shall pay into the Treasury of Newton County required inspection, sanitary sewer permit charges, curb cut or other fees as may be established by the Board of Commissioners. Such fees shall not be refundable following issuance of a Development Permit, except upon approval of the Board of Commissioners.

2. Prior to approval of a Final Plat or Certificate of Occupancy, the developer shall provide to the Department of Development Services such recording fees and performance and/or maintenance bonds as shall be required by these regulations and established by the Board of Commissioners.
3. Multiple Reviews: The fee for Plats and Plans includes a total of three (3) reviews per submitted plat or plan. An additional fee of ½ the original submittal fee will be assessed for each additional review.
ARTICLE 5: SITE DESIGN STANDARDS

DIVISION 500: SITE ANALYSIS AND SUITABILITY OF LAND

A. Subdivision and site plan design shall be based on an analysis of characteristics of the development site such as:

1. Site context;
2. Geology and soil;
3. Topography;
4. Climate;
5. Ecology;
6. Existing vegetation;
7. Existing structures;
8. Road networks;
9. Visual features;
10. Past and present use of site; and
11. Local and regional plans for surrounding communities.

B. Development shall be located to preserve the significant natural features of the site, avoid areas of environmental sensitivity, and minimize negative impacts and the alteration of natural features where practical.

C. Land subject to flooding, improper drainage or erosion or that is unsuitable for development shall not be platted for residential use.

DIVISION 505: RESIDENTIAL DEVELOPMENT DESIGN

Sec. 505-010 GENERAL DESIGN PRINCIPALS
The purpose of good subdivision and site design is to create a functional and attractive development, to minimize adverse impacts, and to ensure that the project will be an asset to the community. To promote this purpose, the subdivision and/or site plan shall conform to the following standards, which are designed to result in a well-planned community without adding unnecessarily to development costs.
Sec. 505-020  NAME OF SUBDIVISION

The name of the subdivision must be approved in accordance with the Newton County Addressing Guidelines, administered by the Board of Tax Assessors. (rev.03/08/06)

Sec. 505-030  LOTS

All lots which shall hereafter be established in connection with the development of a subdivision shall comply with the following design standards unless the proposed subdivision is covered by appropriate provisions of a Zoning Ordinance, wherein relevant standards and requirements are different and shall take precedence:

A. Lot Lines
   Insofar as practical, side lot lines shall be perpendicular or radial to street lines.

B. Jurisdictional Limits and Lot Lines
   Lots shall not be divided by city or county boundary lines.

C. Lot Frontage Arrangements
   The subdividing of the land shall be such as to provide each lot with direct abutting access to an existing public street or to an approved street contained within the proposed subdivision. Each lot must front for a least 40 feet upon an approved street or road.

D. Adequate Building Sites
   Each lot shall contain an adequate building site not subject to flooding and outside the limits of any existing easements or building setback lines required by these Regulations and any applicable existing ordinances or regulations.

E. Panhandle or Flag Lots (rev. 02/22/06)

1. A lot is considered a flag lot if the access portion length is greater than twice the road frontage, with the following exception: In the AR district a lot with (1) road frontage of greater than 40 feet but less than the district standard and (2) an access portion length of less than twice the road frontage shall be considered a flag lot.

2. Flag lots shall have a minimum road frontage of 40 feet and the access portion must maintain a minimum width equal to the road frontage along its entire length. The maximum length of the access portion shall be 300 feet.

3. Flag lots are allowed only in the following zoning districts: A (Agricultural), RE (Rural Estate) and AR (Agricultural Residential).

4. Flag lots shall not be permitted when their effect would be to increase the number of properties requiring direct and individual access connection to the State Highway System or collector or arterial streets as defined by the Newton County Comprehensive Plan.

5. In no instance shall flag lots constitute more than 10 percent of the total number of building sites, or three building sites, whichever is greater.
6. Shared driveways serving flag lots shall not serve more than two residences. Proper display of addresses at the entrance of the driveway and along the length of the driveway is needed for safety purposes. Address signage shall be part of the driveway permit and shall be in place prior to the issuance of a Certificate of Occupancy. All driveways shall meet or exceed the standards of Section 605-100 D. (Separation of Access Points). (11/20/07)

7. The lot area occupied by the access portion shall not be counted as part of the required minimum lot area of that zoning district.

8. Driveways must meet or exceed the standards of Section 605-110, Driveway Design Standards (Newton County Development Regulations).

Flag Lot Table for A & RE Districts

<table>
<thead>
<tr>
<th>Frontage</th>
<th>Length of Access Portion</th>
<th>Type of Lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 40’</td>
<td>N/A</td>
<td>Not Allowed (no variance)</td>
</tr>
<tr>
<td>Equal to or more than 40’</td>
<td>Less than twice the frontage</td>
<td>Standard Lot</td>
</tr>
<tr>
<td>Equal to or more than 40’</td>
<td>More than twice the frontage but less than 300’</td>
<td>Flag Lot</td>
</tr>
<tr>
<td>Equal to or more than 40’</td>
<td>More than 300’</td>
<td>Not Allowed (variance)</td>
</tr>
</tbody>
</table>

Flag Lot Table for AR District

<table>
<thead>
<tr>
<th>Frontage</th>
<th>Length of Access Portion</th>
<th>Type of Lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 40’</td>
<td>N/A</td>
<td>Not Allowed (no variance)</td>
</tr>
<tr>
<td>Equal to or more than 40’</td>
<td>Less than twice the frontage</td>
<td>Flag Lot</td>
</tr>
<tr>
<td>Equal to or more than 40’</td>
<td>More than twice the frontage but less than 300’</td>
<td>Flag Lot</td>
</tr>
<tr>
<td>Equal to or more than 40’</td>
<td>More than 300’</td>
<td>Not Allowed (variance)</td>
</tr>
<tr>
<td>Equal to or more than 75’</td>
<td>Less than twice the frontage</td>
<td>Standard Lot</td>
</tr>
<tr>
<td>Equal to or more than 75’</td>
<td>More than twice the frontage but less than 300’</td>
<td>Flag Lot</td>
</tr>
<tr>
<td>Equal to or more than 75’</td>
<td>More than 300’</td>
<td>Not Allowed (variance)</td>
</tr>
</tbody>
</table>

F. Double or Reverse Frontage Lots

Double frontage and reverse frontage lots shall be required for residential subdivisions along major thoroughfares where internal access can be provided. A no-access easement of at least ten (10) feet in width shall be provided along the line of lots abutting such a traffic artery. When located along a major thoroughfare, the no-access easement shall be planted with a single line of shrubs or trees as approved by the Director of Development Services. All streets must meet the subdivision street standards as required by this Regulation. (Division 600)
Article 5- Site Design Standards

G. Lot Remnants
Lot remnants shall be prohibited. Such remnant areas shall be added to adjacent lots, rather than remain as unusable parcels.

H. Monuments
Solid steel rods at least one-half (½) inch in diameter or square, two (2) feet long, shall be set at all street right-of-way corners, at all points where street right-of-way lines intersect the exterior boundaries of the subdivision, at angle points and points of curve in each street, and at points of change of direction in the exterior boundaries of the subdivision. All other lot corners shall be marked with solid steel rods not less than one-half (½) inches in diameter, and at least 18 inches long and driven so as to be flush with the finished grade.

Sec. 505-040 HISTORIC STRUCTURES, SITES AND LANDSCAPE FEATURES

Historic structures, sites and landscape features shall be considered in site or subdivision design. To the extent feasible, lots, streets and open space shall be designed to maximize the preservation of cultural features, including buildings, sites and landscape features which have cultural or historical significance.

A. Proposed site developments and subdivisions containing or adjacent to an historical resource shall:

1. Be designed to minimize the adverse impacts of new construction on the historical resource;

2. Retain natural features (such as trees and vegetation) which contribute to the preservation of a historical resource or provide a buffer between the historical resource and new development.

3. Use protective techniques (such as limits of disturbance, building restriction lines and buffers) to protect the historical resource. The use of the Rural Village Overlay District standards for the purpose of protecting historical resources shall be encouraged.

Sec. 505-050 CEMETERIES (rev. 02/22/06)

A. Cemeteries shall be identified on the Preliminary Plat or Site Development Plans.

B. Site shall be designed to preserve and protect any identified cemetery

2. The boundaries of the cemetery shall be delineated by a qualified archeologist except where the boundaries are clear and unambiguous.

2. The identified cemetery shall be surrounded by a four-foot high
fence, with gate, made of black or green clad chain link. Wrought iron fences are also allowed. A 10-foot no-disturbance area shall be located between the cemetery limits and the fence. These shall be included in common area on the Preliminary and Final Plats.

3. Said fence shall meet the following criteria:
   
   a. Wire Gauge: 11 ½ to 9 gauge  
   b. Mesh Size: 2-3/8, 2 ¼ or 2-inch  
   c. 2-ounce zinc coating, galvanized after weaving (GAW)  
   d. Color: Polyvinyl chloride coating.  
   f. Framework: ASTM specs for strength requirements of steel posts and rails for residential chain link fence 1992 (F761-82) and for stand colors for polymer-coated chain-link fence (F934-96)  
   g. Fittings: ASTM specification F629-96)  
   h. Gate: ASTM specification (F654-91)  
   i. As industry standards change, or for other fencing of comparable quality or longevity, the Director may consider alternatives.

4. The cemetery boundary shall be clearly marked and shall be protected during construction by a four-(4) foot orange fencing installed prior to the commencement of any land disturbance activity.

5. Cemeteries shall not be included in any portion of a lot other than those areas identified as common areas or open space.

6. A 15-foot wide access easement shall be provided from a public road to the cemetery, and made passable by vehicles, prior to Final Plat approval. Access to the cemetery shall be improved to allow access by visitor’s vehicles, and may include gravel and piping.

7. Significant trees or vegetation that are identified by the archeologist as features of the cemetery shall be preserved and protected. Trees shall have their entire critical root zone, plus an additional 6 feet, protected. If significant trees or vegetation are located outside of no-disturbance area and fence, they shall be protected with orange fencing as required in item B.3.

Sec. 505-060: Streets

A. The layout of the circulation system shall be designed to provide access and to accommodate vehicular traffic, and provide for pedestrians safely and efficiently with minimum impact on adjacent properties.
B. The layout of the circulation system shall be adapted to the site, taking into consideration physical factors such as natural elements, grade, and drainage, as well as aesthetic factors, such as the visual impact of the street pattern and the highlighting of special site features.

C. Proposed street layouts shall be coordinated with the street system of the surrounding area or with proposed plans for streets in the area filed with the County, for the continuation of the existing system.

D. Private streets may be permitted by the Department of Development Services in developments where controlled access or privacy is desired by the developer, provided such streets meet the standards of public streets as specified herein.

DIVISION 510: MANUFACTURED HOME PARK DESIGN

Sec. 510-010 VEHICULAR ACCESS
Direct vehicular access to the manufactured home park shall be provided by means of an abutting improved public street. Each development shall be provided with one or more major interior thoroughfares. These major thoroughfares shall be directly related or connected to the major points of ingress and egress. The following minimum requirements shall apply:

A. Entrance or access streets or drives shall have a minimum driving surface width of 24 feet width with curbing as necessary for drainage control. Medians, if provided, shall be a minimum of 10 feet wide and there shall be not less than two 12 ft. one-way lanes.

B. For developments designed to accommodate 300 sites or more:
   1. A paved street with minimum street width of 24 feet.

C. For developments designed to accommodate less than 300 sites:
   1. A paved street; and minimum street width of 22 feet.

D. Other streets shall be provided as follows with on-street parking prohibited:
   1. Streets serving 13-40 sites:
      a. A paved driving surface; and minimum width of 20 feet.

   2. Streets serving 1-12 sites:
      a. A paved driving surface with a minimum width of 18 feet.

   3. One-way streets serving 1-19 sites:
      a. A paved driving surface a minimum width of 12 feet.

   4. One-way streets serving 20 or more sites:
      a. A paved driving surface with a minimum width of 14 feet.
Article 5- Site Design Standards

E. Street intersection centerlines shall be a minimum of 100 feet apart if not directly opposite one another, and shall be at right angles, except where other arrangements of intersections provide equal or better movement of traffic.

F. All streets shall be constructed to meet the minimum requirements except that those minimum widths as specified herein shall apply.

G. Two parking spaces shall be off-street and in parking stalls or bays a minimum of 10 feet by 20 feet shall be provided for each manufactured home. A minimum of one parking space shall be per site. A second space may be located in a parking bay not more than 150 feet from the site.

Sec. 510-020 MHP IMPROVEMENT STANDARDS

A. Minimum 10 percent of the gross site area shall be devoted to recreational facilities, including space for community buildings and facilities. In addition:

1. Major recreational facilities shall, in general, be centrally located (with satellite facilities in sub-areas of larger parks). Recreational facilities for small children shall, when practical, be separated from other recreational facilities.

2. No area to be computed as recreation space shall have a dimension less than twenty (20) feet measured in any direction.

B. The maximum impervious surface coverage shall be 40 percent of the gross lot area.

C. Anchor systems shall be provided and installed as required by state law and Newton County building codes.

D. All improvements required above, including utilities, shall be installed and maintained at the expense of the developer.

DIVISION 515: MANUFACTURED HOME SUBDIVISION DESIGN

All manufactured homes located within the subdivision shall be required to be installed according to the requirements of Newton County and the State of Georgia. The subdivision shall also conform to the applicable requirements as set out in the subdivision regulations of Newton County and amendments hereto.
DIVISION 520: RESIDENTIAL SUBDIVISION RECREATION STANDARDS

Sec. 520-010 RECREATION AREAS (Rev. 12/20/11)

A. If the developer constructs recreational facilities on the recreational land in a development, the land shall be deeded to a Homeowner’s Association or other legal entity as provided under Section 425-080 of the Zoning Ordinance. The land shall be used exclusively for recreational purposes and shall be made available to all residents of the subdivision project on an equal basis. Failure to install the approved facilities before the completion of 75 percent of the development’s units will result in the Department not issuing of a Certificate of Occupancy until the conditions of this Division is met.

B. In multi-family or condominium projects, land provided for recreational use in accordance with these requirements shall be held in fee simple by the owner of the project.

C. Newton County may lease or sell land reserved for public parks to a qualified Homeowner’s Association with a deed restriction that the land be used exclusively for open space or public recreational purposes in perpetuity. The organization of a qualified Homeowner’s Association and its adequate financing for the discharge of responsibilities shall be assured through acceptable private deed covenants running with the land or other such documents as approved by the Board of Commissioners of Newton County.

E. Development Standards

1. The recreation areas shall be located a minimum of 100 feet from any lot outside the development in which it is proposed to be located. All structures, including fencing, shall comply with the minimum principal building setbacks of the applicable district.

2. The limits of the recreational area including the parking and associated structures and usable grounds must be located a minimum of 35 feet from any road outside of the development or exterior property line. The 35-foot requirement shall contain a 25-foot buffer or landscape strip planted to buffer standards with a 10-foot improvement setback.

3. A minimum 10-foot wide buffer or landscape strip developed to buffer standards shall be provided along all interior property lines (except access points) or a minimum 6-foot high, 100 percent opaque fence or wall interior to a 5-foot wide landscape strip.

4. Buffer/landscape strip plans must be submitted which are in conformance with the standards of the Tree Protection and Landscape Ordinance, subject to approval by the Building Official.
Article 5- Site Design Standards

5. Sources of exterior illumination shall be directed away from adjoining residences and streets. Outdoor lighting of recreation facilities or uses shall be used only between dusk and 11:00 p.m.

6. Swimming pools shall meet the requirements of the Newton County Zoning Ordinance.

DIVISION 525: COMMERCIAL, MULTI-FAMILY, OR OTHER DEVELOPMENT STANDARDS

Sec. 525-010 GENERAL DESIGN STANDARDS (11/28/2007)
The purpose of good site design is to create a functional and attractive development, to minimize adverse impacts, and to ensure a project will be an asset to the community. To promote this purpose, the site plan shall conform to the following general standards that are designed to result in a well-planned community without adding unnecessarily to development costs.

A. Buildings shall be oriented toward public or interior streets. Entrances shall be indicated on the site plans.

B. Buildings located within 30 feet of a public street shall provide access to pedestrians from the street.

C. Buildings on corner lots shall be setback from the right-of-way equal to the front yard setback for the zoning district.

D. All building exteriors that face public streets shall have similar architectural features (such as windows, façade offsets, columns and arcades) building materials, and roof lines as the front. Screening in the form of fencing, landscaping or berms may be required, if mechanical features are visible. Elevations of all sides shall be part of the building permit application.

E. Refuse containers, mechanical equipment, loading facilities, and outdoor storage areas shall be screened and buffered so as not to be visible from public right of ways or adjacent residentially zoned property.

F. The development shall also conform to the applicable requirements as set out in the Development Regulations of Newton County.

Sec. 525-020 STREETS AND ACCESS

A. Adjacent commercial or office properties shall construct a cross access drive and pedestrian access walkway, completed to their respective property lines, where feasible to allow circulation between sites.
B. Joint driveways and cross access easements shall be established wherever feasible along major arterial highway corridors. The building site shall incorporate stub-outs and other design features to indicate that abutting properties may be connected to provide cross access via a service drive.

C. Sidewalks are to be provided along public street frontage where feasible and within the development for safe pedestrian circulation.

D. Interior streets shall be 28 feet in width.

G. Notwithstanding the foregoing requirements, the Director is authorized to waive the requirements of subsections A-C if the Director determines the connectivity requirements is not feasible or would require interconnection of incompatible uses. In the event a developer is dissatisfied with a waiver determination made by the Director, the determination may be appealed to the Board of Commissioners at their next regularly scheduled meeting.

Sec. 525-030 LIGHTING
A. All on site lighting must meet the standards included in these Regulations.

Sec. 525-040 LANDSCAPING AND TREE PROTECTION
A. Landscaping and Tree Protection must meet the requirements of these regulations.

Sec. 525-050 CEMETERY, NON-RESIDENTIAL (Added 03/21/2017)
A. An existing Cemetery/grave shall be identified in a survey or on the Preliminary plat, Site Development Plan and Final plat.

B. The site shall be designed to preserve and protect any identified cemetery.

1. The boundaries of the cemetery/grave shall be delineated by a qualified archeologist except where the boundaries are clear and unambiguous.

2. The identified cemetery/grave shall be surrounded by a four-foot high fence, with gate, made of black or green clad chain link or of wrought iron or similar material, fences. A 10-foot no-disturbance area shall be located between the cemetery/grave limits and the fence.

3. Said fence shall meet the following criteria:
   a. Wire Gauge: 11 ½ to 9 gauge
   b. Mesh Size: 2-3/8, 2 ¼ or 2-inch
   c. 2-ounce zinc coating, galvanized after weaving (GAW)
   d. Color: Polyvinyl chloride coating.
f. Framework: ASTM specs for strength requirements of steel posts and rails for residential chain link fence 1992 (F761-82) and for stand colors for polymer-coated chain-link fence (F934-96)
g. Fittings: ASTM specification F629-96
h. Gate: ASTM specification (F654-91)
i. As industry standards change, or for other fencing of comparable quality or longevity, the Director may consider alternatives.

4. The cemetery boundary shall be clearly marked and shall be protected during construction by a four-(4) foot orange fencing installed prior to the commencement of any land disturbance activity.

5. A 15-foot wide access easement shall be provided from a public road to the cemetery/grave, and made passable by vehicles, prior to site plan approval. Access to the cemetery shall be improved to allow access by visitor’s vehicles, and may include gravel and piping.

6. Significant trees or vegetation that are identified by the archeologist as features of the cemetery/grave shall be preserved and protected. Trees shall have their entire critical root zone, plus an additional 6 feet, protected. If significant trees or vegetation are located outside of no-disturbance area and fence, they shall be protected with orange fencing as required in item B.3.

DIVISION 530: RESERVED

DIVISION 535: BUFFERS AND SCREENING

Sec. 535-010: STREAM BUFFERS
Buffers shall be provided around lakes, streams, and other protected water bodies in accordance with Section 520-010 of the Newton County Zoning Ordinance.

Sec. 535-020: LAND USE TRANSITION BUFFERS (07/17/12)
A.
1. Buffers shall be required between dissimilar districts or uses in accordance with the provisions of the Zoning Ordinance or as a condition of zoning, conditional use permit or variance approval.

2. Credit shall be given for buffer area in determination of lot yield.

B. Buffers shall meet the minimum width requirements contained in Section 520-020 of the Newton County Zoning Ordinance, except as authorized for reduction by a condition of zoning, conditional use permit, or variance approval.
C. Screening Requirements

1. Buffers shall be natural, undisturbed and free of encroachments including stormwater ponds (except as authorized by a condition of zoning, conditional use or zoning approval or as authorized herein).

2. Buffers shall be of such nature and density so as to screen activities, structures, and uses on the property from view from the normal level of a first story window on an abutting lot and shall further provide a year-round effective visual screen. The Newton County Landscape Architect shall determine if supplemental plantings are necessary to achieve this goal, and so, shall approve a planting plan. (07/17/12)

3. Buffers required alongside property lines shall extend to a street right-of-way line unless otherwise required to observe the sight distance requirements, or as authorized by a condition of zoning, conditional use or zoning approval.

4. In situations where the required buffer width is partially or completely contained within an existing easement (i.e. power or natural gas transmission, etc.) the screening requirements of this Section shall be met outside of the easement area except that the use of a wall or fence of solid appearance not less than six (6) feet in height and approved by the Department of Development Services shall be permitted as an alternative to additional undisturbed buffer.

D. Supplemental Plantings in Buffers

1. Buffers in which vegetation is non-existent or is inadequate to meet the screening requirements of this Section shall be planted with supplemental plantings so as to provide a year-round effective visual screen.

2. Supplemental plantings and replantings shall consist of evergreen trees, shrubs, or combination. All trees planted shall be a minimum of six (6) feet in height at the time of planting and shall be a species which will achieve a height of at least twenty (20) feet at maturity. All shrubs planted shall be a large growing species, shall be a minimum of three (3) feet in height at time of planting and shall be a species which will achieve a height of at least ten (10) feet at maturity.

E. Non-Vegetative Screening

1. Non-vegetative materials utilized to satisfy the screening requirements of this Section, in addition to the use of existing vegetation and/or supplemental plantings, may consist of walls, opaque fences, earthen berms, or any combination thereof.

2. If walls or opaque fences are to be utilized, their placement and installation shall be such so as to cause minimal disturbance of existing vegetation and located so as to provide an effective visual screen.
F. Disturbance or Encroachments

1. Ditches, swales, stormwater conveyance facilities, stormwater detention ponds, sanitary sewer conveyance facilities, and any associated easements, shall not encroach into a buffer except that necessary access and utility crossings (e.g. stormwater or sanitary sewer pipes) may encroach into the buffer as near to perpendicular as practical.

2. Supplemental plantings or replantings of vegetation or authorized non-vegetative screening devices shall be authorized to encroach into a buffer provided there is minimal disturbance of any existing vegetation.

3. Land disturbance is authorized in areas of a buffer that are devoid of significant vegetation provided that the final grade and replantings of vegetation meet the screening requirements.

4. Dying, diseased or dead vegetation may be removed from a buffer provided minimal disturbance occurs. Vegetation thus removed shall be replaced where necessary to meet the screening requirements.

G. Protection during Land Disturbing Activities

1. During authorized land disturbing activities, buffers shall be clearly marked and protected prior to, and during, construction.

DIVISION 540: LAND DISTURBANCE

Sec. 540-010 CLEARING AND GRUBBING
Clearing and grubbing shall be performed only within the limits shown on plans. All timber, brush, roots, stumps, trees, or other vegetation cut during the clearing operations shall be disposed of properly.

Sec. 540-020 GRADING
A. Grading shall be done in accordance with the lines and grades shown on the approved plan.

B. Grading plans shall show existing and proposed contour lines at an interval of no more than two feet. Grading plans shall outline the areas which are required to remain undisturbed, including tree protection areas, open space areas, and any required buffers, and shall indicate protective fencing or staking to be placed surrounding such areas.

C. Embankments Fill shall be placed in uniform layers not to exceed a compacted thickness of 8 inches per layer and shall be compacted to a density of 95 percent of the maximum laboratory dry weight per cubic foot as determined by AASHTO Method T-99 in all areas where structures, parking lots and drives, streets, and utilities are to be placed. All other embankments areas of fill are to be compacted to at least 85 percent.
D. The maximum slopes for cut or fill shall be 2:1 (two feet of horizontal run for each foot of rise or fall). The depth of cut referred to herein shall be the maximum cut or fill occurring in any one section of cut or fill. The slope of cut or fill shall be uniform throughout each section of cut or fill except when benching is approved by the Department. When a cut is made in rock that requires blasting, the slope may be steeper if pre-splitting is employed and upon submission of a geotechnical report which substantiates the integrity of the rock in the steeper condition, subject to the review and approval of the County Engineer.

E. If the 2:1 slope shows evidence of shearing, non-cohesiveness, sliding or inability to maintain compaction, compaction, the slope shall be stabilized at 3:1 or by using such mechanical methods as needed (such as retaining walls or “grow mats” stapled in place) to maintain slope, height, and integrity.

Sec. 540-030 CONSTRUCTION AND DEMOLITION WASTE DISPOSAL
All construction debris shall be disposed of in compliance with the Newton County Solid Waste Disposal Ordinance. Bury and burn pits shall be shown on Construction Plans and Final Plats.
ARTICLE 6: SITE IMPROVEMENTS

DIVISION 600: RESERVATIONS AND DEDICATIONS

Sec. 600-010 GENERAL REQUIREMENTS
Every developer of lands within the jurisdiction of the Newton County Development Regulations shall provide the site improvements included in these Regulations as shall be reasonably necessary to serve the project. Site improvements and associated lands shall be provided at no cost to Newton County and shall be dedicated or otherwise transferred, as required, to the public in perpetuity.

Sec. 600-020 DEVELOPMENTS WITH NO DEDICATED PUBLIC IMPROVEMENTS
A. When an applicant proposes to provide improvements and does not intend to dedicate such improvements to the County, the applicant must provide a legally binding instrument guaranteeing the perpetual maintenance of such improvements in accordance with the requirements of Section 425-080 of the Zoning Ordinance.

B. Restrictive covenants related to the ownership, use, or maintenance of such common property must be approved by the county attorney as to form and manner of execution and recorded prior to the sale.

Sec. 600-030 OPENING AND IMPROVING STREETS
A. Street dedication subject to approval by Department of Development Services:
No land designated, reserved, proposed or dedicated as a street shall be accepted, opened, or improved, nor shall any utilities or other facilities be installed, unless such street shall have been accepted or opened as, or otherwise shall have received the legal status of a public street, prior to the adoption of these Regulations, or unless such street substantially corresponds in its location and lines with a public or private street shown on a Preliminary or Final Plat approved by the Department of Development Services or on a plat made and adopted by the Department of Development Services; provided, however, that the County Commissioners may locate and construct or may accept any other street if first submitted to the Department of Development Services for review and comment. Approval of a plat by the Department of Development Services shall not be deemed as acceptance of any street shown thereon by the County Commission. Final acceptance of the streets shall occur at the expiration of the maintenance bond period.

B. Street Improvements
Where any street improvement, traffic control sign, street sign or traffic signal improvement is required to accommodate any new development, costs of said project improvement shall be paid by the applicant seeking a development permit, unless the county agrees, in writing, to share the cost.
Sec. 600-040  ERECTION OF BUILDINGS
No building permit shall be issued and no building shall be erected on any lot, parcel, etc unless the street giving access to the project development has been approved by the Department of Development Services as meeting the standards of a public street in accordance with these Regulations, or unless such street has attained the status of a public street prior to the effective date of these Regulations.

Sec. 600-050  RESERVATION OF PLAN FEATURES
Where the future features of the Comprehensive Plan, such as school sites, parks, playgrounds, and other public spaces are located in whole or in part in a proposed subdivision, such features shall be reserved by the developer; provided, however, that no more than ten (10) percent of the total area of the subdivision shall be required for reservation to fulfill the requirements of this Section. Whenever the land required for such plan features is not purchased, acquired, optioned or condemned by the appropriate public agency within a two-year period from the date of recording the subdivision or by the time that at least seventy-five (75) percent of the lots are built on and occupied, whichever is sooner, the developer may claim the original reservation and use it to be subdivided in a manner suitable to the developer, subject to the provisions of this Section. Whenever a public body responsible for land acquisition executes a written release, stating that the reserved land is not to be acquired, the Department of Development Services shall waive the reservation requirements.

Sec. 600-060  RESERVATION OMISSIONS
The Department of Development Services shall not approve any plats of a subdivision when such planned features, as specified by the Comprehensive Land Use Plan, are not incorporated into the plat, and the reservation requirements for such features have not been waived.

Sec. 600-070  UNNECESSARY OR UNSUITABLE RESERVATIONS
Whenever the Department of Development Services finds that proposed reservation of land or dedication of land for public use is not required or suitable for such public use, it may require the rearrangement of lots to include such land.

DIVISION 605:    STREETS AND THOROUGHFARES

Sec. 605-010  GENERAL POLICIES
A. The layout of the circulation system shall be designed to provide access and to accommodate vehicular traffic and pedestrians safely and efficiently with minimum impact on adjacent properties.

B. The layout of the circulation system shall be adapted to the site, taking into consideration physical factors such as natural elements, grade, and drainage, as well as aesthetic factors, such as the visual impact of the street pattern and the highlighting of special site features.
C. The character, capacity, location, design, and construction of all public streets and thoroughfares shall conform to the standards established in these Regulations, and, where applicable, the design and construction specifications of the Georgia Department of Transportation, and the American Association of State Highway and Transportation Officials’ (AASHTO) A Policy on Geometric Design of Highways and Streets (1994).

D. Thoroughfares in developments shall follow the designations and purposes of the Newton County Comprehensive Plan. Streets shall be designed according to a hierarchy of functions with through traffic separated from residential streets.

E. Proposed street layouts shall be coordinated with the street system of the surrounding area or with proposed plans for streets in the area filed with the County.

F. Private Streets
Private streets may be permitted by the Planning Department where controlled access or privacy is desired by the developer, provided such streets meet the standards of public streets as specified herein.

Sec. 605-020 STREET NAMES (rev.03/07/06)
Street names must be approved in accordance with the Newton County Addressing Guidelines, administered by the Board of Tax Assessors.

Streets or roads that are extensions of, or obviously in alignment with, existing named streets, shall bear the same name. The names of new streets and roads shall be subject to the approval of the Planning Department and shall not duplicate or be similar in sound to existing names, irrespective of the use of a suffix such as street such as street, avenue, circle, way, boulevard, drive, place or court. Street names may be changed by the Planning Commission based on a report of the Planning Department, County Engineer or Public Safety Department and following a public hearing advertised in conformance with Section 620-020 of the Zoning Ordinance.

Sec. 605-030 RIGHT-OF-WAY STANDARDS
A. Dedication of Street Right-Of-Way
Right-of-way for all abutting and internal public streets, existing and proposed, shall be dedicated in accordance with the street classifications as shown in the Comprehensive Plan or as otherwise required by the Board of Commissioners.

B. Right-of-Way and Pavement Widths
Widths for new streets or widening sections shall be as shown on the following table (roadway width dimensions are back-of-curb to back-of-curb)
# Right-of-Way and Road Widths Table

<table>
<thead>
<tr>
<th>Street Category</th>
<th>R-O-W</th>
<th>Roadway</th>
<th>Min Lane</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal Arterial, Urban</td>
<td>120’</td>
<td>6 through lanes undivided: all lanes max 12’ plus curb and gutter</td>
<td>12’</td>
</tr>
<tr>
<td></td>
<td>150’</td>
<td>6 through lanes divided</td>
<td></td>
</tr>
<tr>
<td>Major Arterial</td>
<td>100’</td>
<td>52’ undivided - 66’ - 5L flush median</td>
<td>11’6”</td>
</tr>
<tr>
<td></td>
<td>100’</td>
<td>2 x 27’ - 4L divided</td>
<td></td>
</tr>
<tr>
<td>Minor Arterial</td>
<td>100’</td>
<td>66’ - 5L undivided</td>
<td>12’</td>
</tr>
<tr>
<td>Non-Residential Area</td>
<td>80’</td>
<td>52’ - 4L undivided</td>
<td>12’</td>
</tr>
<tr>
<td>Residential Area</td>
<td>80’</td>
<td>52’ - 4L undivided</td>
<td>12’</td>
</tr>
<tr>
<td>Major Collector</td>
<td>80’</td>
<td>56’ undivided</td>
<td>13’</td>
</tr>
<tr>
<td>Non-Residential Area</td>
<td>60’</td>
<td>32’ - 2L.</td>
<td>14’</td>
</tr>
<tr>
<td>Residential Area</td>
<td>60’</td>
<td>27’ - 2L.</td>
<td>11’6”</td>
</tr>
<tr>
<td>Local Street</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-Res. Area and Res. Area</td>
<td>60’*</td>
<td>36’ - 2L. with on-street parking***</td>
<td>12’</td>
</tr>
<tr>
<td>with lots less than 60’ wide</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential - Rural: A, R-E, A-R</td>
<td>60’</td>
<td>22’ pavement width (no curb)**</td>
<td>11’</td>
</tr>
<tr>
<td>Other Residential Area</td>
<td>50’</td>
<td>27’ - 2L. (BOC to BOC)</td>
<td>11’6”</td>
</tr>
<tr>
<td>Traditional Neighborhood Design</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(see details in Appendix)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alley</td>
<td>20’</td>
<td>12’ (no curb)</td>
<td>12’</td>
</tr>
<tr>
<td>Lane</td>
<td>40’</td>
<td>18’ (with curb and gutter)</td>
<td>8’</td>
</tr>
<tr>
<td>Street</td>
<td>50’</td>
<td>28’ w/ curb gutter &amp; parking</td>
<td>9’</td>
</tr>
<tr>
<td>Avenue w/ Parking &amp; Median</td>
<td>98’</td>
<td>26’ (18’ w/ no c&amp;g or parking)</td>
<td>11’</td>
</tr>
<tr>
<td>Main Street Without Median</td>
<td>66’</td>
<td>38’ (c&amp;g, parking)</td>
<td>11’</td>
</tr>
<tr>
<td>Boulevard</td>
<td>122’</td>
<td>37’ (c&amp;g, bike lane, parking)</td>
<td>11’</td>
</tr>
<tr>
<td>Parkway w/ Median</td>
<td>118’</td>
<td>27’ (w/ c&amp;g)</td>
<td>12’</td>
</tr>
<tr>
<td>Cul-de-sac</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-residential and Residential with</td>
<td>60’ radius*</td>
<td>50’ radius</td>
<td>N/A</td>
</tr>
<tr>
<td>lots 60’ wide or less</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential - Rural: A, R-E, A-R</td>
<td>50’ radius</td>
<td>40’ radius**</td>
<td>N/A</td>
</tr>
<tr>
<td>Other Residential Area</td>
<td>50’ radius</td>
<td>40’ radius</td>
<td>N/A</td>
</tr>
</tbody>
</table>

N/A

119 | Newton County Development Regulations
Adopted 03/04/2003 – (Unofficial Working copy with all amendments through 10/18/2016)
* or less if utility easement is acceptable to Planning Department and provided in a location and size as required or approved by the Newton County Water and Sewer Authority.

** Measured to edge of pavement.

+++ Or alleys may be permitted

C. Street Right-of-Way Dedication at the time of Development

1. The minimum width of right-of-way shall be dedicated based upon the street categories as shown in the Comprehensive Plan and as contained in these Regulations.

2. On any existing street which abuts a property to be developed, one-half (½) of the required width of right-of-way shall be dedicated at no cost to Newton County, as measured from the centerline of the roadway along the entire property frontage.

3. Additional street right-of-way width may be required for dedication at intersections or other locations fronting the property where turning lanes, storage lanes, medians or re-alignments are required for traffic safety and minimum right-of-way standards would be inadequate to accommodate the improvements.

4. If a new street or thoroughfare is proposed by the Georgia Department of Transportation Three-Year State Implementation Plan to adjoin or traverse the property, this proposed road shall be accommodated into the development plans of the property in accordance with these Regulations. These right-of-way requirements shall govern except where there exist clearly defined plans of the Georgia Department of Transportation or Newton County, which require additional right-of-way. In that case, the greater right-of-way requirement shall govern.

Sec. 605-040 STREET WIDENINGS

A. The developer shall be responsible for street widenings and/or improvements in the following:

1. When property fronting on an existing or proposed County road is to be developed or redeveloped and the property provides access to the County road, roadway improvements (i.e. pavement, curb, gutter) are required to bring the County road up to a typical standard section along the frontage of the proposed property in accordance with the classification of the road and the standards of these Regulations. Associated drainage improvements as deemed necessary by the Department shall also be required.

2. Widening or curb and gutter as required by the standards of these regulations shall be provided from the centerline of the roadway along the side of the road upon which the property abuts and along the entire property frontage.

3. The developer shall be responsible for the relocation of public or private utilities and drainage structures as may be occasioned by the required road improvements,
unless Newton County agrees, in writing, to share the cost of said utility and drainage relocation.

4. Exceptions:
   a. Any subdivision with property fronting an existing County road for which there exists clearly defined improvement plans by the Georgia Department of Transportation or Newton County shall be exempt from design and may be exempt from part or all construction of the widening of the County road at the discretion of the Board of Commissioners

Sec. 605-050 NEW STREETS
A. All new streets proposed to be constructed, whether public or private, shall be designed and constructed at least to the standards contained in these Regulations in accordance with the classification of streets.

B. If a new street or thoroughfare is proposed by the Comprehensive Plan or the State of Georgia to traverse the property, the proposed road shall be constructed in accordance with the street classification as shown in the Comprehensive Plan and contained in these Regulations or as shown on plans proposed by the County or State of Georgia.

C. If the development or facility is to have a limited or controlled access roadway and access to the property from the street or thoroughfare will not be allowed by the State or County, the improvements shall not be required.

D. Substandard Streets
If a street not consistent with good transportation engineering practices (for example, dirt or gravel road, inadequate width of pavement or right of way, improper angle of approach), provides the primary means of access to a development, the developer shall enter into a contract with the County regarding the upgrading of the substandard street. Said contract shall specify the improvements to be completed by the developer and the improvements, if any, to be completed by the County. Any such contract shall be approved by the Board of Commissioners.

E. Improvements Along State Highways
For any development which abuts a State highway or other right-of-way controlled by the State of Georgia, improvements to the roadway and the location and design of any street or driveway providing access from the State highway shall comply with the standards and requirements of the Georgia Department of Transportation only when more restrictive than the requirements of these Regulations. A permit for the proposed access or improvements shall be required to have been approved by the Georgia Department of Transportation and incorporated into the construction drawings for the project prior to issuance of a development permit by the Department.
F. Permanent Dead End Streets

1. Permanent dead end streets are discouraged unless unique parcel configuration or terrain makes a fully connected street pattern infeasible.

2. When necessary dead end streets that have one end permanently closed shall provide a cul-de-sac turnaround and may be no more than 2,800 feet in length and shall provide adequate turn around space for fire and emergency vehicles.

3. The length of a cul-de-sac street shall be measured from the center of the cul-de-sac to the center of the intersection with another street.

4. Eyebrow cul-de-sacs (half cul-de-sac) are permitted as a means to add interest and variety to streets.

5. Cul-de-sacs shall conform to standard layout and dimensional requirements of Section 605-030.

G. Temporary Dead End Streets

1. A temporary dead end street shall be constructed to the boundary of a subdivision where necessary to provide access to a land-locked abutting property for planned continuity of future circulation, improved access for public safety vehicles or for the extension of public water or other utilities to neighboring properties. Such dead end streets shall be designed so as to allow their reasonable extension and shall be located so as to be reasonably incorporated into a street design for the neighboring property. The stub street requirement may be waived by the Director.

2. Dead end streets on abutting property shall be extended into a proposed subdivision and incorporated into the street design of the development. This requirement may be modified by the Director of Development Services in cases of serious topographical hardship or dissimilar zoning which would create unacceptable land use conflicts between the two developments. This modification may be conditioned on the provision of easements necessary for the extension of public utilities, the provision of a cul-de-sac or other permanent turnaround on the dead end street or the removal of the dead end street back to its nearest intersection.

3. Where a dead end street (other than a cul-de-sac) extends 250 feet or more in multi-phase subdivision and such street is to be extended later, the developer shall be required to provide a temporary vehicular turnaround within the right-of-way. This requirement may be waived if extension of the dead end street is approved and under construction prior to its inclusion in a Final Plat.

4. Where feasible, there shall be interconnectivity to adjacent property via dedicated ROWs.
H. Reserve Strips
Land in private ownership adjacent to public rights-of-way which could control or are intended to control access to streets, alleys or public lands shall not be permitted unless control is given to the County under ownership, dedication or easement conditions. No development shall be designed so as to deny access to abutting land locked properties.

I. Alleys
Alleys may be permitted by the Director of Development Services where lots are less than 60 feet in width or otherwise when the developer produces satisfactory grounds for the request. In the event the Director approves the request, the alleys must be laid out in a grid fashion at rear lot lines, and double-fronting lots are permitted. However, in residential subdivisions with alleys driveway access shall be permitted on the alley side only. The alley shall be designated as a private street or constructed as a local street pursuant to the standards contained in these Regulations. Alleys shall not be permitted as dead end streets except in unusual circumstances subject to approval by the Director.

J. Street Jogs

1. Streets shall either directly align or have offsets of a minimum of 125 feet for residential subdivision streets and a minimum of 200 feet for non-residential subdivision streets, as measured between the centerlines.

2. Where alignment is not desirable or feasible, all collectors or arterials shall provide offsets, as required by the Department, and spaced no less than 600 feet apart as measured between centerlines.

### Sec. 605-060 GEOMETRICS

A. Horizontal Curvature and Super-elevation
All new streets shall adhere to the following standards governing horizontal curvature and super-elevation unless otherwise specified by the Georgia Department of Transportation:

<table>
<thead>
<tr>
<th>Street Category</th>
<th>Min Radius</th>
<th>Maximum Super-elevation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal Arterial</td>
<td>1,333 feet</td>
<td>0.06</td>
</tr>
<tr>
<td>Major Arterial</td>
<td>833 feet</td>
<td>0.06</td>
</tr>
<tr>
<td>Minor Arterial</td>
<td>560 feet</td>
<td>0.04</td>
</tr>
<tr>
<td>Major Collector</td>
<td>560 feet</td>
<td>0.04</td>
</tr>
<tr>
<td>Minor Collector</td>
<td>300 feet*</td>
<td>0.04</td>
</tr>
<tr>
<td>Local</td>
<td>250 feet*</td>
<td>0.00</td>
</tr>
</tbody>
</table>

*Except to avoid obstacles

B. Tangents
Between reverse horizontal curves there shall not be less than the minimum centerline tangents shown below unless otherwise specified by the Georgia Department of Transportation or approved by the Director of Development Services. Compound radii are prohibited. Desirable length shall be provided unless hardship conditions of topography or
property configuration do not allow for tangent lengths greater than the minimum. For compound circular curves, the ratio of the flatter radius to the sharper radius shall not exceed 1.5 to 1.

<table>
<thead>
<tr>
<th>Street Category</th>
<th>Minimum Tangent Length</th>
<th>Desirable Tangent Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal Arterial</td>
<td>150 feet</td>
<td>180 feet</td>
</tr>
<tr>
<td>Major Arterial</td>
<td>125 feet</td>
<td>150 feet</td>
</tr>
<tr>
<td>Minor Arterial</td>
<td>100 feet</td>
<td>120 feet</td>
</tr>
<tr>
<td>Major Collector</td>
<td>100 feet</td>
<td>120 feet</td>
</tr>
<tr>
<td>Minor Collector</td>
<td>75 feet*</td>
<td>90 feet</td>
</tr>
<tr>
<td>Local</td>
<td>50 feet*</td>
<td>60 feet</td>
</tr>
</tbody>
</table>

*Except to avoid obstacles

C. Vertical Alignment

1. All changes in street profile grades having an algebraic difference greater than one (1) percent shall be connected to a parabolic curve having a minimum length in feet (L) equal to the algebraic difference between the grades in percent (A) multiplied by the design constant (K) assigned to the street according to its category (i.e. L = KA).

2. Constant (K) values are shown in the table below for both desirable and minimum acceptable (hardship) conditions. In all cases the desirable value shall be met unless otherwise specified by Georgia Department of Transportation or it cannot be satisfied due to topographic conditions beyond the developer’s control. In such situations, the Department may approve a lesser value to the extent required by the hardship condition but in no case shall a length less than the minimum be permitted.

**CONSTANT (K) VALUES FOR VERTICAL ALIGNMENTS**

<table>
<thead>
<tr>
<th>Street Category</th>
<th>Crest Curves</th>
<th>Sag Curves</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Minimum</td>
<td>Desirable</td>
</tr>
<tr>
<td>Principal Arterial</td>
<td>200</td>
<td>320</td>
</tr>
<tr>
<td>Major Arterial</td>
<td>100</td>
<td>170</td>
</tr>
<tr>
<td>Minor Arterial</td>
<td>55</td>
<td>80</td>
</tr>
<tr>
<td>Major Collector</td>
<td>55</td>
<td>80</td>
</tr>
<tr>
<td>Minor Collector</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Local</td>
<td>25</td>
<td>30</td>
</tr>
</tbody>
</table>

**Sec. 605-070  INTERSECTIONS**

A. Angle of Intersection

Intersections shall generally be at right angles and shall not be at an angle of less than 85 degrees unless approved by the Department County Engineer. The intersection shall not be
less than 80 degrees unless signalized in which case the angle of the intersection may be reduced subject to the review and approval of the County Engineer.

B. Maximum Grade
Street intersections should be designed with a flat grade wherever possible but in no case should exceed a maximum grade of 2 percent in normal situations (or 6 percent in topographical hardship situations on local streets with approval of the County Engineer).

C. Intersection Approaches – Horizontal Alignment

1. New local streets which approach an intersection of a street in a higher category on a horizontal curve having a centerline radius less than 240 feet shall provide a tangent section of roadway at least 30 feet long. Minor collectors approaching an intersection with a major thoroughfare on a horizontal curve having a centerline radius of less than 550 feet shall also provide the 30 foot tangent section. The tangent length shall be measured along the centerline of the street from the right-of-way line on the intersecting street extended to the point of tangency on the centerline of the curve section.

2. New major thoroughfares shall provide tangent sections at intersections with streets in equal or higher categories as needed to provide adequate stopping distances at their design speeds.

D. Intersection Approaches – Vertical Alignment
As a street approaches an intersection with another street, there shall be a suitable leveling of the street at a grade not exceeding 2 percent and for a distance not less than the following minimums:

**APPROACH DISTANCES AT MAJOR INTERSECTIONS**

<table>
<thead>
<tr>
<th>Approaching Street Category</th>
<th>Minimum Approach Distance*</th>
<th>Desirable Approach Distance*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal Arterial</td>
<td>75 feet</td>
<td>100 feet</td>
</tr>
<tr>
<td>Major Arterial</td>
<td>75 feet</td>
<td>100 feet</td>
</tr>
<tr>
<td>Minor Arterial</td>
<td>75 feet</td>
<td>100 feet</td>
</tr>
<tr>
<td>Major Collector</td>
<td>50 feet</td>
<td>75 feet</td>
</tr>
<tr>
<td>Minor Collector</td>
<td>50 feet</td>
<td>75 feet</td>
</tr>
<tr>
<td>Local</td>
<td>25 feet</td>
<td>50 feet</td>
</tr>
</tbody>
</table>

*Distance of the approach is measured from edge of pavement of the intersecting street to the point of vertical curvature in the approaching street. Approval of the County Engineer shall be required to go below desirable approach distance.

E. Intersection Radii
Intersection radii for roadways measured at back of curb and for the right-of-way lines shall be as follows unless approved by the Director:
1. For intersecting streets of different classification, the larger radii shall be provided.

2. In all cases, adequate right-of-way shall be provided to maintain a minimum of 11 feet from back-of-curb.

3. Larger radii may be required for streets intersecting at angles less than 90 degrees.

### INTERSECTION RADII

<table>
<thead>
<tr>
<th>Street Category</th>
<th>Min Roadway Radii</th>
<th>R-O-W Radii*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial</td>
<td>50 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>Major Collector</td>
<td>40 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>Minor Collector-Residential</td>
<td>15 feet</td>
<td>9 feet</td>
</tr>
<tr>
<td>Minor Collector-Non-Residential</td>
<td>40 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>Local-Residential</td>
<td>15 feet</td>
<td>9 feet</td>
</tr>
<tr>
<td>Local-Commercial or Office</td>
<td>25 feet</td>
<td>11 feet</td>
</tr>
<tr>
<td>Local-Industrial</td>
<td>40 feet</td>
<td>25 feet</td>
</tr>
</tbody>
</table>

* Intersecting right-of-way lines may be joined by an arc having the minimum radius shown or by a miter which cuts across the right-of-way lines connecting the points where the required radius would have otherwise been tangent.

F. Islands at intersections

In no case shall anything in an island constructed in a right-of-way extend more than three (3) feet above the street grade within the right-of-way, except traffic regulatory devices and other structures erected or approved by Newton County. No island shall be approved which is less than 100 square feet.

G. Intersection Corner Sight Distance

1. Intersections shall be designed with adequate corner sight distance for each street which approaches a street in an equal or higher street category (except an intersection of two local streets). Where necessary, backslopes shall be flattened and horizontal or vertical curves lengthened to provide the minimum required distance.

2. The minimum corner sight distance from the approaching street shall be equal to or exceed 10 times the regulated speed of the intersecting street, as measured from the center of the approaching street in both directions along the right-of-way line of the intersecting street unless a greater sight distance is required by the Georgia Department of Transportation. The sight distance shall provide clear visibility of an object two feet above the intersecting street viewed from the centerline of the approaching street at the right-of-way line of the intersecting street at a height of three and one-half (3 ½) feet above the ground.
Sec. 605-080 CURBS AND GUTTERS
A. All new streets or street widening sections shall be provided with curb and gutter except as noted below. All gutters shall drain positively with no areas of ponding.

1. In all zoning districts where all lots are greater than one (1) acre and over 125 ft. of road frontage.

B. Streets without curb and gutter shall be graded to provide at least a six-foot shoulder on each side of the pavement. Such shoulders shall have at least a two percent (2%) slope away from the edge of the pavement.

C. Rollback or Hollywood curbing shall be prohibited where street slopes exceed 5%. Such curbing may be used for emergency vehicle turn abouts.

D. Curbing shall conform to the following standards:

1. Concrete shall be Class “A”, as defined by Georgia Department of Transportation, and have a minimum strength of three thousand (3,000) PSI at 28 days.

2. One-half (½) inch expansion joints or pre-molded bituminous expansion joint material shall be provided at all structures and radius points and at an interval not to exceed 250 feet in the remainder of the curb and gutter.

3. When the development ties into existing curbing, the curb and gutter shall match the existing width at the connection point.

E. Curb and gutter shall be set true to line and the grade of the street, horizontally field staked, and finished to the section shown on the plans. Line and grade shall be set by the developer’s engineer or surveyor.

F. Disturbed areas along all curbing shall be back-filled, stabilized, and grassed.

Sec. 605-090 PAVEMENT STANDARDS (Rev. 02/22/06)
Unless otherwise specifically set forth in these Regulations, all of the materials, methods of construction, and workmanship used in street construction shall conform to the latest standard specifications for roads and bridges of the Georgia Department of Transportation.

A. Street Grades
All streets, roads, and alleys shall be graded by the developer in such a manner that pavements and other improvements (sidewalks and curb and gutter, if provided or required) can be constructed to the required cross section. The minimum width of grading shall be the pavement width as specified in Section 605-030, plus six (6) feet on each side measured from the back of curb or pavement edge. Deviation from the above will be allowed only when due to special topographical conditions.
Article 6-site Improvements

B. Minimum Grades

1. The minimum grade for all local and minor collector streets shall be 1.5%. Minimum grades for all major collector and arterial streets shall conform to Georgia Department of Transportation practice.

2. A minimum grade of less than 1.5% on a local street may be approved by the County Engineer based on adequate engineering designs, where at least 1.5% cannot reasonably be achieved due to topographical limitations imposed by the land. In such cases, a Record Drawing and such computations as necessary shall be provided after construction to establish that the street will drain in accordance with these Regulations. Street sections where unacceptable ponding, excessive spread at catch basins or other hazardous conditions occur shall be reconstructed or otherwise improved to eliminate such conditions.

C. Maximum Grades

<table>
<thead>
<tr>
<th>Street Category</th>
<th>Maximum Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal Arterial</td>
<td>6%</td>
</tr>
<tr>
<td>Major Arterial</td>
<td>8%</td>
</tr>
<tr>
<td>Minor Arterial</td>
<td>10%</td>
</tr>
<tr>
<td>Major Collector</td>
<td>10%</td>
</tr>
<tr>
<td>Minor Collector</td>
<td>10%</td>
</tr>
<tr>
<td>Local</td>
<td>12%</td>
</tr>
<tr>
<td>Cul-de-sac Turnaround</td>
<td>-5% to +5%</td>
</tr>
</tbody>
</table>

If the length of vertical tangent is more than 150 feet, then the maximum grade shall require an “as graded” survey prior to the installation of the curb or utilities.

D. Preparation
Before grading is started the entire right-of-way area shall be first cleared of all stumps, roots, brush, and other objectionable materials and all trees not intended for preservation.

E. Cuts
All tree stumps, boulders, and other obstructions, and other objectionable materials shall be removed to a depth of two (2) feet below the subgrade. Rock, when encountered shall be scarified to a depth of twelve (12) inches below the subgrade.

F. Fills

1. All suitable material from roadway cuts may be used in the construction of fills, approaches, or at other places as needed. Undesirable materials, including organic materials, soft clay, etc., shall be removed from the roadway.
2. Fill shall be placed in uniform, horizontal layers not more than eight (8) inches thick (loose measurement). Moisture content shall be adjusted as necessary to compact material to 95 percent of maximum dry density except for the top 12 inches, which shall be compacted to 100 percent of maximum dry density. (Standard proctor ASTM D-698)

3. The filling of utility trenches and other places not accessible to the roller shall be mechanically tamped and compacted to desired densities.

4. Prior to final acceptance, paving work shall pass cording and compaction tests. The costs of such testing shall be the responsibility of the developer.

G. Subgrade

1. Subgrade preparation on all non-local streets shall be in accordance with Georgia Department of Transportation specifications and these Development Regulations.

2. If any section of the subgrade is composed of topsoil, organic, or other unsuitable or unstable material, such material shall be removed and replaced with suitable material and then thoroughly compacted as specified for fill or stabilized with stone or a geo-textile or geo-grid.

3. Fill shall be placed in uniform, horizontal layers not more than 12 inch thick (loose measurement). Moisture content shall be adjusted as necessary to compact material to 95% standard Proctor maximum dry density, except for top 12 inch shall be compacted to 100% standard Proctor.

4. In conjunction with the earthwork within the right-of-way as appropriate, the back-fill shall be thoroughly compacted, a compaction test shall be performed every 2-feet of fill depth every 150 linear feet. The subgrade shall be brought to the lines, grades, and typical roadway section shown on the plans.

5. Utility trenches, including all storm drainage, water and sanitary sewer utilities cut in the right of way shall be back-filled as specified herein, to a 95% compaction test at a rate of one per 150 feet of trench.

6. The subgrade must pass roll testing prior to placement of the base material. Geo-textile or grid may be used to stabilize if subgrade does not pass proof rolling.

H. Local and Minor Collector Streets within a Residential Subdivision (rev. 02/21/06)

1. Asphalt Streets – The following types of base materials may be used:

   a. Crushed Stone Base:
Article 6 - site Improvements

i. The base shall consist of at least 6 inches of graded aggregate base. After being thoroughly compacted and brought to proper section, the base shall be primed with 0.25 gallon of R.C. 70 per square yard according to Georgia DOT standards the same day it is compacted. After curing properly, two (2) inches of modified “B” binder shall be applied. Prior to applying wearing course, a tack coat shall be applied to the binder course at a rate of no less than 0.05 gallons per square yard. Type of tack shall be approved by the Department prior to placement. An additional one (1) inch of type “F’’ wearing course shall be applied.

ii. At the option of the developer, the final wearing course may be deferred until 70 percent of the houses on the street have been built or prior to the end of the maintenance period (but after the 23rd month) whichever occurs first.

b. Soil Cement Base:
If the base material (resident soil) is unsatisfactory to the Department then a soil cement mix design with engineer test results acceptable to the Department may be used. The design must come from a geo-technical firm with the results certified by a Professional Engineer registered in the State of Georgia. The tests required for the design are ASTM D558 or AASHTO T134 or ASTM D559 and/or 560 or AASHTO T135 and 136.

i. The minimum base course shall consist of at least 6 inches of suitable soil (high mica content is not suitable) stabilized with 10 percent of Portland Cement by volume (approximately 42.3 pounds per square yard). Refer to subsection (H) (1) (a) for the applicable binder and/or paving standards. Where the grade of the street is 5 percent or greater, a single surface treatment course must be applied before the binder.

ii. If the base material (resident soil) is unsatisfactory to the Department then a soil cement mix design with engineer test results acceptable to the Department may be used. The design must come from a geo-technical firm with the results certified by a Professional Engineer registered in the State of Georgia. The tests required for the design are ASTM D558 or AASHTO T134 or ASTM D559 and/or 560 or AASHTO T135 and 136.

2. Concrete Streets
Five (5) inches of 3,500 psi concrete is to be applied on a stabilized subgrade, consisting of at least 150 pounds of stone per square yard mixed in six (6) inches deep and compacted. The design and construction of the street shall comply with the Portland Cement Association Standards. Concrete streets shall meet the same compaction standards as asphalt streets.
3. Newton County may require paving work to pass coring and compaction tests prior to final acceptance. A geo-technical engineer must perform testing.

I. Local Residential-Rural Roads
Certain local residential roads may be constructed without curb and gutter as provided in Section 605-080. The road base shall be extended one (1) foot beyond the edge of the pavement to a standard ditch section on each side. Otherwise the roadway shall comply with the standard for new residential subdivision streets.

1. Newton County may require paving work to pass coring and compaction tests prior to final acceptance. A geo-technical engineer must perform testing.

J. Non-Residential Subdivision or Development Streets
The following standards shall apply to new local and minor collector streets in non-residential subdivision and other non-residential projects.

1. Asphalt Streets:
The base course shall consist of at least eight (8) inches of graded aggregate base. After being thoroughly compacted and brought to proper section, three (3) inches of modified “B” binder shall be applied. The base shall be primed with according to Georgia DOT standards the same day it is compacted and cured properly prior to paving. Three (3) inches of modified “B” binder shall be applied to the base. Prior to applying the wearing course, a tack coat shall be applied to the binder course at a rate of no less than 0.05 gallons per square yard. Type of tack shall be approved by the Department prior to placement. The wearing course shall be one (1) inch of type “F” wearing course.

2. Concrete Streets:
Seven (7) inches of Class “A” 3,500 psi concrete is to be applied on a stabilized subgrade, consisting of at least 225 pounds of stone per square yard mixed in six (6) inches deep and compacted. The design and construction of the street shall comply with the Portland Cement Association Standards. Concrete streets shall meet the same compaction requirements as asphalt streets.

3. Newton County may require paving work to pass coring and compaction tests prior to final acceptance. A geo-technical engineer must perform testing.

K. New Major Thoroughfares
Minor collectors and major thoroughfares shall be constructed in accordance with designs prepared by Newton County or Georgia Department of Transportation or, if no design has been prepared, with the following standards:
CONSTRUCTION STANDARDS FOR MAJOR THOROUGHFARES

<table>
<thead>
<tr>
<th>Street Category</th>
<th>Base</th>
<th>Binder</th>
<th>Topping</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal Arterial</td>
<td>10” GAB</td>
<td>5” *</td>
<td>1 ½” F</td>
</tr>
<tr>
<td>Major Arterial</td>
<td>10” GAB</td>
<td>4” modified B</td>
<td>1 ½” F</td>
</tr>
<tr>
<td>Minor Arterial</td>
<td>10” GAB</td>
<td>3” modified B</td>
<td>1 ½” F</td>
</tr>
<tr>
<td>Major Collector</td>
<td>10” GAB</td>
<td>3” modified B</td>
<td>1 ½” F</td>
</tr>
<tr>
<td>Minor Collector</td>
<td>8” GAB</td>
<td>2” modified B</td>
<td>1 ½” F</td>
</tr>
</tbody>
</table>

* 2 ½” type modified “B” binder and 2 ½” asphaltic concrete base.

L. Utilities in the County’s Right-of-Way (rev 11/18/08)

Any road improvement or installation of utilities occurring within the County’s right-of-way or affecting the pavement of an existing County road must meet the following standards and procedures.

1. Utility companies must notify the Newton County Engineer of any work within the county’s right-of-way.
2. A site plan must be included with notification submitted to the County Engineer for work performed within the County’s right-of-way.
3. If the installation of the utilities is part of a new development under an active Land Disturbance Permit and involves crossing a road by trenching or boring 2 feet or less in depth, the developer shall post a Performance and Completion Agreement and bond with the Department of Development Services. The bond shall be in the form of a letter of credit issued from an institution specified in Division 670D, or an escrow account. The amount shall be equal to 100% of the construction costs. The bond is returned after the work in completed and passes inspection.
4. The Department shall be notified at least 24 hours before commencement of work, and the inspector shall be present when work specified by the inspector is performed.

M. Road Improvements Affecting the Existing Public Road. (Rev. 11/18/08)

Any road improvements affecting an existing County road must meet the following standards and procedures.

1. As part of the Land Disturbance Permit for the development, all road improvements and utility crossings must be shown on the plans.
2. A performance and Completion Agreement and bond are required for road improvements constructed in the right-of-way, and for any utility crossings that require trenching under the existing road or boring under the road 2 feet or less in depth. The bond shall be in the form of a letter of credit issued from an institution specified in Division 670D, or an escrow account and submitted to the Department of Development Services. The amount shall be equal to 100% of the construction costs. The bond is returned after the work in completed and passes inspection.
3. The Department shall be notified at least 24 hours before commencement of work.

N. In addition to the aforementioned, the following standards are required:
   a. Stormwater shall not discharge directly into streets.
   b. No brick mailboxes are allowed in right-of-way streets with >35 M.P.H. limits.
   c. Pavement specifications for County Roads are 8” inch rock base, 3” inch “B” binder and 1” inch “F” topping.
   d. Compaction tests on fill and any open cut for pipe or utility crossings required.
   e. Core tests shall be required upon requests of inspector.
   f. RCP (Reinforced Concrete Pipe) is required under all county roads.
   g. Metal staked used in erosion control measure are allowed in the right-of-way if safety caps are used.
   h. Safety flared-end-sections must be used in right of way.
   i. Where sidewalks are required, D.O.T. specifications are required.
   j. The trench will be backfilled with suitable material placed in minimum 6”, maximum 12” lifts, or as approved in plans, and compacted with mechanized tamping or compaction equipment.
   k. A minimum of 8” of 2,500 psi early strength concrete be placed atop the backfill.
   l. The concrete will be covered with steel plates and allowed to cure a minimum of 7 days.
   m. The concrete to be paved with a minimum of 2” type F, or matching existing asphalt to be flush with the existing pavement.
   n. Schedule a site visit with a Newton County inspector prior to backfilling and compaction of trench.
   o. Pavement specifications shall be per Sec. 605-090 of the Newton County Development Regulations, or may exceed standards as approved on plans. (Rev 11/18/08)

O. The following General Provisions shall apply to all work within the County’s right-of-way. (Rev 11/18/08)
   a. It is expressly stipulated that this permit is a license for permissive use only. The placing of utilities or improvements upon public property pursuant to this permit shall not operate to create or vest any property right in holder.
   b. This permit shall be void unless work is begun within ninety (90) days of the date of approval, or if in violation of the application or condition of the permit. The permits may be revoked at the discretion of Newton County upon thirty (30) days’ notice to the applicant.
   c. The applicant shall comply with Best Management Practices of the Georgia Erosion and Sediment control Act and the Newton County Water Resources Ordinance. The applicant shall comply with the Newton County Development Regulations and the Newton County Zoning Ordinance. Failure to comply with any standard or regulation, Newton County has the authority to revoke this permit.


d. The applicant shall notify Newton County a minimum of 24 hours prior to start any work under this permit.

e. Prior to the initiation of any work under this permit, the applicant shall determine the location of any and all other utilities within the right-of-way and install, operate and maintain (utilities) in such a manner as not to damage or interfere with the operation of any existing utilities.

f. Any cut made in the roadbed of any County road shall be covered with an adequate metal plate.

g. Upon due notice from the County, any utilities, facilities or appurtenances permitted herein shall be immediately removed from the right-of-way, reset, or relocated within the right-of-way as required by Newton County for the necessary construction, repair, improvements, maintenance, or safe and effective operation of a county roadway. Said removal, resetting or relocation shall be at the sole expense of the applicant unless reimbursement is authorized by a separate agreement. Should the applicant fail to remove or relocate its utilities within the time frame specified in the notice, the applicant shall be liable for any extraordinary cost or damage incurred by Newton County as a result thereof. If additional time is needed, it shall be the responsibility of the applicant to coordinate with the County on a schedule which shall clearly set forth when the applicant is required to adjust its facilities to accommodate Newton County’s construction, repair, improvements or maintenance.

h. Applicant agrees to indemnify and hold harmless Newton County and all officers, employees, or agents of Newton County against any and all claims, demands, actions, causes of action, costs, and expenses, of whatsoever nature, which may result from any injury to, or the death of any persons, or from the loss of, or damage to property of any kind or nature, when such injury, death, loss, or damage arises out of the construction, operation, maintenance, repair, removal or relocation of the utilities covered by this permit.

i. Newton County, its officers, employees, or agents shall not be held responsible or liable for injury or damage that may occur to the utilities covered by this permit, or to any connection thereof, by reason of maintenance and construction activities by Newton County, if the applicant has been notified of a conflict and given reasonable time to relocate its utility, but has failed to do so.

j. If Newton County undertakes to improve the roadway, or other County facility, it shall be the responsibility of the applicant to plan with the County, a schedule which will clearly set forth when the applicant is required to adjust its facilities to accommodate Newton County’s improvements.

k. The applicant shall at all times maintain the flagmen, signs, lights, barricades and any other safety devices in accordance with the “Manual on Uniform Traffic Control Devices” and as may be necessary to properly protect the traffic upon the roadway and to warn and safeguard the public against injury or damage.
l. The applicant shall not have or gain direct access from any limited access highway or its on or off ramps to any facility except upon specific approval by Newton County or Georgia Department of Transportation.

m. The applicant is responsible for locating the limits of the public right-of-way and for any land surveying necessary to install the permitted improvement or utility.

n. No inherent or retained right or privilege of any abutting property owner is affected by this permit nor is Newton County responsible for any claim which may arise between the applicant and any property owner concerning the use of the right-of-way. Applicant is responsible for maintaining reasonable access to any private driveways or roads during construction and restoration of same. Applicant will replace any disturbed area with “in kind” material unless a satisfactory replacement is approved by the county and abutting property owner.

o. Approval of this permit does not constitute approval of design or construction details for the proposed utility.

p. Use of explosives within County right-of-way is prohibited unless approved separately.

q. Applicant shall be responsible for obtaining approvals or permits that may be required by other City, County State of Federal Agencies.

r. The provision of this permit is regulatory and not contractual. No interest or right of an application granted by this permit may be transferred.

s. All trenching will conform to OSHA trenching and confined space regulations.

Sec. 605-100 ACCESS MANAGEMENT

The following standards shall apply to land subdivision and development, except for single-family dwelling units or industrial development, where the primary access is from a state or federal highway or a thoroughfare classified as a major collector or arterial in the Newton County Comprehensive Plan. These standards shall apply unless a more restrictive standard is required by the Georgia Department of Transportation.

A. Joint and Cross Access

1. Adjacent commercial or office properties with compatible uses shall construct a cross access drive and pedestrian access walkway where feasible, completed to their respective property lines to allow circulation between sites.

2. Joint driveways and cross access easements shall be established wherever feasible along major arterial highway corridors. The building site shall incorporate the following:

   a. Continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation of at least 500 feet of linear frontage along the thoroughfare.
b. A design speed of 10 mph and a two-way travel aisle width of 24 feet to accommodate automobiles, service vehicles, and loading vehicles.

c. Stub-outs and other design features to indicate that abutting properties may be connected to provide cross access via a service drive.

3. All plats, site plans, and other development plans must meet these standards - consistent with the access management classification system and standards.

4. In accordance with Section 630-040, shared parking areas shall be permitted a reduction in required parking spaces if peak demand periods for proposed land uses do not occur at the same time periods and the following criteria are met:

   a. Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;

   b. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

5. The Department of Development Services may reduce the required separation distance of access points where they prove impractical, provided all of the following requirements are met:

   a. Joint access driveways and cross access easements are provided wherever feasible in accordance with this section.

   b. The site plan incorporates a unified access and circulation system in accordance with this section.

B. Corner Clearance

1. Driveway spacing at intersections and corners shall provide adequate sight distance, response time, and permit adequate queuing space.

   a. New driveway connections shall not be permitted within the functional area of an intersection. Minimum standards: No driveway except residential access shall be allowed within two hundred (200) feet of the centerline of an intersecting thoroughfare or collector street.

   b. No non-residential access except right in/right out channelized access shall be allowed within one hundred (100) feet of the centerline of any other arterial.

C. Minimum Access

1. Except as otherwise noted in sub-section 2, below, all developments shall have access to a public right-of-way. The number of access points shall be as follows:
**Article 6: Site Improvements**

**MINIMUM NUMBER OF ACCESS POINTS**

<table>
<thead>
<tr>
<th>Type of Development</th>
<th>Minimum Points</th>
<th>No. of Access Points</th>
<th>Preferred Access</th>
<th>Type of Primary Access</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential, 100 units or less</td>
<td>1</td>
<td></td>
<td>Local Street or Minor Collector</td>
<td></td>
</tr>
<tr>
<td>Residential, 101 - 300 units</td>
<td>2</td>
<td></td>
<td>Local Street or Minor Collector</td>
<td></td>
</tr>
<tr>
<td>Residential 301 - 400 units</td>
<td>3</td>
<td></td>
<td>Major Collector</td>
<td></td>
</tr>
<tr>
<td>Residential over 400 units</td>
<td>4</td>
<td></td>
<td>Major Collector</td>
<td></td>
</tr>
<tr>
<td>Non-Residential, less than 300 required parking spaces</td>
<td>1</td>
<td></td>
<td>Collector</td>
<td></td>
</tr>
<tr>
<td>Non-Residential, 300-999 required parking spaces</td>
<td>2</td>
<td></td>
<td>Major Collector or Arterial</td>
<td></td>
</tr>
<tr>
<td>Non-Residential, 1,000 or more required parking spaces</td>
<td>2 or more</td>
<td></td>
<td>Major Collector or Arterial</td>
<td></td>
</tr>
<tr>
<td>Multi-Family Housing, less than 50 units</td>
<td>1</td>
<td></td>
<td>Local Street or Minor Collector</td>
<td></td>
</tr>
<tr>
<td>Multi-Family Housing, 50-200 units</td>
<td>2</td>
<td></td>
<td>Local Street or Minor Collector</td>
<td></td>
</tr>
<tr>
<td>Multi-Family Housing, over 200 units</td>
<td>3</td>
<td></td>
<td>Major Collector</td>
<td></td>
</tr>
</tbody>
</table>

1. The Director may grant an Administrative Variance for a number of lots not to exceed 10% of the maximum number of lots approved for an access point.

2. For residential development, in the event a developer proposes an internal street layout which, in the opinion of the Department of Development Services Staff and Fire Marshall, adequately addresses the public health, safety and welfare concerns in favor of additional access points, the Director may grant an Administrative Variance for the number of lots recommended by the Department of Development Services Staff and Fire Marshall.

3. A further reduction in minimum access points may be granted by the Board of Appeals upon a finding of reasonable hardship.

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1. Townhouse Developments:
   Individual parcels shall have right of access through common areas containing private streets and/or private drives at least twenty-four (24) feet in width leading to a publicly maintained street.

2. Manufactured Home Park:

   a. No space shall have direct vehicular access to a public street.

   b. All spaces shall directly abut a private street contained within the park.

   c. Adequate access shall be provided to each space, with a minimum access width of twenty (20) feet unless more is deemed necessary because of topographical conditions or street curvature.
D. Separation of Access Points

1. The separation of access points on arterial and collector roads shall be determined by the design speed limit of the road with the following minimum spacing requirements:

<table>
<thead>
<tr>
<th>Posted Speed Limit of Road</th>
<th>Minimum Driveway Spacing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 35 MPH</td>
<td>125 feet</td>
</tr>
<tr>
<td>36 to 45 MPH</td>
<td>245 feet</td>
</tr>
<tr>
<td>Greater than 45 MPH</td>
<td>440 feet</td>
</tr>
</tbody>
</table>

*A reduction in driveway spacing may be granted by the Director by Administrative Variance upon adequate showing of hardship.*

2. The distance between access points shall be measured from the centerline of the proposed driveway to the centerline of the nearest adjacent driveway or roadway.

3. The requirements of this Section are not intended to eliminate all access to a parcel of land that was legally subdivided prior to the enactment of this Section.

E. Emergency Access
All street design, subdivision building and other development activities, including landscaping, shall be arranged on site so as to provide safe and convenient access for emergency vehicles.

**Sec. 605-110** DRIVEWAY DESIGN STANDARDS *(rev. 02/22/06)*

A. Permits Required
No driveway shall be installed in any district until property driveway permits have been approved by the Georgia Department of Transportation, if the property abuts a State or Federal highway. If the property abuts an existing county maintained road, a permit must be approved by the Department.

For residential and non-residential driveways abutting existing county maintained non-curbed roads or streets, the following standards shall apply:

1. Storm water may not discharge directly on to County Roads.

2. Driveways that tie into non-curb roads must drain into ditches in the right-of-way.

3. Driveways shall be designed with either a crown, with minimum 2% cross slope, and a swale system on both sides of the driveway, or super-elevated with minimum 2% cross slope, and a single swale on one side.

4. Driveways must meet the separation requirements of Sec. 605-100.D.

5. A Registered Professional Engineer or Registered Landscape Architect must size all pipes under the driveways.
6. Pipes shall be reinforced concrete pipe (R.C.P.) or fully coated (inside and out) corrugated metal pipe (C.M.P). Pipes shall have a flared end section, or a headwall must be used. No crushed ends.

7. Additional grading may be required if roadside ditch is not defined.

8. Erosion control devices must be in place during construction.

9. Maximum slope for driveways must not exceed 20%.

10. Unpaved driveways must have an asphalt or concrete apron. The driveway must be paved from the apron to the right-of-way. This shall not apply to driveways on unpaved roads.

11. Shared driveways must be centered on property line, a maximum width of 18 feet and must extend 50 feet from edge of pavement before separating.

12. Driveways within a developed subdivision served by interior subdivision streets must meet these standards, but shall not require permits.

13. For driveways requiring permits submit one copy of a site plan indicating compliance to the above items with an application for a building permit. Site plan may be County’s standard plan, or a plan prepared by a professional. A permit fee shall be submitted based on a schedule approved by the Board of Commissioners.

B. Width

1. All non-residential property accessing a public street must have a defined driveway in accordance with the standards below.

   a. If a driveway design is a one-way in or one-way out drive, then the driveway shall be a minimum width of 16 feet and shall have appropriate signage designating the driveway as a one way connection.

   b. For two-way access, each lane shall have a minimum width of 12 feet.

   c. Driveways that enter the major thoroughfare at traffic signals must have at least two outbound lanes (ones for each turning direction) of at least 12 feet in width, and one inbound lane with a 14 feet width.

2. Except for single family and two-family residences, driveway grades shall conform to the requirements of the Georgia Department of Transportation Design Standards.

3. Driveway width and flair shall be adequate to serve the volume and type of traffic and provide for rapid movement of vehicles off of the major thoroughfare, but
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standards shall not be so excessive as to pose safety hazards for pedestrians, bicycles, and other vehicles.

C. Driveways shall generally intersect streets at right angles. The portion of a driveway located within a public right-of-way shall be paved.

D. Driveways serving single-family detached or duplex residences may be no less than ten feet wide at the right-of-way line and shall provide a flair or radius to the back of the curb or edge of the pavement of the roadway of no less than five (5) feet.

E. All driveways and driveway curb cuts on State highways shall conform to Georgia Department of Transportation standards unless County requirements are more restrictive.

F. Auxiliary Lanes (rev. 02/21/06)

1. A deceleration lane, left turn lane, acceleration lane, larger turning radius, traffic islands or other devices or designs may be required to avoid specific traffic hazards which would otherwise be created by the proposed driveway location.

2. Deceleration lanes shall be required for subdivision entrances and non-residential developments along any road. Minimum deceleration lengths are specified below. The Director may vary length requirements based upon a consideration of available sight distance.

<table>
<thead>
<tr>
<th>Operating Speed</th>
<th>Deceleration Lanes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivision Streets</td>
<td>Not Required</td>
</tr>
<tr>
<td>below 55 mph</td>
<td>150’+ 50’ taper</td>
</tr>
<tr>
<td>55 mph and above</td>
<td>200’ + 150’ taper</td>
</tr>
</tbody>
</table>

3. Left turn lanes shall be required for subdivision entrances and non-residential developments along any road with a speed limit exceeding 35 miles per hour, and meet the following criteria.

a. Left turn lanes shall be required for subdivisions serving 75 or more lots. A waiver may be considered if the applicant can provide documentation, such as a traffic study, signed by a Registered Engineer, and pursuant to Div. 440.

b. Left turn lanes shall be required for a non-residential development that generates more than 800 daily vehicle trips per day. A waiver may be considered if an applicant can demonstrate that the use does not generate more than 800 daily vehicle trips. The applicant must provide documentation, such as a traffic study, signed by a Registered Engineer, and pursuant to Div. 440.

c. Left turn lanes, storage and tapers geometry shall be designed to GDOT standards.
4. The Director may exercise authority to require additional lanes, or, traffic studies where physical conditions are such that an additional lane is needed to provide safety.

5. If the applicant fails to acquire the necessary right-of-way needed to provide the improvements, the applicant may apply for a waiver to the Board of Commissioners based on documentation to a good faith effort to obtain right-of-way.

G. Corner Sight Distance
All driveways approaching a collector or arterial street shall provide adequate corner sight distance. The minimum corner sight distance from the driveway shall be equal to or exceed 10 times the regulated speed of the intersecting street, as measured from the center of the driveway in both directions along the right-of-way line of the intersecting street unless a more restrictive standard is required by the Georgia Department of Transportation. The sight distance shall provide clear visibility of an object two (2) feet above the intersecting street viewed from the centerline of the approaching street driveway at the right-of-way line of the intersecting street at a height of three and one-half (3 ½) feet above the ground.

Sec. 605-120 TRAFFIC CONTROL DEVICES
A. Traffic Control Devices
Street signs, traffic control signs, and devices such as striping and signalization, shall be provided by the developer through installation or payment of installation fees to the County Engineer at the option of Newton County.

B. Street Name Signs
Street name signs shall have a standard background with lettering and mounting on channelized posts. Alternate post material and signage shall be subject to the review and approval of the County Engineer. The posts and signs will be provided and installed by the developer at all street intersections.

C. Traffic Signals and Signs
All traffic signals and signs shall conform to the Manual on Uniform Traffic Control Devices for shape, color, size, reflectivity, height, materials, and placement. Decorative traffic control devices shall be prohibited. Signs must be installed concurrently with the performance of striping work.

D. Striping Requirements
All newly constructed collector or arterial streets, including auxiliary lanes, and existing streets being widened with one or more additional lanes shall be striped or the developer shall be required by the County Engineer to pay striping costs prior to the Approval of Development Conformance. Striping shall be performed in accordance with Georgia Department of Transportation Standards and the Manual on Uniform Traffic Control Devices.

E. On all newly paved or resurfaced streets on public rights of way, painted stop bars are required where approaching lanes are controlled by traffic control devices.
F. Reflectors, raised lane indicators and similar devices or markings may be required by the County Engineer on street improvements installed by developers where safety conditions warrant such devices.

Sec. 605-130 STREET LIGHTS
Street lights may be extended into new or existing residential subdivisions in accordance with the provisions of the Newton County Lighting Standards included in these regulations.

DIVISION 610: UNDERGROUND UTILITIES (11/18/08)
For all new residential subdivision developments, all utilities, including all electrical telephone, cable television and other communication lines, both main and service connections, shall be installed underground in a manner approved by the applicable utility provider and in compliance with the Newton County Standards for Construction and Design ordinance. Exceptions maybe granted should the Director determine that underground utilities are infeasible due to shallow rock, high water table or similar geologic or hydrologic conditions, or for individual residential and agricultural uses when connecting to overhead lines.

Sec. 610-010 EASEMENTS
A. Utility easements shall be required in subdivisions and shown on the plat when it is found to be necessary and desirable to locate public utility lines in other than street rights-of-way.

Sec. 610-020 INSTALLATION OF UTILITIES
After grading is completed and approved and before any base is applied, all of the underground work within the street right-of-way for water mains, sewer mains, stormwater drainage, etc., shall be installed completely and approved throughout the length of the road and across the flat section. At the same time, all service connections shall be stubbed out to each lot. Other utilities, if not installed prior to the application of the base roadway material shall be installed by boring underneath the street. Cuts may be allowed, in special circumstances, if compaction tests on the backfill material are provided, certified by an Engineer registered in the state of Georgia, satisfactory to the County Engineer.

DIVISION 615: WALLS, FENCES, MAILBOXES, AND IRRIGATION SYSTEMS
(Amm 03/21/2017)

Sec. 615-010 FENCES AND WALLS
A. No fence or wall (other than subdivision entrance walls, noise abatement walls or tennis court fences) shall be more than eight (8) feet in height or be constructed on public right-of-way or future street right-of-way. If a fence is located in the front yard of a property within a residential district, it shall be no more than six (6) feet in height.

B. When permanent grades are proposed with a resulting slope steeper than one foot vertical for every two feet of horizontal displacement (2:1), an appropriate retaining structure shall be designed by a registered professional engineer.
C. When the necessity for an earth retaining structure is required for a vertical displacement of thirty (30) inches or less, appropriate landscaping timbers, or approved equal, may be employed if no permanent structure is supported by the soil retained by the retaining wall.

D. All wall designs must demonstrate complete dimensions for line and grade. Wall design will consider foundation drainage and select backfill material for the proposed conditions.

E. Walls shall be located in such a fashion as to not encroach upon existing or proposed drainage easements or drainage courses or floodplains to encumber the natural flow of surface run-off of stormwater. Walls shall be located at a distance from such water courses to allow for anticipated future maintenance of the easement to prevent a safety hazard to maintenance workers or to jeopardize the structural integrity of the wall.

F. Walls that are not attached to the permitted structure and require a foundation shall be permitted as a free standing structure and shall be inspected as prescribed by the permitting procedure. Walls will be inspected for conformance with the approved design. Any deviation from the approved design will require the engineer of record to submit a certification of the non-conforming structure along with supporting calculations to indicate that the construction is consistent with the initial design parameters. In the event the inspector has not been provided ample opportunity to inspect the structure, the contractor must provide a certification of the construction by the engineer of record and geotechnical reports for concrete testing for strength, reinforcing steel specifications. Failure to comply with the requirements of this Section will require that the remaining work cease and/or removal for non-conformance until the adequacy of structural integrity is demonstrated to the satisfaction of the County Engineer.

G. Retaining walls that are proposed for the purpose of stormwater retention must be designed in such a way that the walls are capable of a hydrostatic load as measured from the top of the foundation footing to the highest elevation along the top of the wall. The hydrological design must allow for a free board dimension of one foot and an emergency overflow capacity equal to the designed peak inflow for the 100-year storm event. The routing calculations should not take into account the existence of the emergency overflow. Place the overflow device above the projected 100-year flood elevation within the detention area.

H. Retaining walls without foundations that are in excess of 5 feet in height require an engineer-approved design.

I. Any construction that may impact or be within the right-of-way of an existing or proposed water or sanitary sewer easement must be approved by the Newton County Water and Sewer Authority.

SECTION 615-020 MAILBOXES  
Mailboxes shall be constructed in accordance with approved materials and standards as required by the Postmaster General and the U.S. Postal Service. No mailbox device containing multiple mailboxes may be located in the right-of-way of a public street. Any
mailbox constructed along any County road with a posted speed limit in excess of 35 MPH shall have a post constructed of wood.

A. Cluster Mailbox units (CBU)

Pursuant to USPS policy, all new subdivisions and new phases of existing subdivisions are required to provide CBU’s for regular mail service delivery. The local post manager will work with builders and developers to determine the best mode for mail.

1. In situations where the U.S.P.S. determines that individual mail delivery will not be available to a new development, the following requirements shall apply:

a. Installation of the mailbox unit(s), as well as any associated shelters, lighting, parking, and other related amenities shall be the responsibility of the developer.

b. A letter, email or other correspondence from the USPS indicating the type of mail delivery that will be available to the proposed development provided. The correspondence should also indicate whether or not the proposed location for the cluster Mailbox Unit station(s) if applicable is acceptable to the postal service.

c. Maintenance of the mailbox unit(s), as well as any associated shelters, lighting, parking, and other related amenities shall be the responsibility of the homeowners. The establishment of a homeowners' association is strongly encouraged in developments where individual mail delivery will be unavailable.

d. Cluster mailbox units shall be prohibited within the public right-of-way.

e. Cluster mailbox units, and any associated structures, shall not adversely impact sight distance to any driveway or road intersection, as determined by the Newton County transportation and engineering department. Whenever feasible, the mailbox unit should be located within an amenity center.

f. Cluster mailbox unit(s) shall be located in area(s) that will best allow for vehicle stacking or parking without creating pedestrian safety or vehicle safety issues, as determined by the Newton County transportation and engineering department.

g. A paved area with adequate ingress/egress, designed to meet the requirements of the Newton County transportation and engineering department, shall be provided to allow vehicles to pull off the county roadway safely while retrieving mail.
h. All access to cluster mailbox unit(s) shall comply with current Americans with Disabilities Act and the Georgia Accessibility Code. Any sidewalks required by other provisions of this Ordinance shall be incorporated into the mailbox area(s).

i. The mailbox unit(s) must be installed according to the manufacturer's standards.

j. The mailbox unit(s) and shelter shall be exempt from the normal setback requirements; however, shelters or other structures must be submitted to the building official for review and must meet all applicable building codes.

k. Any required cluster mailbox station and related improvements shall be installed and approved prior to the recording of the final plat.

SECTION 615-030 IRRIGATION SYSTEMS (Amn 03/21/2017)
Irrigation systems shall be constructed outside the right-of-way. Any damage by Newton County to systems improperly located within the right-of-way shall be the sole responsibility of the owner.

DIVISION 620: SIDEWALKS

Sec. 620-010 REQUIRED LOCATION (12/20/11)
A. Sidewalks shall be located and installed on both sides of the street in any new development when any one of the following circumstances is true:

1. Along the street frontage of all commercially zoned (OI, CN, CH, and CG) property;

2. The subdivision is serviced by sewer.

(Sidewalks shall be installed on all internal streets and all external road frontage)

3. Within all Development Nodes as identified in the Newton County Comprehensive Plan.

B. In subdivisions when sidewalks are required to be constructed they must be completed in accordance with the following:

1. Prior to final plat all sidewalks required along common area, open space or other area not intended for sale or areas not to be utilized as a building site/lot must be constructed. The Planning Director may make an exemption to allow installation of such sidewalks for specific
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c locations if they are not intended to be used as dedicated greenspace (if an exemption is granted a bond may be required, to be released when sidewalk is installed).

2. Sidewalks associated with individual building lots shall be constructed concurrently with the development of each lot and poured in conjunction with the pouring of the driveway. Sidewalk construction on a lot by lot basis shall be inspected by the Building Inspector in concurrence with other required building inspections. A certificate of occupancy shall not be issued until a properly constructed sidewalk is in place on the lot.

3. The following statement shall be noted on the final plat:
“This development will utilize a sidewalk system throughout the project as shown and approved on the preliminary plat /development plans pertaining to this development. The sidewalks will be installed on a lot by lot basis. Therefore, property owners of parcels shown on the plat are required to construct sidewalks along the road frontage of their property. Said sidewalks must comply with the requirements of the Newton County Development Regulations.”

C. Sidewalks in subdivisions shall be continued to the nearest right of way with the adjoining road or to an adjoining subdivision if there is connectivity of internal roads within the subdivisions.

D. In residential developments not otherwise required to have sidewalks, the Director of Development Services may approve a variance (of not more than 10 feet) from the front setback of both sides of any street on which the developer agrees to install sidewalks on both sides.

Sec. 620-020 DESIGN AND CONSTRUCTION STANDARDS

A. Sidewalks shall be located a minimum of two (2) feet from the back of the curb. Where no curbing exists or future road improvements are anticipated, the sidewalks shall be placed in a location acceptable to the County Engineer.

B. A median strip of grass or other landscaped material at least two (2) feet in width, as approved in the construction plan, shall separate all sidewalks from adjacent curbs.

C. Sidewalks shall be concrete and a minimum of five (5) feet wide and four (4) inches thick. Concrete shall have a strength of 3000 psi at 28 days. Disturbed areas along sidewalks shall be backfilled, stabilized, and grassed. (Rev. 12/20/11)
Sec. 620-030 PEDESTRIAN EASEMENTS
Pedestrian easements, not less than ten (10) feet in width, may be required by the Department of Development Services in subdivisions or developments where deemed essential to provide circulation or access to schools, playgrounds, cemeteries, shopping centers, transportation, and other community facilities.

DIVISION 625: BIKEWAYS AND PATHS
A. Bicycle lanes, when provided, shall be placed adjacent to the outside lane of a roadway, adjacent to the curb or shoulder. When on-street parking is permitted, the bicycle lane shall be between the parking lane and the outer lane of moving vehicles. Lanes shall be delineated with markings, and striping. Raised reflectors or curbs shall not be used.

B. Bikeways and bicycle lanes shall be constructed according to the most recent specifications set forth in AASHTO guidelines, or these regulations.

DIVISION 630: OFF-STREET PARKING
Sec. 630-010 SITE REQUIREMENTS
A. All developments shall satisfy maximum permanent off-street parking requirements in accordance with Section 515-020 of the Newton County Zoning Ordinance.

B. All off-street parking shall be laid out, constructed, and maintained in accordance with the following requirements (except for single- and two-family residential uses):

1. All parking facilities shall have access to a public street and shall be designed to ensure ease of mobility, ample clearance, and the safety of pedestrians and vehicles.

2. All parking areas shall be composed of asphalt, concrete, porous paving blocks, gravel, or other materials as approved by the Department of Development Services.

3. Change in use of an existing structure shall also require compliance with the maximum parking requirements applicable to the new use.

4. Outdoor lighting fixtures designed or placed so as to illuminate any portion of a site shall meet Lighting Standards requirements of these Regulations.

5. Spaces shall be designed such that no part of a vehicle shall overhang into a required landscaped area or sidewalk within the parking facility.
Sec. 630-020 GEOMETRIC STANDARDS

A. Aisles serving off-street parking shall conform to the following minimum widths:

<table>
<thead>
<tr>
<th>Parking Angle</th>
<th>0 to 45 degrees</th>
<th>46 to 60 degrees</th>
<th>61 to 90 degrees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aisle Type</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One-Way Traffic</td>
<td>14 feet</td>
<td>18 feet</td>
<td>22 feet</td>
</tr>
<tr>
<td>Two-Way Traffic</td>
<td>24 feet</td>
<td>24 feet</td>
<td>24 feet</td>
</tr>
</tbody>
</table>

B. Parking spaces shall conform to the following minimum dimensions:

Parking Angle

<table>
<thead>
<tr>
<th>Parking Angle</th>
<th>45 degrees</th>
<th>60 degrees</th>
<th>90 degrees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Width</td>
<td>8½ ft.</td>
<td>8½ ft.</td>
<td>8½ ft.</td>
</tr>
<tr>
<td>Depth</td>
<td>20½ ft.</td>
<td>20 ft. 8 in.</td>
<td>19 ft.</td>
</tr>
</tbody>
</table>

C. Landscaped islands shall be provided throughout parking lots in accordance with the Landscaping requirements.

D. Parking spaces designed for handicapped persons shall be provided in accordance with the requirements of the Georgia Accessibility Code, Chapter 120-3-20.

Sec. 630-030 SHARED PARKING

A. Developers are encouraged to design parking areas that utilize shared parking. Developers wishing to do so shall submit the following:

1. Site plan indicating the location and design of shared parking facilities;

2. A cross-access legal agreement between owners to assure the continued availability of adequate parking; and

DIVISION 635: OFF-STREET LOADING

Sec. 635-010 LOCATION AND CAPACITY

A. Whenever the normal operation of any development requires that goods, merchandise or equipment be routinely delivered to or shipped from the development, a sufficient off-street loading and unloading area must be provided.
B. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

**Sec. 635-020 GEOMETRICS**
Minimum dimensions for each berth shall be 14 feet by 55 feet. An overhead clearance of 14 feet from pavement grade shall be required. The Zoning Administrator may vary the dimensions of the space if deemed appropriate for a given expected type of vehicle usage.

**Sec. 635-030 PAVEMENT STANDARDS**
A. All required loading areas shall be composed of asphalt, concrete, porous paving blocks, or other materials as approved by the County Engineer. Paving areas shall be of sufficient size and strength to support the weight of service vehicles.

B. Loading areas shall provide an adequate ingress and egress with a minimum vertical clearance of 12 feet.

**DIVISION 640: WATER SUPPLY**

**Sec. 640-010 GENERAL**
A. Public Water System
If a public water supply is available to a proposed subdivision or development and connection is permitted or required, the developer shall provide water mains, fire hydrants, and connections to each lot in accordance with the plans and specifications of the Newton County Water and Sewer Authority. No Preliminary Plat will be approved without certification from the Newton County Water and Sewer Authority.

B. Community Water Supply System
Any proposed subdivision or development which is not required to connect to public water systems may use community water supply systems, provided the systems are approved by the Environmental Protection Division of the Georgia Department of Natural Resources and meet the design specifications of the Newton County Water and Sewer Authority.

C. Individual Water Supply
When a public water supply is not available the capability and suitability of the general area of the subdivision or development to support individual water supplies shall be reviewed by the Newton County Health Department and their recommendations shall be considered by the Planning Commission in approving a plat.
Sec. 640-020 REQUIRED WATER CONNECTIONS
Connection to an operational public water system shall be required when any proposed subdivision or development lies within 1,500 feet from the nearest point on the property to an existing public water main (at least 6 inches in size), provided that there is an adequate water supply to serve the proposed development.

Sec. 640-030 CAPACITY
The Newton County Water and Sewer Authority shall be responsible for determining the adequacy of the proposed water supply and pressure.

Sec. 640-040 FIRE PROTECTION
A. Location of Fire Hydrants

1. In those areas served by public water, fire hydrants shall be spaced as follows:
   a. Multi-family: Fire hydrants shall be spaced not more than 500 feet apart with additional fire hydrants located as necessary to permit all portions of buildings to be reached by hose lays of not more than 300 feet in length (Spacing as traffic travels).
   b. Shopping Centers, Malls, etc: Fire hydrants spaced not more than 300 feet or so all portions of buildings can be reached by hose lays of not more than 300 feet in length.
   c. Motels, Light Industry and Schools: Fire hydrants spaced not more than 300 feet or so all portions of buildings can be reached by hose lays of not more than 300 feet in length.
   d. Heavy Industry, Large/Tall Buildings: Fire hydrants spaced not more than 300 feet apart or so any portions of buildings can be reached by hose lays of not more than 300 feet in length.
   e. Single Family: Single family residential developments shall have a maximum hose lay distance of 300 feet from the hydrant to the most distant building served by that hydrant. Normally 500 feet spacing will be the maximum. Fire hydrants shall normally be located at all intersections.
   f. No installation requiring fire hydrants shall have a spacing greater than 1000 feet apart as measured along the main supply line, except in large tract developments where spacing may be either 1000 feet or the distance from center of lot to center of lot, whichever is greater.
   g. Fire hydrants shall be required at the end of all dead-end lines such as those installed in cul-de-sacs.

2. Fire hydrants on existing County roads shall be located between the edge of the right-of-way and the water lines.

3. Fire hydrants on new curb and gutter streets shall be located between the curbing and the water line. If no curb and gutter, hydrants shall be located between the edge of right-of-way and the water lines.
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4. Hydrants shall be oriented with the 4 ½ discharge facing the street and shall be above grade and easily accessible.

B. Fire Flow Test

1. A fire flow test must be conducted on the water line for any new subdivision or development prior to submitting design drawings for approvals to determine the adequacy of water supply for the project. Use of a fire flow test by more than one project is prohibited.

2. The test shall consist of a fire hydrant flow test and a 24-hour flow and pressure test.

3. Test information provided by the developer shall consist of:
   a. Static pressure and GPM flow;
   b. Residual pressure and GPM flow;
   c. Projected flow in GPM’s at 20 psi;
   d. 24-hour pressure chart (for commercial sites only);
   e. Actual pressure flow in GPM; and
   f. Site map including fire hydrant locations.

4. Fire flow test results and 24-hour pressure chart must be included in the water plans prior to approval of the plan by the Newton County Water and Sewer Authority.

5. The water supply must meet fire flow and domestic requirements for the service area. If adequate supplies are not available, construction will be contingent upon approval of a design study and plan submitted by the developer.

6. The County will run the fire flow test at the developer’s expense. A registered engineer may perform this test provided that test information is certified.

7. Minimum flow in gallons per minute at 20 psi by the duration in minutes by type of development is required to be as follows:
   a. Residential
      1,000 GPM for 30 minutes.
   b. Multi-Family, Commercial, Institutional
      1,500 GPM for 30 minutes.
C. Fire Main Size

1. Single-Family Residential
   Water mains shall be a minimum of eight (8) inches.
2. Multi-Family, Commercial, Institutional
   Water mains shall be a minimum of eight (8) inches.

DIVISION 645: SANITARY SEWERS

Sec. 645-010 GENERAL
A. Public Sewer System
When connection to a public sewer system is permitted or required by the Newton County Sewage and Water Authority, the developer shall install and connect to the sewage disposal facilities within the proposed subdivision or development, or feasible portion thereof, in accordance with the plans and specifications of the Newton County Water and Sewer Authority.

B. Community Sewer System
When a community sewer system is proposed, or a public sewer system is not available and individual sewer disposal systems are disapproved, thereby necessitating a community sewer system, the developer shall install the system in accordance with plans and specifications of the Newton County Water and Sewer Authority, and approved by the Environmental Protection Division of the Department of Natural Resources.

Sec. 645-020 SYSTEM DESIGN AND PLACEMENT
Prior to issuance of a building permit, the developer shall coordinate the design and placement of sewer infrastructure with the Newton County Water and Sewer Authority.

DIVISION 650: ON-SITE SEPTIC SYSTEMS

When a public sewer system is not available, an alternate method of sewage disposal for each lot or a community sewer system may be approved. When an individual sewage disposal method (septic tank) is proposed, the developer shall provide appropriate data and information in compliance with the regulations of the County Health Department and GA EPD. No Land Disturbance Permits shall be issued until required soils report is tentatively approved by the Environmental Health Department. No Preliminary Plat or final Plat shall be approved without the Certification of the Environmental Health Department.
DIVISION 655: STORMWATER MANAGEMENT

Sec. 655-010 PURPOSE (rev. 9/06/06)

The purpose of this Division is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse impacts from stormwater discharges within Newton County. Proper management of surface water runoff will reduce local flash flooding, assist in the attainment and maintenance of water quality standards, and maintain as practically as possible pre-development surface water runoff characteristics of the area.

Sec. 655-020 APPLICABILITY

All persons proposing development and/or construction within Newton County shall submit a Stormwater Management Plan and hydrology study to County Engineer for review of conformity to this Division, except as provided in Section 655-030.

Sec. 655-030 EXEMPTIONS FROM REQUIREMENTS

A. The following development activities are exempt from the provisions of this Division and the requirements of providing stormwater management but are not exempted from State BMPs:

1. Agricultural and forestry land management activities.

2. Additions or modifications to existing detached single-family dwellings.

3. Construction of a detached single-family dwelling which is not part of a larger development.

4. Developments of property where the runoff resulting from the proposed development enters a federally identified flood zone as established by the Federal Emergency Management Agency before that said runoff crosses immediate property or properties, as long as the subsequent increase from the uncontrolled runoff can be adequately transmitted through existing storm drain structures downstream of the subject development.

5. Residential development consisting of single-family dwellings, each on a lot of two (2) acres or more.

Sec. 655-040 REQUIREMENTS FOR STORMWATER MANAGEMENT PLAN

A. The Stormwater Management Plan shall be prepared under the supervision of, and certified by, a Professional Engineer or Registered Landscape Architect with competency in Hydrology.
and Hydraulics, currently registered in the State of Georgia. The plan shall conform with the requirements of these Regulations.

B. Upon receipt of the Stormwater Management Plan, the County shall perform appropriate reviews, and shall either approve the plan or return comments and reasons for rejection.

C. All major residential subdivisions and non-residential development sites shall provide on-site stormwater detention for the 100-year 24-hour rainfall event.

D. All residential detention areas shall be constructed outside of buildable lots and deeded to the Homeowners Association or the county.

E. All non-residential development sites shall include design provisions for separation of suspended solids, oil and grease and floatable materials. Use of other water quality enhancing alternative designs such as artificial wetlands, grass-lined channels, etc., may qualify for reduction in the detention values required.

**Sec. 655-050 HYDROLOGICAL ANALYSIS**

The hydrological analysis used in the Stormwater Management Plan shall conform to the requirements of these Regulations.

**Sec. 655-060 FENCING REQUIREMENTS** *(Rev 09/05/06)*

A. Six (6) foot chain link fence will be required for above ground stormwater detention facilities that exceed six (6) feet in depth measured from the outlet invert to the top of the berm. In the front yard, the fence height may be reduced to four (4) feet.

B. A six (6) foot chain link fence will not be required when the stormwater detention facility meets the following criteria:

   1. When the site in which the pond is to be constructed is zoned non-residential and is more than one thousand (1,000) feet from properties zoned residential or publicly owned property (excluding right-of-way).

C. The fence shall include a double drive-thru gate of sufficient size to permit entrance of equipment necessary to allow periodic maintenance activities.

**Sec. 655-070 MAINTENANCE OF FACILITIES**

A. Stormwater detention facilities which are deemed to be an essential and integral part of the Newton County stormwater management plan may be maintained by Newton County. In
order to facilitate the maintenance of said stormwater detention facilities, a drainage easement shall be provided which will encompass the one hundred (100) year flood elevation contour plus ten (10) feet. The ten (10) feet shall be measured horizontally outward from the one hundred (100) year flood elevation contour.* A twenty (20) foot access easement shall be provided from an existing or proposed right-of-way to the said stormwater detention facility. The access easement shall be improved so as to allow for periodic usage for the purpose of maintenance of the stormwater management facility. Stormwater management facilities which are built to satisfy this Division and function as such for only one owner of a parcel of land in fee simple will not be maintained by Newton County and the owner thereof shall meet the requirements of the subsequent provisions of this Division.

B. A stormwater retention facility built to satisfy the requirements of this Division shall be maintained to the extent that it satisfies this Division. The shore lines must be graded so that there is not a sudden change in elevation. The region which satisfies this Division, and is beyond the normal pool contour shall be graded to a slope not steeper than a five (5) horizontal one (1) vertical. The maintenance of a retention facility shall concentrate on the outlet structure and the dam. Shorelines will not normally be maintained by Newton County when a retention facility is built to satisfy this Division.

C. All stormwater detention facilities shall be graded so as to provide positive drainage. The minimum slope along the bottom of the facility shall be two (2) percent.

D. An inspection and maintenance agreement shall be executed for all private on-site stormwater management facilities prior to the issuance of a grading permit or building permit. Such agreement shall be in form and content acceptable to the county, and shall provide that all maintenance and repairs of such facilities shall be the responsibility of the owner. Such agreement shall provide for access to the facility by virtue of a non-exclusive perpetual easement in favor of Newton County at reasonable times for regular inspection by the Public Works Department.

1. The agreement shall provide that preventive maintenance inspections of infiltration systems, retention, or detention structures may be made by the Department, at its option. Without limiting the generality of the foregoing, the Department’s inspection schedule may include an inspection during the first year of operation and once every two (2) years thereafter, except regional facilities.

2. The agreement shall provide that if, after an inspection, the condition of a facility presents an immediate danger to the public health, safety or general welfare because of unsafe conditions or improper maintenance, the Department shall have the right, but not the duty, to take such deficient conditions are the result of neglected maintenance or other action caused by the owner, then any cost incurred by Newton County shall be paid to the owner as set forth in subsection (1) below.

3. The agreement shall be recorded by the owner in the land records of Newton County prior to the issuance of a grading, ground disturbance or building permit.
4. The agreement shall provide that the Department shall notify the owner(s) of the facility of any violation, deficiency or failure to comply with this Division. The agreement shall also provide that upon a failure to correct violations requiring maintenance work, within ten (10) days after notice thereof, the Department may provide for all necessary work to place the facility in proper working condition. The owner(s) of the facility shall be assessed the costs of the work performed by the Department pursuant to this subsection and subsection G above and there shall be a lien on all property of owner in which said property utilizes or will utilize such facility in achieving stormwater management, which lien, when filed in Newton County real estate records, shall have the same status and priority as liens for ad valorem taxes. Should such a lien be filed, portions of the affected property may be released by Newton County following the payments by the owner of such portion of the property of such owner's pro-rata share of the lien amount based upon the acreage to be released with such release amount to be determined by the Director.

E. Dedication in lieu of agreement.
In lieu of an inspection and maintenance agreement, the County Commissioners may, at their discretion, accept dedication of any existing or future Regional stormwater management facility for Newton County maintenance, provided such facility meets all the requirements of this Division and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular structural maintenance by Newton County.

Sec. 655-080 INSPECTION FOR PREVENTIVE MAINTENANCE

A. Preventive maintenance inspections of infiltration system, retention or detention structures comprising regional public facilities may be made by the Department. The inspection schedule may include an inspection during the first year of operation and subsequent inspection at least once annually thereafter and after each major storm event.

B. Inspection reports shall be maintained by the Public Works Department.

C. The Department shall maintain records on stormwater management facilities, including information on location, design parameters and details, as-built certifications, and inspection and maintenance records.

Sec. 655-090 MAINTENANCE OF PRE-EXISTING STORMWATER FACILITIES

All stormwater management facilities in existence in Newton County on the effective date of these Regulations may be maintained by Newton County in such a manner as to maintain and enhance the public health, safety, and general welfare, in order to be assured that such facilities are safe, to reduce and minimize damage to public and private property, to reduce and minimize the impact of such facilities on land and stream channel erosion, to assist in the
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attainment and maintenance of water quality standards, to reduce local flooding, and to maintain, as nearly as possible, the pre-existing development runoff characteristics of the area. All such maintenance of such above described facilities shall be at the sole cost and expense of Newton County. Existing facilities will be identified by way of a master drainage study for Newton County by the Department. Owners of the property where identified stormwater management facilities lie shall be appropriately notified prior to the official recognition of a maintenance schedule.

Sec. 655-100 RESERVED

Sec. 655-110 INSPECTION

A. The Building Official, or designee, shall be responsible for determining whether development is proceeding in accordance with the approved Stormwater Management Plan. Periodic inspection of the development site shall be made by the Building Official, or designee, to ensure that the Stormwater Management Plan is properly implemented.

B. Upon completion of construction on the project, an prior to approval of the final plat or issuance of a Certificate of Occupancy, the developer shall provide a certified record survey and engineer’s certification of each stormwater management facility. The survey of each facility shall be prepared by a Land Surveyor or Professional Engineer currently registered in the State of Georgia. A certified record drawing of the facility shall be prepared based upon this survey. Based on the actual parameters established on the record drawing an addendum to the Stormwater Management Plan shall be prepared which demonstrates that the facility, as constructed, complies with the requirements of these Regulations and Plan shall be certified by a Professional Engineer Currently registered in the State of Georgia.

Sec. 655-120 ENFORCEMENT

In the event that work performed does not conform to the provisions of the approved Stormwater Management Plan and inspection, the developer shall be subject to enforcement and violation procedures.

Sec. 655-130 BOND FORFEITURES

In the event that the developer continues in non-compliance with the Stormwater Management Plan, the performance bond or other surety posted shall be forfeited.

Sec. 655-140 VIOLATION

Any violation of this Division shall constitute an offense and be punishable as provided in Division 310 of these Regulations.

Sec. 655-150 SOIL EROSION AND SEDIMENTATION CONTROLS

Developers shall be required to provide soil erosion and sedimentation control measures in conformance with state law and the Newton County Soil Erosion and Sedimentation Control Ordinance.
DIVISION 660: FLOOD DAMAGE PREVENTION (rev. 9/06/06)

Sec. 660-010 APPLICABILITY

This Division shall apply to all areas of special flood hazard within the jurisdiction of Newton County.

Sec. 660-020 AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study, dated July 5, 1983, with accompanying maps and other supporting data and any revisions thereto are adopted by reference and declared to be part of this Division.

Sec. 660-030 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required in this Division is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made and natural causes. This Division does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Division shall not create liability on the part of Newton County or by any administrative decision lawfully made thereunder.

Sec. 660-040 ADMINISTRATION

The County Building Official is hereby appointed to administer and implement the provisions of this Division.

Sec. 660-050 PERMIT PROCEDURES

Application for a Development permit shall be made in accordance with the established procedures. Specifically, the following information is required.

A. Application Stage:

1. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures.

2. Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed.

3. If flood-proofing is required, certificate from a registered professional engineer or architect that the non-residential flood-proofed structures will meet the flood-proofing in Section 660-080 (B) (2).
4. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

B. Construction Stage

Provide a flood elevation or flood-proofing certification after the lowest floor is completed. Within twenty-one (21) calendar days of establishment of the lowest floor elevation, or flood-proofing by whatever construction means, whichever is applicable, as built in relation to mean sea level. Certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified. When flood-proofing is used for a particular building, certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified. Any work done within the twenty-one (21) calendar day period and prior to submission of the certification shall be at the permit holder’s risk. The County Building Official shall review the Flood Elevation Survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make corrections required shall be cause to issue a stop-work order for the project.

Sec. 660-060 DUTIES OF THE COUNTY BUILDING OFFICIAL

Duties of the County Building Official shall include, but be limited to:

A. Review all applications for development permits to ensure that the permit requirements of these Regulations have been satisfied.

B. Advise permit holder that additional federal and state permits may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the development permit.

C. Notify adjacent communities and the Department of Natural Resources, Georgia Geologic Survey, Flood Plain Management Unit, State of Georgia, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

D. Ensure that maintenance is provided within the altered or relocated portion of the affected watercourse so that the flood carrying capacity is not diminished.

E. Verify and record the actual elevations (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures in accordance with these regulations.
F. Verify and record the actual elevations (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed in accordance with these regulations.

G. When flood-proofing is used for a particular structure, the County Building Official shall obtain certification from a registered professional engineer or architect in accordance with these regulations.

H. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard or a conflict between a mapped boundary and actual field conditions exists, the County Building Official shall make the necessary determination. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in these Regulations.

I. When base flood elevation data has not been provided in accordance with Section 665-020, then the County Building Official shall obtain, review, and reasonably use any base flood elevation data available from a federal, State or other source, in order to administer the provisions of Section 665-080.

J. All records pertaining to the provisions of this Division shall be maintained in the office of the County Building Official and shall be open for public inspection.

Sec. 660-070 SPECIAL EXCEPTION, WAIVER, AND APPEAL PROCEDURES

A. The Newton County Board of Zoning Appeals shall hear appeals of the Building Official’s interpretation of the requirements of this Division and any requests for exceptions from or waivers of the requirements of this Division in accordance with the procedures and criteria established in Division 305 of these Regulations.

B. In considering exceptions to this Division, the Newton County Board of Zoning Appeals shall specifically consider all technical evaluation, relevant factors, and standards specified in other sections and:

1. The danger that materials may be swept onto other lands;

2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, in the case of a functionally dependent facility;

6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

C. Exceptions shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

D. Exceptions may be issued for the repair or rehabilitation of historic structures upon determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as a historic structure and the exception is the minimum necessary to preserve the historic character and design.

E. Any applicant to whom an exception is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

F. The County Building Official shall maintain the records of all appeal actions and report any exceptions to the Federal Emergency Management Agency upon request.

Sec. 660-080 PROVISIONS FOR FLOOD HAZARD REDUCTION

A. General Standards

In all areas of special flood hazard the following provisions are required:

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
2. Manufactured homes shall be anchored to prevent flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame tiles to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

3. All new construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

4. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

5. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within components during conditions of flooding.

6. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

7. New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

8. On-site waste disposal systems shall be located and constructed to avoid impairment or contamination during flooding.

9. Any alteration, repair, reconstruction, or improvements to a structure which is in compliance with the provisions of this Division, shall meet the requirements of “new construction” as contained in these Regulations.

10. Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provisions of this Division, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

B. Specific Standards

In all areas of special flood hazard where base flood elevation data have been provided, as set forth in these regulations, the following provisions are required:

1. Residential Construction

New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor including basement elevated to or above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section 665-080 (B) (3).
2. Non-Residential Construction

New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to or above the level of the base flood elevation. Buildings located in all A-zones, together with attendant utility and sanitary facilities, may be flood-proofed in lieu of being elevated provided that all areas of the building below the base flood level are water tight with walls substantially impermeable to the passage of water, and use structural components having the capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in these regulations.

3. Elevated Buildings

New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
   i. Provided a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding.
   ii. The bottom of all openings shall be no higher than one (1) foot above grade; and
   iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

b. Electrical plumbing and other utility connections are prohibited below the base flood elevation;

c. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

d. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

4. Standards for Manufactured Homes and Recreational Vehicles
a. All manufactured homes placed, or substantially improved, on individual lots of parcels, in expansions to existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions must meet all requirements for new construction, including elevation and anchoring.

b. All manufactured homes placed or substantially improved in an existing manufactured home park

i. The lowest floor of the manufactured home is elevated to or above the level of the base flood elevation, or

ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than thirty-six (36) inches in height above grade, and the lowest floor be elevated to or above the level of the base flood elevation.

iii. The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.

iv. In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as a result of a flood, any manufactured home placed or substantially improved on any lot receiving prior damage must meet the standards of subsection (4) (b).

c. All recreational vehicles placed on sites must either:

i. Be fully licensed and ready for highway use, or

ii. The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of these regulations above.

iii. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

5. Floodways

Located within areas of special flood hazard established in these regulations, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris and
potential projectiles, and has erosion potential, the following provisions shall apply:

a. Prohibit encroachments, including fill, new construction and substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.

b. If subsection (5) (a) is satisfied, all new construction is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of these regulations.

c. Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards in and the elevation standards and the encroachment standards (a) met.

C. Standards for Development Proposals

1. All development proposals shall be consistent with the need to minimize flood damage.

2. All development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

3. All development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

4. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions).

D. Standards for Areas Of Shallow Flooding

Located within the areas of special flood hazard established in these regulations are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1’ – 3’) where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore the following provisions apply:

1. All new construction and substantial improvements of residential building shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth
number is specified, the lowest floor, including basement, shall be elevated, at least
three (3) feet above the highest adjacent grade.

2. All new construction and substantial improvements of non-residential buildings
shall:

   a. Have the lowest floor, including basement, elevated to the depth number
      specified on the Flood Insurance Rate Map, in feet, above the highest adjacent
      grade. If no depth number is specified, the lowest floor, including basement
      shall be elevated to at least three (3) feet above the highest adjacent grade, or;

   b. Together with attendant utility and sanitary facilities be completely flood-
      proofed to or above that level so that any space below that level is watertight
      with walls substantially impermeable to the passage of water and with
      structural components having the capability of resisting hydrostatic and
      hydrodynamic loads and effects of buoyancy.

Sec. 660-090 FLOODPLAIN

A. All buildings located adjacent to the 100-year floodplain shall be constructed so that
all portions of the structure, including the basement floor or crawl areas, shall be not
less than three (3) feet above the 100-year flood elevations; however, structural support
units may be located within the 100-year floodplain, provided they do not conflict with
other hydrologic design characteristics of the approved plans and do not conflict with
other requirements of this Section. Any structure or manufactured home so erected
must be designed (or modified) and adequately anchored to prevent flotation, collapse
or lateral movement of the structure, and be constructed, with flood-resistant materials
and utility equipment resistant to flood damage. Electrical, heating, ventilation,
plumbing, air-conditioning equipment and other service facilities shall be designed
and/or located so as to prevent water from entering or accumulating within the
components during conditions of flooding. Floodproofing of residential construction
will be in accordance with these regulations. When floodproofing is used for a non-
residential structure, the Building Official shall obtain certification from a registered
professional engineer or architect.

B. The profile elevation of the centerline of all public streets shall be constructed a
minimum of one (1) foot above the 100-year flood elevation. Exceptions to this
provision may be granted by the Building Official in cases where construction of the
street elevation below the 100-year flood elevation would improve drainage or reduce
the effects of flooding.
DIVISION 670 RESIDENTIAL AND NON-RESIDENTIAL PROJECT

DEVELOPMENT CLOSE-OUT AND CONTINUING MAINTENANCE (Rev 12/20/11)

A. The owner shall file a Development Performance and Maintenance Agreement, and one or more of the following described bonds, as applicable, with the Director, as a prerequisite to

(i) issuance of a Land Disturbance Permit;
(ii) approval of a Final Plat;
(iii) issuance of a Certificate of Occupancy, except for single-family and two-family residential structures; or
(iv) issuance of Letter of Completion for any part of a project included in the development permit. The Development Performance and Maintenance Agreement and any required bonds shall be in a form approved by the Director and shall include the following:

1. Development Performance and Maintenance Agreement

Prior to the approval of the Final Plat provide a Development Performance and Maintenance Agreement for the completion, repair and maintenance of all work as shown on all approved plans and as required by County codes. Work shall include but not be limited to roadways (including topping), drainage facilities, rights-of-way, easements and miscellaneous items such as installation of sidewalks, street lights, striping of streets, repair of street signs, mowing of right-of-way, removal of silt fence, removal of debris and litter, and other items as required by the Director or his/her designee.

2. Financial Assurances to Ensure Compliance with Development Performance and Maintenance Agreement.

A Performance and Maintenance Bond is the required financial assurances to ensure that the developer complies with the Development Performance and Maintenance Agreement and shall be submitted in conjunction with said Agreement. The amount of any required financial assurances and administrative fees shall be established by fee schedules approved by the Board of Commissioners. A minimum of fifty percent (50%) shall be in the form of a cash escrow. The remaining amount may be in the form of a Performance and Maintenance Bond. Should the developer fail to perform and maintain as agreed, the County may pursue the Performance and Maintenance Bond and/or utilize the Cash Escrow.

3. Performance Bond for Work in the County Right-of-Way.

Prior to the issuance of a Land Disturbance Permit and/or a Permit to Work in the County Right-of-way, a developer or builder (as applicable) shall provide a Performance Bond. This is to ensure the completion, and/or repair, of work taking place within the existing County right-of-way, including but not be limited to (1) utility
crossings and encroachments; (2) improvements such as new lanes, curb and gutter, and shoulders; and (3) drainage improvements. The Performance Bond shall be returned upon completion and a satisfactory inspection, or at the discretion of the County Engineer. Maintenance of said work shall be under the Development Performance and Maintenance Bond.


Prior to the issuance of a Land Disturbance Permit, a Performance and Maintenance Bond for completion and maintenance of drainage facilities and Soil Erosion and Sedimentation Control shall be required in accordance with Newton County Water Resources Management Ordinance and regulations. This bond is required to be in effect through the bonding period established with the approval of a final plat. Monies dedicated in the bond may be released incrementally as completion and permanent stabilization occur at the discretion of the Chief Engineer. Silt fence associated with permanently stabilized areas shall be removed prior to incremental release.


Prior to issuance of a Final Plat or Certificate of Occupancy, a Performance and/or Maintenance Bond, as applicable, for completion and maintenance of landscaping as shown on the approved landscape plan may be required by the County Landscape Architect. If landscaping is not complete prior to issuance of the Certificate of Occupancy, this bond shall specify the time for the completion of the landscaping requirement provided the time period does not exceed 6 months from the time of the approval. Monies dedicated in the bond may be released incrementally as completion occurs at the discretion of the County Landscape Architect.

6. Performance Bond for Amenities

Prior to issuance of the first building permit a Performance Bond for completion of an amenity package if shown on the approved plans or plats. The amenity area shall be constructed pursuant to Sec. 520-010. The Performance Bond shall be returned upon completion and a satisfactory inspection, or at the discretion of the Planning Director. Maintenance of said amenity shall be under the Homeowners Association’s Covenants.

7. Performance and Maintenance Bond for Water and Sanitary Sewer

A maintenance bond for the water and sanitary sewer facilities is required separately by the Newton County Water and Sewer Authority in accordance with their regulations. For the water system and sanitary sewer improvements, the contractor employed by the developer shall be responsible for maintenance of all water mains and appurtenances for one (1) year from date of approval of the Certificates of Development Conformance by correcting all defects or deficiencies in materials or
workmanship. The contractor must be one approved by the Newton County Water and Sewer Authority.

8. The Performance and Maintenance Bond Period

a. Except as otherwise required herein, for residential subdivisions the performance and maintenance bond period of application shall not be less than three (3) years from the date of issuance of the Final Plat.

b. The topping of roadways must take place within 18 months after the final plat is recorded, or after seventy-five (75) percent of the total project’s/phase’s Certificates of Occupancy have been issued, whichever comes first. Upon the development of subsequent phases, the performance and maintenance bond on any portion of the streets used to access the construction in the subsequent phase(s) shall be renewed or extended for three (3) years from the date of the Final Plat for the subsequent phase(s).

c. Extension of Time. In the event that any performance covered by a required bond is not completed within the time period allowed for under the bond, the developer may petition the Planning Director for an extension of time in which to complete the required performance. A one-year extension of time may be granted by the Planning Director upon application by the developer, upon a showing of good cause and diligent effort by the developer to complete the required improvements within the required period, and provided such application is submitted at least sixty (60) days prior to the expiration of the performance bond, and the issuer of the bond is willing to extend the time of the assurance. The bond amount shall be increased ten (10) percent for each year extension granted by the Planning Director. A minimum of fifty percent (50%) of the increase shall be in the form of a cash escrow. The remaining amount may be in the form of a revised Performance and Maintenance Bond. The developer may submit a revised estimated cost to complete the remaining performance and the Planning Director may use the revised estimate to calculate the ten (10) percent increase.

9. Indemnification of the County

a. The County shall be indemnified against all liability for damages arising as a result of errors or omissions in the design or construction of the development for a period of ten (10) years. If liability is subsequently assigned or transferred to a successor in title or other person, a copy of such legal instrument shall be filed with the Clerk of the Superior Court.

b. The approval of an erosion control and sedimentation plan, a development permit or a building permit, or compliance with any other provision of this Ordinance or County code shall not relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose
any liability upon the Board of Commissioners or the Soil and Water Conservation District for damage to any person or property.

c. The fact that any activity for which a development permit has been issued results in injury to the property of another shall neither constitute proof of, nor create a presumption of violation of the standards provided for in this Ordinance or the terms of the permit.

d. The County shall be indemnified against all liability for damages or fines arising from stormwater, nuisance, flooding, pollution, violations of the federal Clean Water Act, 33U.S.C. Section 1251 et seq., violations of the Georgia Erosion and Sediment Control Act, O.C.G.A. Section 12-7-1 et seq., violations of the Georgia Water Quality Control Act, O.C.G.A. Section 12-5-20 et seq., and any other action under the common law, or any statute, regulation, or permit alleged within, on, under, or through the lands, lots, and infrastructure approved by the Final Plat, Certificate of Occupancy, or Letter of Completion for a period of ten (10) years. If liability is subsequently assigned or transferred to a successor in title or other person, a copy of such legal instrument shall be filed with the Clerk of the Superior Court.

10. Performance and Maintenance Bond and Cash Escrow

The form of the performance and maintenance bond and cash escrow shall be submitted to the Planning Director for approval at least two business days prior to requested issuance of a final approval. The Planning Director shall inform the owner of the amount of the bond at that time, according to approved fee schedules. The bond shall be in a form acceptable to the Planning Director. No final approvals shall be issued until an approved original bond and cash escrow is accepted by the Planning Director. The original bond shall be held by the Planning Director for the duration specified in this ordinance. The cash escrow will be held by the Board of Commissioners in a special escrow account at a local bank as approved by the Board of Commissioners. Cash escrow shall be deposited within 24 hours of receipt by County. At the end of the bonding period, they shall be returned to the owner.

11. Bond Amount

The amount of the Performance and Maintenance Bond and Cash Escrow shall be determined by the Planning Director in accordance with Fee Schedules approved by the Board of Commissioners. If the bonding period is extended, the amount of the Performance and Maintenance Bond and Escrow shall be calculated at a higher rate, as established in the approved fee schedules.

12. End of Performance and Maintenance Bond Period

By the end of the Performance and Maintenance Period all public streets, drainage facilities and other development items, as shown on the approved plans and as required by County codes, shall be completed, repaired and properly maintained. If the Planning Director determines that completion, maintenance or repair is required of some structure covered by a
bond and cash escrow, the Director shall notify the owner (that is, the party making the Performance and Maintenance Agreement) of the problem and the expected corrective action. The owner shall be required to commence repairs within 10 days. The owner shall be required to complete repairs within 30 days unless a longer period is granted by the Planning Director. In an emergency situation, or the public health and safety demanding, the Planning Director may shorten these deadlines. In the event the owner fails to comply with the directives of the Planning Director, the Planning Director shall declare in writing (which notice shall be mailed to the owner) that the owner is in default and that the County intends to utilize the cash escrow or make a claim against the performance and maintenance bond. Site shall be fully stabilized, have a full and vigorous stand of permanent vegetation and silt fence shall be removed.

13. Minimum requirements for acceptable forms of Performance and Maintenance

Bonds and Cash Escrow shall be as follows:

a. Performance and Maintenance bonds shall be issued by companies licensed to issue sureties in the State of Georgia. Such companies shall be pre-qualified by the Newton County Development Services Department at least one month prior to submitting a bond. Cash Escrow shall be in the form of a certified check or wire transfer from within the state of Georgia.

b. Performance and Maintenance Bonds shall include contact information for the representative of the surety or bank responsible for the bond, including name, address and telephone number.

B. The maintenance bond period of application shall not be less than (3) years from the date of issuance of the Final Plat. If eighty (80) percent of the total project’s/phase’s Certificates of Occupancy have been issued, the bond may be released after two (2) years. The topping of roadways must take place during the period of between 12 months and 18 months after the final plat is recorded, or after eighty (80) percent of the total project’s/phase’s Certificate of occupancy have been issued. Upon the development of used access the subsequent phase(s) shall be renewed or extended for three (3) years from the date of the Final Plat for the subsequent phase(s). The bond for the streets used to access the subsequent phase(s), if built to 6/2/1 standards or better, shall be based on two-thirds of the fee amount for new roads.

(Rev 01/15/08)
1. Development Performance and Maintenance Agreement

DEVELOPMENT PERFORMANCE AND MAINTENANCE AGREEMENT

WHEREAS, as a condition of final approval and issuance of a ______________
______________ for the development known as ______________ located at

Newton County, Georgia, the developer/owner of said property: ______________ hereinafter “Principle,” is
required by the Newton County Development Regulations to guaranty performance and
maintenance of certain aspects of the development such as:

IT IS HEREBY AGREED and understood that the Principal, in exchange for final approvals
and other good and sufficient consideration, does agree to bind himself, and his heirs, assigns
and successors in interest on this property, to complete, repair, and/or maintain all public
streets, drainage facilities within public streets or easements, work including but not be limited
to rights-of-way, easements, miscellaneous items such as installation of sidewalks, street lights,
striping of streets, repair of street signs, and removal of silt fence, debris and litter, and any
other items as required by the Director or his/her designee, as shown on the approved
permit/plans or as required by County codes for the bonding period running from date

______________ until ______________, which period constitutes ___36___ months
after issuance of the Final Plat, Certificate of Occupancy or Letter of Completion.

THE UNDERSIGNED PRINCIPAL further agrees to complete, maintain and make
necessary repairs as agreed to above upon request of the Newton County Planning Director
or his/her designee, in the time-frame directed by said official. The Principal understands that
upon failure to comply with the Planning Director's directives the principal shall be declared
in default of this agreement, and authorizes the County to pursue the performance and
maintenance bond and cash escrow. The maximum amount shall be as required to cure the
default. The undersigned Principal understands that if repairs are not made to the satisfaction
of said official, the performance and maintenance bond and cash escrow may be claimed
against by the County.

THE UNDERSIGNED PRINCIPAL further agrees to indemnify and hold Newton County
harmless against all liability for damages arising as a result of errors or omissions in the design
or construction of the development for a period of ten (10) years. If ownership is subsequently
assigned or transferred to a successor in title or interest or other person, a copy of such legal
instrument shall be filed with the Clerk of Superior Court, and provided to the Planning
Director. The approval of an erosion control and sedimentation plan, a development permit
or a building permit, or compliance with any other provision of the Ordinance or County code
shall not relieve any person from the responsibility for damage to any person or property
otherwise imposed by law nor impose any liability upon the Board of Commissioners or the
Soil and Water Conservation District for damage to any person or property. The fact that any activity for which a development permit has been issued results in injury to the property of another shall neither constitute proof of, nor create a presumption of violation of the standards provided for in the Ordinance or the terms of the permit.

THE UNDERSIGNED PRINCIPAL further agrees to indemnify and hold Newton County harmless against all liability for damages or fines arising from stormwater, nuisance, flooding, pollution, violations of the federal Clean Water Act, 33U.S.C. Section 1251 et seq., violations of the Georgia Erosion and Sediment Control Act, O.C.G.A. Section 12-7-1 et seq., violations of the Georgia Water Quality Control Act, O.C.G.A. Section 12-5-20 et seq., and any other action under the common law, or any statute, regulation, or permit alleged within, on, under, or through the lands, lots, and infrastructure approved by the Final Plat, Certificate of Occupancy, or Letter of Completion for a period of ten (10) years. If liability is subsequently assigned or transferred to a successor in title or other person, a copy of such legal instrument shall be filed with the Clerk of the Superior Court.

THE UNDERSIGNED HAS READ AND UNDERSTOOD THIS DOCUMENT FULLY. If the person signing this document is signing on behalf of a corporation, partnership or other legal entity, that person affirms hereby that he or she has full authority to bind said entity.

IN WITNESS WHEREOF, the undersigned have caused this instrument to be executed and their respective corporate seals to be affixed and attested by their duly authorized representatives this ______ day of ______, 20____.

PRINCIPAL:

[Corporation or entity name]

________________________

by: [print name of officer] L.S.

its: [title]

Attest:

________________________

Secretary
2. Performance and Maintenance Bond:

PERFORMANCE AND MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS, that ________________________________
[name of developer/owner] hereinafter called “Principal,” and ____________________________________________________
[name of surety company] hereinafter called “Surety,” are held and firmly bound unto Newton County, Georgia, in the
sum of ______________________ [amount of bond] for securing the completion, repair and
maintenance of the required improvements and works, as hereinafter set forth, for the
payment of which sum Principal and Surety do well and surely bind themselves, their heirs,
executors, administrators, successors and assigns, jointly and severally, firmly by these
presents, acknowledge and agree as follows:

WHEREAS, the Principal has completed a development known as ____________________________________________________
in Newton County, Georgia, and Principal now desires a Final Plat approval, Certificate of
Occupancy or Letter of Completion; and WHEREAS, the Newton County Development
Regulations require a Development Performance and Maintenance Agreement and
performance and maintenance bond to insure the completion, repair and maintenance of streets, drainage facilities, work including but not be limited to rights-of-way, easements, miscellaneous items such as installing sidewalks, street lights, striping of streets, repair of streets signs, and removal of silt fence, removal of debris and litter and any other items as required by the Director or his/her designee, as shown on the approved permit/plans or as
required by County codes for a period of __36__ months from _______________ [date],
through and including ____________ [end date];

NOW THEREFORE, the conditions of this obligation are as follows, that whenever the
Principal is declared in default by the Newton County Planning Director or his designee, the
Surety shall promptly remedy the default as follows:

1. Pay Newton County for all costs of completion, repair and maintenance of streets
and/or drainage facilities and other aforementioned items in the following manner: (a)
make an initial payment to Newton County within 10 business days of receipt of a cost
estimate; and (b) make additional payments to the County within 10 days of receipt of
supplemental cost estimates and/or receipts for work performed; or at the option of
the County,

2. Complete the improvements, repairs and maintenance as may be required by the
Director or his/her designee under the direction and approval of Newton County in
accordance with an approved timeframe. Within 10 business days of being declared in
default, a proposed timeline for completion of the improvements, repairs and
maintenance must be submitted to the Director or his/her designee for approval.

The Surety shall commence performance of its obligations and undertakings under this Bond
promptly and without delay, after written notice from the Newton County Planning Director
to the Surety. This bond is intended to comply with the requirements of the Newton County Development Regulations and shall be interpreted so as to comply with the minimum requirements thereof. However, in the event the express language of this bond exceeds the minimum requirements, then the additional protection shall be enforced to the benefit of the County. All legal proceedings initiated with respect to this document shall be subject to Georgia courts and law.

IN WITNESS WHEREOF, the undersigned have caused this instrument to be executed and their respective corporate seals to be affixed and attested by their duly authorized representatives this ________ day of ________________, 20____.

PRINCIPAL: ___________________
[Corporation or entity name]

_______________________
by: [print name of officer] L.S.

_______________________
its: [title]

Attest:

_______________________
Secretary

SURETY: _______________________
[Corporation or entity name]

_______________________
by: [print name of officer] L.S.

_______________________
its: [title]

Attest:

_______________________
Secretary

[attach power of attorney]
3. Landscape Performance and Maintenance Bond

LANDSCAPE PERFORMANCE & MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS, that ________________________________ [name of developer/owner] hereinafter called “Principal,” and ____________________________________________________ [name of surety company] hereinafter called “Surety,” are held and firmly bound unto Newton County, Georgia, in the sum of ______________________ [amount of bond] for securing the installation of and for ensuring the proper growth of the required landscaping, as hereinafter set forth, for the payment of which sum Principal and Surety do well and surely bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents, acknowledge and agree as follows:

WHEREAS, the Principal has submitted construction plans for the development known as ___________________________________________________________________________________________________________________________ hereinafter called “Project,” and located at ____________________________________________________ in Newton County, Georgia, and Principal now desires a Final Project Approval; and

WHEREAS, the Newton County Development Regulations require a Performance and Maintenance Bond to ensure the completion of proper installation and growth of landscaping for the Project, said work including but not limited to procurement and planting of landscape plant material, mulch, irrigation systems, fertilizer and watering said plants as required by the Director or his/her designee, as shown on the approved permit/plans or as required by County codes for a period of _____36___ months from ______________ [date], through and including ______________________[end date];

NOW THEREFORE, the conditions of this obligation are as follows, that whenever the Principal is declared in default by the Newton County Planning Director or his designee, the Surety shall promptly remedy the default as follows:

1. Complete the proper soil preparation, planting, mulching and watering required under the direction and approval of Newton County; or,
2. Replace any dead and/or diseased or missing plants and complete the proper soil preparation, planting, mulching and watering required under the direction and approval of Newton County; or, at the option of the County,
3. Pay Newton County for all costs of preparation, planting, mulching and watering of said facilities in the Project and other aforementioned items in the following manner: (a) make an initial payment to Newton County within 10 business days of receipt of a cost estimate; and (b) make additional payments to the County within 10 days of receipt of supplemental cost estimates and/or receipts for work performed;

The Surety shall commence performance of its obligations and undertakings under this Bond promptly and without delay, after written notice from the Newton County Planning Director to the Surety.
This bond is intended to comply with the requirements of the Newton County Development Regulations and shall be interpreted so as to comply with the minimum requirements thereof. However, in the event the express language of this bond exceeds the minimum requirements, then the additional protection shall be enforced to the benefit of the County. All legal proceedings initiated with respect to this document shall be subject to Georgia courts and law.

IN WITNESS WHEREOF, the undersigned have caused this instrument to be executed and their respective corporate seals to be affixed and attested by their duly authorized representatives this _______ day of ______________, 20__.

PRINCIPAL: _______________________
[Corporation or entity name]

by: [print name of officer] L.S.

Attest:

________________________
Secretary

SURETY: _______________________
[Corporation or entity name]

by: [print name of officer] L.S.

its: [title]

Attest:

________________________
Secretary
[attach power of attorney]
## FEE SCHEDULE FOR PERFORMANCE AND MAINTENANCE BONDS AND CASH ESCROW AND REGISTRATIONS

<table>
<thead>
<tr>
<th>TYPE</th>
<th>COST PER</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Performance and Maintenance Bond (due at time of final plat; 50% must be in form of cash escrow)</td>
<td>Linear Feet</td>
<td>$20.00</td>
</tr>
<tr>
<td>Drainage Facilities and Erosion Control</td>
<td>Disturbed Acre</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>Landscaping -Performance</td>
<td>Cost as approved by the County of materials, labor and other attendant costs incidental to the installation of the required landscaping.</td>
<td>100%</td>
</tr>
<tr>
<td>Landscaping -Maintenance</td>
<td>Cost as approved by the County of materials, labor and other attendant costs incidental to the installation of the required landscaping.</td>
<td>10%</td>
</tr>
<tr>
<td>Amenities</td>
<td>Cost as approved by the County of materials, labor and other attendant costs incidental to the installation of the required amenity.</td>
<td>100%</td>
</tr>
<tr>
<td>Work in County Right-of-Way</td>
<td>Cost as determined by the County for completion, constructing or installing improvements and required utilities.</td>
<td>100%</td>
</tr>
<tr>
<td>Bond Extensions</td>
<td>Year (or portion thereof)</td>
<td>10% Increase</td>
</tr>
<tr>
<td>Bond Administrative Fee</td>
<td>Bond (all types)</td>
<td>4% of bond amount</td>
</tr>
<tr>
<td>Subdivision Developers Registration</td>
<td>Developer</td>
<td>$25.00</td>
</tr>
<tr>
<td>Subdivision Registration</td>
<td>Subdivision</td>
<td>$50.00</td>
</tr>
<tr>
<td>Homeowners Association Registration</td>
<td>HOA</td>
<td>$25.00 (Fee waived if filed on time)</td>
</tr>
</tbody>
</table>
ARTICLE-7: DEVELOPMENT AGREEMENTS

DIVISION 710: DEVELOPMENT AGREEMENTS

Sec. 710-010 SCOPE OF DEVELOPMENT AGREEMENT
A development agreement must concern a development of at least 100 acres and must direct development over a time period not less than five years.

Sec. 710-020 PUBLIC HEARING
Before entering into a development agreement, the Board of Commissioners shall advertise and hold a public hearing to present and discuss the subject agreement. The advertisement should include a location of the property, the proposed uses, and specify a place where an advance copy of the proposed agreement may be obtained by the public.

Sec. 710-030 REQUIRED CONTENT OF AGREEMENT
A development agreement must include:

A. A legal description of the property and the names of the owners.

B. Duration of the agreement.

C. Statement that the terms of the agreement shall be binding upon all future successors, developers, owners or users of the property until the agreement expires or the term is lawfully extended.

D. Uses proposed for the project, including building locations, densities and heights and access points.

E. Any proposed facilities, public dedication, and accommodation of historic resources and environmental constraints on the property.

F. A description of the local development permits approved or needed for completion of the project.

G. Description of any terms or conditions to be met to protect the public health, safety, and welfare of the citizens.

H. A finding that the development is consistent with Comprehensive Plan, Zoning Ordinance and Development Regulations.

I. An agreement that the development agreement may be modified in the future and that new stipulations may be imposed by Newton County, including imposition of subsequently adopted regulations applied to the subject property if:

   1. Federal laws or regulations prevent or preclude compliance with one or more provisions of the development agreement; or
2. Time has shown that the development agreement is based on substantially and materially inaccurate information supplied by the developer; or

3. Substantial changes occur in pertinent conditions existing at the time of approval of the development agreement, the Board of Commissioners has the right to hold a public hearing to amend conditions of the development agreement if such changes are found to be necessary to protect the public health, safety, and welfare; or

4. The developer has not fulfilled essential terms and conditions imposed upon him/her in the development agreement, and after having been given reasonable opportunity to cure any such defects, has been unable to do so.

J. The development agreement complies with applicable building, housing, electrical, plumbing, and gas codes now in effect or subsequently adopted by Newton County.

Sec. 710-040 AMENDMENTS TO AGREEMENT
Changes to the agreement shall require a public hearing in which the developer is allowed to address concerns of the local government and citizens are afforded the opportunity to review and comment on the proposed changes.

Sec. 710-050 DEVELOPMENT LAWS AND REGULATIONS
Agreement may not be executed until land is properly zoned for proposed uses. Unless otherwise provided by the development agreement, the laws and regulations that govern development of the subject property are those in force at the time of execution of the agreement. Exceptions shall be based on the following standards:

A. Exceptions are essential to the public health, safety, and welfare and are expressly subject to the fulfillment of all terms contained in the subject development agreement.

B. The development standards contained in the agreement are not in conflict with other laws and regulations of Newton County.

Sec. 710-060 RECORD OF AGREEMENT
Within fourteen days after the development agreement is approved by the Newton County Board of Commissioners, the developer shall record the agreement with the Clerk of Court of Newton County.

Sec. 710-070 ANNEXATION
Future annexation of the property will not release the developer from fulfilling provisions of the agreement without the consent of the Board of Commissioners of Newton County pursuant to a duly advertised public hearing.
ARTICLE 8: REGISTRATION REQUIREMENTS (Amd 12/20/2011)

DIVISION 800: DEFINITIONS

Sec. 800-010
Agent
Any person who represents, or acts for or on behalf of, a subdivision developer in selling or leasing, or offering to sell or lease, any lot, parcel, unit or interest in a subdivision, but shall not include an attorney-at-law whose representation of another person consists solely of rendering legal services.

Dispose or disposition
Any sale, contract, assignment, or any other voluntary transfer of a legal or equitable interest in a lot, parcel, unit or interest in subdivided lands, except as security for a debt.

Homeowners Association or HOA
A formal legal entity comprised of homeowners of a particular subdivision, condominium or community oriented residential development created to maintain common areas and enforce private deed restrictions.

Offer
Any inducement, solicitation, or attempt to encourage any person or persons to acquire any legal or equitable interest in a lot, parcel, unit or interest in subdivided lands, except as security for a debt.

Purchaser
Any person or persons who acquire by means of a voluntary transfer a legal or equitable interest in a lot, parcel, unit or interest in subdivided lands, except as security for a debt.

Subdivision Developer
A person or entity which is an owner of subdivide
d land or one who offers it for disposition. Any successor of the person referred to in this definition who comes to stand in the same relation to the subdivided lands as a predecessor did shall also come within this definition.

DIVISION 810: PROHIBITION ON DISPOSITIONS OF INTERESTS IN SUBDIVISIONS

Sec. 810-010
No subdivision developer, or agent thereof, of a major residential subdivision may offer or dispose of any lot, parcel, unit or interest in subdivided lands located in unincorporated Newton County prior to the time the subdivision developer and subdivided lands are registered with the Development Services Department. In the event the subdivision developer is not the owner of the subdivided lands, the owner must file a separate registration.
DIVISION 820: REGISTRATION REQUIREMENTS

SEC. 820-010: SUBDIVISION DEVELOPER REGISTRATION

Registration information for a subdivision developer shall be filed in a form prescribed by the Department and shall contain the following documents and information:

a. The subdivision developer’s name, address (for the principal office and all branch offices in Georgia), telephone number, fax number, e-mail address and designated primary contact.

b. The subdivision developer’s form of ownership, date of formation and jurisdiction of organization.

   1. If the subdivision developer is a corporation, a copy of its articles of incorporation with all amendments thereto.

   2. If the subdivision developer is a trust, a copy of all instruments by which the trust is created together with all amendments thereto.

   3. If the subdivision developer is a partnership, unincorporated association, joint stock company, or any other form of organization, a copy of its articles of partnership or association and all other papers pertaining to its organization, including all amendments thereto.

c. The names and addresses of all natural persons with a ten percent (10%) or greater financial or ultimate beneficial interest in the business of the subdivision developer, either directly or indirectly, as principal, manager, member, partner, officer, director or stockholder, specifying each such person’s capacity, title and percentage of ownership. If no natural person has a ten percent or greater financial or beneficial interest in the business of the subdivision developer, the information required in this subparagraph shall be submitted regarding the natural person having the largest single financial or beneficial interest.

d. The length of time and locations where the subdivision developer has been engaged in the business of real estate sales or development.

e. Each registered subdivision developer shall be issued a certificate indicating that the subdivision developer named therein is registered in Newton County. A certificate issued to a subdivision developer shall entitle all agents and employees of such subdivision developer to act in the capacity of a subdivision developer as agent for such subdivision developer. The subdivision developer shall be responsible for all actions of such agents and employees.

f. Registration certificates shall expire on January 31st of each year. During the month of January, the subdivision developer shall, until such time as the subdivision developer has no active subdivision registrations, file an updated registration reflecting
any material changes in the information contained in the original registration or a statement that there are no material changes.

g. Upon the initial registration of each subdivision developer, a fee as shown in the Fee Schedule shall be submitted.

SEC. 820-020: SUBDIVISION REGISTRATION

Prior to the approval of the Final Plat, registration information for a Major Residential Subdivisions shall be filed in a form prescribed by the Department and shall contain the following documents and information:

a. The name and location of the subdivision.

b. A legal description of the perimeter of subdivided lands offered for registration, together with a plat showing the division proposed or made, and the dimensions of the lots, parcels, units or interests and the relation of the subdivided lands to existing streets, roads, and other off-site improvements.

c. A statement of the condition of the title to the subdivided lands, including all easements, conditions, covenants, restrictions, liens and other encumbrances, if any, affecting subdivided lands owned by the subdivision developer, with appropriate recording data, issued within 30 days of the date of initial registration, which statement shall be in the form of a title opinion of a licensed attorney.

d. If there is a blanket encumbrance or lien affecting more than one lot, parcel, unit or interest, a statement of the consequences for a purchaser of failure to discharge the blanket encumbrance or lien and the steps, if any, taken to protect the purchaser in case of this eventuality.

e. If the Zoning Ordinance or Development Regulations of Newton County establish any prerequisites to the issuance of building permits or certificates of occupancy that have not been met, a statement of the subdivision developer’s plan to meet all prerequisites and the consequences for a purchaser of failure of the subdivision developer to meet any prerequisites.

f. A statement of the zoning, subdivision, and other governmental approvals, if any, affecting the subdivided lands and also, if known, any existing tax and existing or proposed special taxes or assessments which affect the subdivided lands.

g. A statement of the existing provisions for access, sewage disposal, water, and other public utilities in the subdivided lands.
h. Information concerning improvements, including streets, water supply, levees, drainage control systems, irrigation systems, sewage disposal facilities and customary utilities, and the estimated cost, if any, to be borne by the purchaser, date of completion and responsibility for construction and maintenance of existing and proposed improvements which are referred to in connection with the offering or disposition of any interest in subdivided lands.

i. A statement of any improvements or amenities proposed to be constructed, an estimate of their cost, the plan for their financing, the schedule for their completion and the plan for their maintenance; provided, however, that if the subdivision developer will give no assurances as to the construction or completion of said improvements or amenities, a statement that no assurance will be given must be included.

j. A statement as to whether or not a Homeowners Association or similar entity is to be or has been created within the subdivision, the fees associated with any such association and whether (or to what extent) the developer controls the association.

k. A description of the promotional plan for the disposition of the subdivided lands. All promotional materials shall state that the registration for the subdivision is on file, and available for inspection, at the Newton County Development Services Department.

l. Subdivision registrations shall be updated annually. During the month of January of each year, the subdivision developer shall, until such time as all of the improvements in the subdivided lands have been completed and all of the lots, parcels, units or interests have been disposed of by the subdivision developer, file an updated registration reflecting any material changes in the information contained in the original registration or a statement that there are no material changes.

m. Upon the initial registration of each subdivision, a fee as shown in the Fee Schedule shall be submitted.

SEC. 820-030: HOMEOWNERS ASSOCIATION REGISTRATION

Registration information for Homeowners Associations shall be filed in a form prescribed by the Department and shall contain the following information:

a. Subdivision name.
b. Homeowners Association (HOA) name, mailing address and phone number.
c. Name, address and phone number of the HOA President.
d. Name, address, phone number of any property management company.
e. Name, address and phone number of any property manager.
f. Registered agent for the HOA.

g. Existing HOAs must register by December 31, 2012. Newly formed HOAs must register within 30 days of formation. During the month of January of each year, each HOA shall file an updated registration reflecting any changes in the information contained in the original registration or a statement that there are no changes.

h. Upon the initial registration of each HOA, a fee as shown in the Fee Schedule shall be submitted. Said fees shall be waived if the registration is filed on time.
APPENDICES
APPENDIX A

TABLE 1

KEY TO SYMBOLS AND TREE SPECIES CHARACTERISTIC DESCRIPTIONS

<table>
<thead>
<tr>
<th>TREE CHARACTERISTIC</th>
<th>DESCRIPTION AND ENTRY CHOICES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Species Common Name</td>
<td>Entered with genus common name first, then species, then cultivar if applicable. For some species an alternate common name is included in parentheses.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CANOPY AREA FOR DEVELOPMENT CODE</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Square Feet of Canopy</td>
<td>The total area projection of the crown onto the ground in square feet as typically achieved in urban situations with less than optimal growing conditions.</td>
</tr>
</tbody>
</table>
| Canopy Size Category                | **Very Small** – 150 square feet with a 15 foot crown diameter  
The minimum open soil surface area is 25 sq. ft.  
**Small** – 400 square feet with a 25 foot crown diameter  
The minimum open soil surface area is 100 sq. ft.  
**Medium** – 900 square feet with a 35 foot crown diameter  
The minimum open soil area is 225 sq. ft.  
**Large** – 1,600 square feet with a 45 foot crown diameter  
The minimum open soil surface area is 400 sq. ft. |

<table>
<thead>
<tr>
<th>RECOMMENDED USES</th>
<th></th>
</tr>
</thead>
</table>
| Level of Use                         | The level of use that the tree should receive  
**P** – Plant new trees and conserve existing trees  
**C** – Conserve existing trees  
**L** – For limited planting or conservation only  
**N** – Do not plant |
Large Landscape Areas
Road Frontages-Street
Road Frontages-Yard
Parking Lots
Riparian Zones and Drainage areas
Utility Corridors

The site situation where the tree should be planted and/or conserved.

- O – tree to avoid; not suitable
- Blank – may or may not be suitable
- X – good choice
- XX – excellent choice

APPENDIX A
TABLE 1

KEY TO SYMBOLS AND TREE SPECIES CHARACTERISTIC DESCRIPTIONS

<table>
<thead>
<tr>
<th>TREE CHARACTERISTIC</th>
<th>DESCRIPTION AND ENTRY CODE</th>
</tr>
</thead>
<tbody>
<tr>
<td>PHYSICAL CHARACTERISTICS</td>
<td></td>
</tr>
<tr>
<td>Height Class in Urban Conditions</td>
<td>Height class (ground to tip of leader or tallest branch) of a mature tree commonly achieved in urban situations with less than optimal growing conditions</td>
</tr>
<tr>
<td></td>
<td>S – Small: 15-25 feet</td>
</tr>
<tr>
<td></td>
<td>M – Medium: 25-40 feet</td>
</tr>
<tr>
<td></td>
<td>L – Large: 40 feet and taller</td>
</tr>
<tr>
<td>Crown Class in Urban Conditions</td>
<td>The width of the crown (at its widest point) commonly achieved in urban situations with less than optimal growing conditions</td>
</tr>
<tr>
<td></td>
<td>VS – Very Small (150 sq. ft. with a 15 foot crown diameter)</td>
</tr>
<tr>
<td></td>
<td>S – Small (400 sq. ft. with a 25 foot crown diameter)</td>
</tr>
<tr>
<td></td>
<td>M – Medium (900 sq. ft. with a 35 foot crown diameter)</td>
</tr>
<tr>
<td></td>
<td>L – Large (1,600 sq. ft. with a 45 foot crown diameter)</td>
</tr>
<tr>
<td>Mature Crown Form</td>
<td>General shape of the tree’s crown (leaves &amp; branches)</td>
</tr>
<tr>
<td></td>
<td>Irregular</td>
</tr>
<tr>
<td></td>
<td>Multi-Stemmed</td>
</tr>
<tr>
<td></td>
<td>Oval (Columnar)</td>
</tr>
<tr>
<td></td>
<td>Pyramidal</td>
</tr>
</tbody>
</table>
### Appendix A

#### TABLE 1

**KEY TO SYMBOLS AND TREE SPECIES CHARACTERISTIC DESCRIPTIONS**

<table>
<thead>
<tr>
<th>TREE CHARACTERISTIC</th>
<th>DESCRIPTION AND ENTRY CODE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PHYSICAL CHARACTERISTICS (cont’d)</strong></td>
<td></td>
</tr>
<tr>
<td>Leaf Type</td>
<td>Persistence and type of leaf on the tree. Deciduous trees lose their leaves in the fall</td>
</tr>
<tr>
<td></td>
<td>DB – Deciduous Broadleaf</td>
</tr>
<tr>
<td></td>
<td>DC – Deciduous Conifer</td>
</tr>
<tr>
<td></td>
<td>EB – Evergreen Broadleaf</td>
</tr>
<tr>
<td></td>
<td>EC – Evergreen Conifer</td>
</tr>
<tr>
<td>Leaf Texture</td>
<td>Relative size and appearance of leaves</td>
</tr>
<tr>
<td></td>
<td>F – Fine</td>
</tr>
<tr>
<td></td>
<td>M – Medium</td>
</tr>
<tr>
<td></td>
<td>C – Coarse</td>
</tr>
<tr>
<td>Fall Leaf Color</td>
<td>The typical color of the tree’s fall foliage</td>
</tr>
<tr>
<td></td>
<td>EV – evergreen</td>
</tr>
<tr>
<td></td>
<td>BR – bronze or brown</td>
</tr>
<tr>
<td></td>
<td>MA – maroon</td>
</tr>
</tbody>
</table>
**APPENDIX A**

**TABLE 1**

**KEY TO SYMBOLS AND TREE SPECIES CHARACTERISTIC DESCRIPTIONS**

<table>
<thead>
<tr>
<th>TREE CHARACTERISTIC</th>
<th>DESCRIPTION AND ENTRY CODE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PHYSICAL CHARACTERISTICS (cont’d)</strong></td>
<td></td>
</tr>
<tr>
<td>Flower Color</td>
<td>For trees with showy flowers, indicates the typical flower color</td>
</tr>
<tr>
<td><strong>B</strong> – blue</td>
<td></td>
</tr>
<tr>
<td><strong>L</strong> – purple</td>
<td></td>
</tr>
<tr>
<td><strong>M</strong> – multiple colors: white, pink, purple, red. Or others</td>
<td></td>
</tr>
<tr>
<td><strong>P</strong> – pink</td>
<td></td>
</tr>
<tr>
<td><strong>R</strong> – red</td>
<td></td>
</tr>
<tr>
<td><strong>W</strong> – white</td>
<td></td>
</tr>
<tr>
<td><strong>Y</strong> – yellow</td>
<td></td>
</tr>
<tr>
<td><strong>I</strong> – insignificant flowers: small with an unremarkable color</td>
<td></td>
</tr>
<tr>
<td>Flowering Time</td>
<td>For trees with showy flowers, the general season of blooming for the species</td>
</tr>
<tr>
<td>Wildlife Value</td>
<td>Indicates with an “X” if the tree produces flowers (nectar) or fruits that are consumed by insects, birds, or mammals</td>
</tr>
<tr>
<td>TREE CHARACTERISTIC</td>
<td>DESCRIPTION AND ENTRY CODE</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td><strong>ENVIRONMENTAL CHARACTERISTICS AND TOLERANCES</strong></td>
<td></td>
</tr>
<tr>
<td>Native Tree to Region</td>
<td>Indicates whether or not the tree is found naturally growing in the region</td>
</tr>
<tr>
<td></td>
<td>Y – Yes</td>
</tr>
<tr>
<td></td>
<td>N - No</td>
</tr>
<tr>
<td>Growth Rate</td>
<td>Typical rate of growth under urban conditions</td>
</tr>
<tr>
<td></td>
<td>S – Slow: ½ to 1-1/2 feet/year</td>
</tr>
<tr>
<td></td>
<td>M – Moderate: 1-1/2 to 2-1/2 feet/year</td>
</tr>
<tr>
<td></td>
<td>F – Fast: 2-1/2 to 3+ feet/year</td>
</tr>
<tr>
<td>Average Life Span</td>
<td>The average life span (useful service life) of the species when growing under average urban conditions. A tree is at the end of its useful service life when its risk of failure becomes unacceptable and cannot be improved or when the tree is no longer an asset due to its appearance or condition</td>
</tr>
<tr>
<td></td>
<td>S – Short: less than 25 years useful service life</td>
</tr>
<tr>
<td></td>
<td>M – Moderate: 25 to 40 years useful service life</td>
</tr>
<tr>
<td></td>
<td>L – Large: 50 years or greater useful service life</td>
</tr>
<tr>
<td>Net Effect on Air Quality</td>
<td>The net monetary effects in cents attributable to the species on air quality; listed as a benefit (positive) or cost (negative). Includes the species net effect on ozone, sulfur dioxide, nitrogen dioxide, particulate matter (PM10), and carbon monoxide</td>
</tr>
<tr>
<td>Soil Moisture</td>
<td>The typical soil moisture conditions for the species in its native habitat</td>
</tr>
<tr>
<td></td>
<td>H – Hydric: wet and may be occasionally flooded for shorts periods</td>
</tr>
<tr>
<td></td>
<td>M – Mesic: moist but moderately well to well-drained</td>
</tr>
<tr>
<td></td>
<td>X – Xeric: dry and very well-drained</td>
</tr>
</tbody>
</table>

Excessive Litter: Indicates with an “X” if the tree produces large or hazardous leaves, fruit, or other litter
### APPENDIX A

**TABLE 1**

**KEY TO SYMBOLS AND TREE SPECIES CHARACTERISTIC DESCRIPTIONS**

<table>
<thead>
<tr>
<th>TREE CHARACTERISTIC</th>
<th>DESCRIPTION AND ENTRY CODE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ENVIRONMENTAL CHARACTERISTICS AND TOLERANCES (cont’d)</strong></td>
<td></td>
</tr>
<tr>
<td>Drought Tolerance</td>
<td>Tolerance of the species to infrequent rain, low soil moisture, full sun, and high temperatures</td>
</tr>
<tr>
<td></td>
<td><strong>Low</strong> – not tolerant to drought conditions</td>
</tr>
<tr>
<td></td>
<td><strong>Moderate</strong> – tolerant to mild drought conditions; moderately tolerant to severe drought conditions</td>
</tr>
<tr>
<td></td>
<td><strong>High</strong> – very tolerant to mild to severe and prolonged drought conditions</td>
</tr>
<tr>
<td>Preferred Soil pH</td>
<td>Relative soil acidity or alkalinity preferred by the species. In many cases, a range of pH preference is given if it was available. In other cases, a general level is given. A pH of 7.0 is neutral, a pH of less than 7.0 is acidic, and a pH of greater than 7.0 is alkaline</td>
</tr>
<tr>
<td></td>
<td><strong>AC</strong> – acidic (5.0 to 6.0)</td>
</tr>
<tr>
<td></td>
<td><strong>AL AC</strong> – slightly acidic (6.0 to 7.0)</td>
</tr>
<tr>
<td></td>
<td><strong>NU</strong> – Neutral (7.0)</td>
</tr>
<tr>
<td></td>
<td><strong>SL AL</strong> – slightly alkaline (7.0 to 8.0)</td>
</tr>
<tr>
<td></td>
<td><strong>AL</strong> – alkaline (8.0 to 8.5)</td>
</tr>
<tr>
<td></td>
<td><strong>N/A</strong> – no information available</td>
</tr>
<tr>
<td>Light Requirement</td>
<td>The amount of sunlight the species prefers or will tolerate. Trees that are typically found in the understory or are characteristic of late forest successional stages prefer shade or at least partial shade, while trees that typically for the overstory or are characteristic of early successional stages prefer full sun</td>
</tr>
<tr>
<td></td>
<td><strong>FS</strong> – Full Sun</td>
</tr>
<tr>
<td></td>
<td><strong>PS</strong> – Partial Shade</td>
</tr>
<tr>
<td></td>
<td><strong>SH</strong> - Shade</td>
</tr>
</tbody>
</table>
### APPENDIX A
#### TABLE 1

**KEY TO SYMBOLS AND TREE SPECIES CHARACTERISTIC DESCRIPTIONS**

<table>
<thead>
<tr>
<th>TREE CHARACTERISTIC</th>
<th>DESCRIPTION AND ENTRY CODE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ENVIRONMENTAL CHARACTERISTICS AND TOLERANCES (cont’d)</strong></td>
<td></td>
</tr>
<tr>
<td>Construction Tolerance/Limitations</td>
<td>The broad tolerance of the species in its home range to construction damage, and the limitations that constrain a species tolerance to damage</td>
</tr>
<tr>
<td>Tolerance Limitations</td>
<td><strong>P</strong> – Poor</td>
</tr>
<tr>
<td></td>
<td><strong>M</strong> – Moderate</td>
</tr>
<tr>
<td></td>
<td><strong>G</strong> – Good</td>
</tr>
<tr>
<td></td>
<td><strong>I</strong> – physical injury, wood compartmentalization and decay</td>
</tr>
<tr>
<td></td>
<td><strong>P</strong> – pest complications, including chronic and acute attacks</td>
</tr>
<tr>
<td></td>
<td><strong>S</strong> – soil conditions, including aeration and water availability</td>
</tr>
<tr>
<td></td>
<td><strong>C</strong> – limited climatic tolerances, including native range, hardiness, and micro-climate change</td>
</tr>
<tr>
<td></td>
<td><strong>A</strong> – all of the limitations described above</td>
</tr>
<tr>
<td>Urban Tolerant Tree</td>
<td>Based upon other characteristics and tolerances to urban conditions; an “X” indicates the species is suitable for planting under “tough” urban conditions</td>
</tr>
</tbody>
</table>
## Appendix A

### APPENDIX A (Amd 13-00004)

### NEWTON COUNTY TREE SPECIES LIST

<table>
<thead>
<tr>
<th>SPECIES COMMON NAME</th>
<th>CANOPY AREA DEVELOPMENT CODE</th>
<th>RECOMMENDED USES</th>
<th>PHYSICAL CHARACTERISTICS</th>
<th>ENVIRONMENTAL CHARACTERISTICS AND TOLERANCES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Square Feet of Canopy</td>
<td>Canopy Size Category</td>
<td>Level of Use</td>
<td>Large Landscape Areas</td>
</tr>
<tr>
<td>Alder, Hazel (Tag)</td>
<td>150</td>
<td>VERY SMALL</td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td>Ash, Green</td>
<td>1600</td>
<td>LARGE</td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td>Ash, White</td>
<td>1600</td>
<td>LARGE</td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td>Baldcypresses</td>
<td>900</td>
<td>MEDIUM</td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td>Basswood, American (Linden)</td>
<td>1600</td>
<td>LARGE</td>
<td>C</td>
<td>X</td>
</tr>
<tr>
<td>Beech, American</td>
<td>1600</td>
<td>LARGE</td>
<td>P</td>
<td>X</td>
</tr>
</tbody>
</table>

**Newton County Development Regulations**

Adopted 03/04/2003 – (Unofficial Working copy with all amendments through 10/18/2016)
### Appendix A

<table>
<thead>
<tr>
<th>Tree Type</th>
<th>Page</th>
<th>Medium</th>
<th>Bark</th>
<th>Spacing</th>
<th>Height</th>
<th>Diameter</th>
<th>Elevation</th>
<th>Soil Type</th>
<th>Site</th>
<th>Management</th>
<th>Fortescue</th>
<th>Lower</th>
<th>Upper</th>
<th>Natural</th>
<th>Number</th>
<th>Description</th>
<th>Status</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birch, River</td>
<td>90</td>
<td>0</td>
<td>M</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>M</td>
<td>M</td>
<td>Pyramidial</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blackgum (Tupelo)</td>
<td>90</td>
<td>0</td>
<td>M</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>M</td>
<td>M</td>
<td>Oval</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boxelder</td>
<td>90</td>
<td>0</td>
<td>M</td>
<td>X</td>
<td>X</td>
<td>O</td>
<td>L</td>
<td>M</td>
<td>M</td>
<td>Round Ed</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buckeye, Bottlebrush</td>
<td>90</td>
<td>0</td>
<td>M</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>S</td>
<td>V</td>
<td>S</td>
<td>Very Small</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buckeye, Painted</td>
<td>90</td>
<td>0</td>
<td>M</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>V</td>
<td>S</td>
<td>S</td>
<td>Very Small</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buckeye, Red</td>
<td>90</td>
<td>0</td>
<td>M</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>S</td>
<td>V</td>
<td>S</td>
<td>Very Small</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buckthorn, Carolina</td>
<td>90</td>
<td>0</td>
<td>M</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>M</td>
<td>M</td>
<td>M</td>
<td>Oval</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buckthorn, Common</td>
<td>90</td>
<td>0</td>
<td>M</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>Round Ed</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Buttonbush, Common</td>
<td>90</td>
<td>0</td>
<td>M</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>S</td>
<td>V</td>
<td>S</td>
<td>Very Small</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Catalpa, Southern</td>
<td>90</td>
<td>0</td>
<td>M</td>
<td>X</td>
<td>O</td>
<td>X</td>
<td>M</td>
<td>M</td>
<td>M</td>
<td>Oval</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cedar, Deodar</td>
<td>90</td>
<td>0</td>
<td>M</td>
<td>L</td>
<td>X</td>
<td>S</td>
<td>S</td>
<td>R</td>
<td>S</td>
<td>Round Ed</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cedar, Japanese</td>
<td>90</td>
<td>0</td>
<td>M</td>
<td>L</td>
<td>X</td>
<td>X</td>
<td>S</td>
<td>R</td>
<td>S</td>
<td>Round Ed</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chastetree (Vitex)</td>
<td>90</td>
<td>0</td>
<td>M</td>
<td>L</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>L</td>
<td>L</td>
<td>Round Ed</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

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**195 Newton County Development Regulations**

Adopted 03/04/2003 – (Unofficial Working copy with all amendments through 10/18/2016)
<table>
<thead>
<tr>
<th>Species</th>
<th>Adoption Date</th>
<th>Common Name</th>
<th>Width</th>
<th>Height</th>
<th>Spacing</th>
<th>Trunk Diameter</th>
<th>Base Plate</th>
<th>Alluvial Moisture</th>
<th>Alluvial Wet</th>
<th>Alluvial Dry</th>
<th>Acidic Soil</th>
<th>Neutral Soil</th>
<th>Basic Soil</th>
<th>Granite Soil</th>
<th>Loam Soil</th>
<th>Silt Soil</th>
<th>Clay Soil</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cherry, Black</td>
<td>03/04/2003</td>
<td>C. cerasus</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>D</td>
<td>B M</td>
<td>W</td>
<td>SUMMER</td>
<td>N S L N/A</td>
<td>D M AC-SL ALK</td>
<td>F S N/A X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cherry, Yoshino</td>
<td>03/04/2003</td>
<td>C. tomentosa</td>
<td>5</td>
<td>2</td>
<td>3</td>
<td>C</td>
<td>D B</td>
<td>C</td>
<td>E</td>
<td>X</td>
<td>Y F M 0.7/08</td>
<td>M M S M ALK</td>
<td>F S G/ X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chestnut, American</td>
<td>03/04/2003</td>
<td>C. american</td>
<td>S</td>
<td>B</td>
<td>S</td>
<td>S</td>
<td>D B</td>
<td>E</td>
<td>F</td>
<td>M</td>
<td>H AC-SL ALK</td>
<td>S M N/A</td>
<td>S M L M ALK</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chincapin, Allegheny</td>
<td>03/04/2003</td>
<td>C. americana</td>
<td>S</td>
<td>B</td>
<td>S</td>
<td>S</td>
<td>D B</td>
<td>F</td>
<td>E</td>
<td>M</td>
<td>F M 0.5/04</td>
<td>M M N/A</td>
<td>S M L M ALK</td>
<td>F S G N/A X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cottonwood, Easter</td>
<td>03/04/2003</td>
<td>P. deltoides</td>
<td>S</td>
<td>B</td>
<td>S</td>
<td>S</td>
<td>D B</td>
<td>E</td>
<td>F</td>
<td>M</td>
<td>F M 0.5/04</td>
<td>M M N/A</td>
<td>S M L M ALK</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crabapple, Japanese</td>
<td>03/04/2003</td>
<td>P. deltoides</td>
<td>S</td>
<td>B</td>
<td>S</td>
<td>S</td>
<td>D B</td>
<td>E</td>
<td>F</td>
<td>M</td>
<td>F M 0.5/04</td>
<td>M M N/A</td>
<td>S M L M ALK</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crabapple, Southern</td>
<td>03/04/2003</td>
<td>P. deltoides</td>
<td>S</td>
<td>B</td>
<td>S</td>
<td>S</td>
<td>D B</td>
<td>E</td>
<td>F</td>
<td>M</td>
<td>F M 0.5/04</td>
<td>M M N/A</td>
<td>S M L M ALK</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crapemyrtle, Common</td>
<td>03/04/2003</td>
<td>P. deltoides</td>
<td>S</td>
<td>B</td>
<td>S</td>
<td>S</td>
<td>D B</td>
<td>E</td>
<td>F</td>
<td>M</td>
<td>F M 0.5/04</td>
<td>M M N/A</td>
<td>S M L M ALK</td>
<td></td>
<td></td>
<td></td>
<td></td>
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APPENDIX A

NEWTON COUNTY TREE SPECIES LIST

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<th>CANOPY AREA DEVELOPMENT CODE</th>
<th>CANOPY SIZE CATEGORY</th>
<th>RECOMMENDED USES</th>
<th>PHYSICAL CHARACTERISTICS</th>
<th>ENVIRONMENTAL CHARACTERISTICS AND TOLERANCES</th>
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# Appendix A

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**Appendix A**

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**Newton County Development Regulations**

Adopted 03/04/2003 – (Unofficial Working copy with all amendments through 10/18/2016)
## APPENDIX A

### NEWTON COUNTY TREE SPECIES LIST

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<th>Parking Lots</th>
<th>Riparian Zones and Drainage Areas</th>
<th>Utility Corridors</th>
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Adopted 03/04/2003 – (Unofficial Working copy with all amendments through 10/18/2016)
### Appendix A

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## APPENDIX A

### NEWTON COUNTY TREE SPECIES LIST

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<thead>
<tr>
<th>SPECIES COMMON NAME</th>
<th>CANOPY AREA DEVELOPMENT CODE</th>
<th>RECOMMENDED USES</th>
<th>PHYSICAL CHARACTERISTICS</th>
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# APPENDIX A

## NEWTON COUNTY TREE SPECIES LIST

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<th>SPECIES COMMON NAME</th>
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<th>ENVIRONMENTAL CHARACTERISTICS AND TOLERANCES</th>
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## Appendix A

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<td>N M S N/A D H</td>
<td>AC-SL AC</td>
<td>F S N/A X</td>
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<td>1 5-20</td>
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<td>PYRAMidal</td>
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<td>M M</td>
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<td>Y M S N/A M M</td>
<td>AC-SL ALK S M/ A</td>
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</tr>
</tbody>
</table>

207 | Newton County Development Regulations
Adopted 03/04/2003 – (Unofficial Working copy with all amendments through 10/18/2016)
### Appendix A

| Spruce Varieties | 900 | MEDIUM | M | N | NOT HEAT TOLERANT | L | M | SPREADING | 60 | 2 | 5 | 6 | D | B | F/ | M | Y | E | I | X | Y | M | M | 0.1 | M | M | AC | F | S | G/ |
|------------------|-----|--------|---|---|------------------|---|---|-----------|----|---|---|---|---|---|---|---|---|---|---|---|---|---|----|---|---|---|---|---|
| Spruce Varieties | 900 | MEDIUM | M | N | NOT HEAT TOLERANT | L | L | SPREAD | 60 | 2 | 5 | 6 | D | B | F/ | M | Y | E | I | X | Y | M | M | 0.1 | M | M | AC | F | S | G/ |
| Sargarberr y     | 1.6 | LARGE | X | X | O | X | L | L | SPREAD | 60 | 2 | 5 | 6 | D | B | F/ | M | Y | E | I | X | Y | M | M | 0.1 | M | M | AC | F | S | G/ |
| Sweetgum         | 1.6 | LARGE | C | X | O | X | O | X | L | L | OVAL | 60 | 2 | 5 | 6 | D | B | M | M | U | I | X | Y | F | L | - | 0.4 | 88 | M | L | SL | AC | F | S | G/ |
| Sweetgum, Fruitless | 1.6 | LARGE | P | X | X | L | L | OVAL | 60 | 2 | 5 | 6 | D | B | M | M | U | I | X | Y | M | M | N/ A | M | L | AC- SL | ALK | F | S | N/a |
| Sycamore         | 1.6 | LARGE | P | X | X | O | X | O | L | L | OVAL | 60 | 2 | 5 | 6 | D | B | M | M | U | I | X | Y | M | M | N/ A | M | L | AC- SL | ALK | F | S | G/ |
| Tallowtree, Chinese | 900 | MEDIUM | M | N | INVASIVE | L | L | ROUND | 60 | 2 | 5 | 6 | D | B | M | M | U | I | X | Y | M | M | N/ A | M | L | AC- SL | ALK | F | S | G/ |
| Tree-of-Haven (Ailanthus) | 900 | MEDIUM | M | N | BRITTLE WOOD; WEED TREE | M | M | ROUND | 60 | 2 | 5 | 6 | D | B | M | M | U | I | X | Y | M | M | N/ A | M | L | AC- SL | ALK | F | S | G/ |
| Walnut, Black    | 1.6 | LARGE | C | X | O | X | O | X | L | L | ROUND | 60 | 2 | 5 | 6 | D | B | M | M | U | I | X | Y | M | M | 0.0 | 86 | M | L | AC- SL | ALK | F | S | G/ |
| Waxmyrtle, Southern | 150 | VERY SMALL | P | X | X | X | O | X | S | V | S | MULTI- STEM | 0 | 1 | 0 | 3 | 0 | E | B | F | E | V | I | X | N | M | S | N/ A | M | M | AC- SL | ALK | F | S | G/ |
| Willow, Black    | 900 | MEDIUM | C | X | O | O | X | O | M | M | IRREGULAR | 60 | 2 | 5 | 6 | D | B | F/ | M | Y | E | I | Y | F | S | - | 0.1 | 77 | W | L | N/A | F | S | G/ |
## APPENDIX A

### NEWTON COUNTY TREE SPECIES LIST

<table>
<thead>
<tr>
<th>SPECIES COMMON NAME</th>
<th>CANOPY AREA DEVELOPMENT CODE</th>
<th>RECOMMENDED USES</th>
<th>PHYSICAL CHARACTERISTICS</th>
<th>ENVIRONMENTAL CHARACTERISTICS AND TOLERANCES</th>
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<tr>
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<td>Square Feet of Canopy</td>
<td>Level of Use</td>
<td>Mature Crown Form</td>
<td>Native Tree Region</td>
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## APPENDIX B

### TREE CREDIT CHART

<table>
<thead>
<tr>
<th>DBH (inches)</th>
<th>Credit Units</th>
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<tr>
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<td>7.5</td>
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<tr>
<td>&gt;50</td>
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</table>

Existing trees less than three (3) inches DBH will not be eligible for tree credit purposes.

Reasonable efforts should be made to preserve Historic Trees. Reasonable efforts shall include, but not be limited to, alternate building design, building location, parking area layout, parking area location, water retention location. A historic tree that is preserved
APPENDIX B

TREE CREDIT CHART

<table>
<thead>
<tr>
<th>DBH (inches)</th>
<th>Credit Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>3-4</td>
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</tr>
</tbody>
</table>

Existing trees less than three (3) inches DBH will not be eligible for tree credit purposes.

Reasonable efforts should be made to preserve Historic Trees. Reasonable efforts shall include, but not be limited to, alternate building design, building location, parking area layout, parking area location, water retention location. A historic tree that is preserved
through a process of alternative site design may be credited up to two (2) times the assigned tree density unit value.
APPENDIX C
PRESERVING TREES AFFECTED BY DEVELOPMENT
A TECHNICAL GUIDE

Mature trees provide many benefits to development sites. They enhance the aesthetic character of the area, give scale to the new buildings, provide shade, give a look of maturity to the landscape, and provide habitat for wildlife. It may be possible to retain trees with minimum forethought. However, preserving specimens that will survive and perform well in the new environment requires thorough planning, careful implementation, and adequate maintenance.

Effective tree protection is a long process. First, evaluate the trees to determine which specimens are suitable for preservation. Next, work with the planners and engineers to design improvements so those suitable trees are preserved. Then, monitor construction around the trees to see that the trees are not injured. Finally, routinely evaluate the trees to identify maintenance needs.

Identifying Trees to be Protected
Deciding which trees to preserve, and designing development around them often seems like a 'chicken or the egg' problem. The trees suitable for preservation must be identified before designing around them. On the other hand, the design strongly influences the selection of trees to be preserved.

One way out of this dilemma involves a preliminary evaluation of the trees to determine those that are suitable for preservation. Compare that information with conceptual site plans. Identify the trees suitable for saving, and modify the site plan to accommodate the desirable trees. Finally, work out the details of grading and preservation for trees that will remain.

In most cases the costs to preserve trees are significant. Costs accrue because the land dedicated for tree preservation is unavailable for building, structures, and techniques to minimize damage to trees require extra design and construction attention, and affected trees must be maintained to support long-term health. These costs will be borne by the public, whether through increased taxes to pay for trees in public rights-of-way, higher homeowner association dues, greater commercial rents, higher home prices or direct payment for maintenance. Trees should be selected carefully, keeping their value and contribution to the new environment in mind.

In determining which trees are to be preserved, four factors must be considered:

- Suitability of the species to the new land use;
- Tree health and structural stability;
- Species tolerance to changes in environment; and
- Level of maintenance that will be provided following impact.
Species Suitability - The suitability of the species to the location and use of the site are important factors in determining whether to save a tree or not. For example, species that normally grow along streams, such as willow and alder, would perform poorly in a parking lot.

The tree should survive in the new landscape for a considerable length of time to warrant the cost and effort of protection. An oak that can be expected to survive for many decades has a greater value than a mature acacia that may only live for a few years.

Tree Health - Young, vigorous, healthy trees are the best candidates for protection, because they grow new tissue quickly and adapt readily to new environments. However, it is large, old trees that are most often the focus of preservation. Of course, it is possible to preserve old trees as long as they are healthy, but younger ones may give the best return on investment.

Vigorous trees usually have full canopies and healthy leaves. Three conditions indicate poor tree health. First, the leaves are small and pale for the species. Second, some of the branches are dead. Finally, most of the foliage arises from short twigs along the major limbs, known as epicormic growth. Trees with large cavities or other structural weaknesses are not good candidates for preservation, unless the problems can be alleviated by pruning, cabling or bracing.

Tolerance To Changes In Environment - The ability of the tree to tolerate injury and changes in the environment is another important factor to consider. Trees that regenerate roots quickly and have adaptations to control water loss seem to be better able to tolerate construction impacts.

For example, coast live oak which has a stiff, cupped leaf with a thick cuticle, tolerates greater root injury than California black walnut, which has a smooth, thin leaf. On the other hand, willows, which also have smooth, thin leaves, typically adapt well to new environments, because they have the ability to regenerate new roots quickly.

Environmental changes can cause tree decline even when the tree is not directly injured. Significant changes in water table levels or rechannelization of streams or runoff can seriously weaken or kill trees. Road fills placed over streambeds can raise water levels upstream. It is important to consider large-scale alterations in the overall ecology of the area, as well as the specific changes that will occur next to trees.

Level Of Maintenance That Will Be Provided - Trees stressed by construction require considerable maintenance to prevent loss of vigor and attack by harmful insects and diseases. Irrigation, fertilization, pest and disease control, and pruning are all aspects of this maintenance. For example, Monterey pine trees stressed by root injury may require regular irrigation and spraying for bark beetles or other insects. If those treatments cannot be provided, it may be better to remove the trees rather than trying to preserve them.

Responsibilities for maintenance of affected trees should be established early in the
planning phase. If the trees will not be maintained, it is important to minimize stresses to the trees that would affect tree health.

**Preparing a Tree Location Map**
A tree location map is critical to successful preservation. Use a topographic map showing vegetation lines as a base. Early in the design process locate the trunks approximately. Later, the engineer's survey can pinpoint the locations and show the base elevation of the trunks. The engineer should project to the center line of the tree when plotting locations. An indication of the dripline for each tree would also be helpful. On 20-scale or larger maps, plot the circumference of the trunk for larger trees.

Be sure that tree locations show on all building site plans. Number the trees on the map so that all discussions can address specific trees. It is helpful to have a corresponding numbered tag attached to the tree, as well.

**Assessing Potential Impacts to Trees**
Evaluate the development plans around the trees to estimate the potential impact. This requires skill in reading plans and an understanding of construction procedures. The following plans and specifications should be reviewed:

- Topography and tree survey plan;
- Grading plan and specifications;
- Plot or development plan;
- Utilities placement and depth;
- Drainage plan; and
- Geotechnical survey.

The plans will provide information on the depth of cuts, fills, utilities, subdrains, and other excavations, as well as their distance from trees. The geotechnical survey describes the soil profile. It also specifies the compaction and over-excavation required under structures, pavement, and fills.

To better visualize the changes that will occur next to trees, draw cross-sectional views showing existing and future grades, and all improvements (Fig. 1 & 2). Based on the geotechnical requirements, the amount of soil work could also be estimated and recorded on the drawing.
Soil Alterations During Construction

Soil favorable for root growth is a mixture of mineral particles, organic matter, air and water. About half of the volume of the soil is pore space containing varying amounts of water and air. To soil engineers pore spaces are known as voids. Although an asset to plant growth, voids reduce a soil’s value as structural material. To stabilize the soil, engineers compact it to remove as many of the voids as possible. Compacting soils for construction involves removing the soil to a specified depth, mixing the soil with water, and replacing the soil in thin lifts (usually six to eight inches thick). Heavy equipment, designed to maximize the compaction, drives repeatedly over each lift. This activity hurts tree roots by first cutting them, and then by breaking down the soil structure.

Location of Tree Roots

To protect tree roots from damage, it is important to know where to look for them. Although root systems are often depicted as mirror images of the tops, they usually cover
a much larger area. Roots can extend far beyond the dripline, as much as two to three times the diameter of the crown. The major portion of the absorbing roots system of a mature tree is within the top three feet of soil, and most of the fine roots active in water and nutrient absorption are in the top twelve inches (Fig. 3). Many trees form vertical sinker roots that arise from larger horizontal roots near the trunk of the tree. Sinker roots aid in water and nutrient absorption from deeper layers of aerated soil during times of drought.

Root patterns also are affected by topography and characteristics of the soil or substrate. Trees on slopes tend to have more roots on the downhill side. Roots of trees along streams will parallel the bank.

Developing a site is seldom possible without hurting tree roots to some extent. Even preliminary grading, stripping the site of debris and organic laden topsoil, can cause significant root damage. It is commonly thought that a healthy tree tolerates removal of one-third of its roots. Most guidelines for tree preservation advise holding construction and grading outside of the dripline. However, based on a typical root structure, even that restriction could lead to removal of over half the tree's roots. As land values rise, there is more pressure to encroach within the dripline to gain usable space.

Several variables affect a tree's ability to tolerate encroachment, including the health, species, root structure and environmental factors. The type of construction that will occur and how it will be executed are equally important factors. For example, construction of a concrete sidewalk on natural grade requires about six inches of excavation. This would cause less injury than an asphalt road requiring at least twelve inches of excavation. A road with water and sewer improvements along the curb-usually in trenches four to six feet deep- must be held farther away from trees than one with no improvements. If work must be done close to trees, extra care can minimize the damage. For example, lowering the grade two feet at a distance fifteen feet from the trunk of a tree that forms sinker roots may be possible. But it would require that the excavation be done by hand and the roots cut cleanly with a saw, rather than with equipment that rips and shatters.
Evaluating the potential of trees to survive and adapt to the new environment must be made on a tree-by-tree basis. The evaluation involves estimating the percentage of root loss, the potential of the tree to tolerate immediate water stress, and the ability of the tree to produce new roots.

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**Tree Preservation Techniques**

Major construction impacts and techniques to minimize them are described in Table 1. Following is a discussion of the major points to consider in design and construction.

**Preserving Trees in Groups** - Whenever possible, preserve trees in groups so that relatively large areas can be set aside for native vegetation. These areas serve as green belts or open space. In forest situations the amount of thinning the trees will tolerate depends on the size, age and species present. Mixed forest stands, which contain conifers and hardwoods of different ages and sizes, should be preserved in large blocks (at least 60 feet wide).

On the other hand, single oaks growing in the open can often be preserved effectively.

If only a small amount of land can be dedicated to tree preservation, it may be better to allot a larger area around the few best specimens than to attempt saving a greater number of trees that would sustain heavy damage.

**Site Preparation and Clearing Specifications** - Clearly identify the trees to be preserved on all plans. Flag and fence them in the field. When next to trees that will remain, trees to be removed should be cut rather than pushed over with equipment. This avoids possible root damage to remaining trees.

Specify no stripping of topsoil or grubbing of understory in tree preservation zones.

Locate storage for equipment and materials, access roads to the site, and traffic patterns within the site well away from trees to avoid unnecessary root injury and soil compaction. These areas should be identified on the site plans (Fig. 4).
Protecting Trees from Fill - Few trees can tolerate having fill soil placed over their trunks. Furthermore, the soil work involved in placing a fill causes root damage and creates an environment unfavorable for new root development (see Table 1).

The following treatments can minimize the adverse effects of fill:

- Hold fill away from the tree with a retaining wall designed with a discontinuous footing (Fig. 5 & 6).
- Unless the fill will support a structure, ask the soil engineer to specify the minimum soil compaction (usually about 85 percent).
- If fill will be imported, provide specifications for the chemical characteristics of the soil, so that trees will not be harmed by toxic conditions, such as high salts. Engineering specifications usually cover only the physical properties of the soil.
For fill covering large portions of the roots, consider installing an aeration system on natural grade prior to placing the fill. If the potential for soil subsidence is a problem, air vents can be installed through the fill into natural grade after construction is complete (Fig. 7).

![Figure 7](image)

**Lowering the Grade** - Obviously, root damage occurs when soil is stripped away to lower the grade. Here are a few ways to minimize the damage that occurs:

- Keep cuts as far from trees as possible by installing retaining walls. If the cut is greater than three feet, a continuous footing can be used because few roots are encountered below that depth. For shallow cuts, use discontinuous footings to minimize root injury (Fig. 8 & 9).
Excavate by hand at the cut face, cutting the exposed roots cleanly with a saw. Once the trench has been dug to the depth of the finish grade a backhoe can be used to pull away the soil. The backhoe should sit outside the dripline and remove the soil to finish grade.

**Paving** - Paving inflicts more extensive root damage than might be expected. Because it is often considered a structure, pavement requires soil compaction similar to buildings. Excavation must be deep enough to accommodate the compacted sub grade, the base material, and the pavement itself. To minimize damage caused by paving:

- Maintain an area of several feet around the base of the trunk free of all pavement. Mulch the soil surface.
- Use paving materials that allow water to penetrate, such as interlocking bricks on sand, where possible over the root zone of trees. Avoid excavation into the root zone by placing base material and pavement on natural grade, making the level of the pavement higher than the tree flair (Fig. 10). Make sure water will not collect in the well surrounding the tree.
- Install aeration vents in impervious pavement (Fig. 11).

Utilities and Street Improvements - Underground utilities are often overlooked as a possible cause of root injury. Water and sewer main lines are usually placed just inside the curb and gutter during road construction. Depth requirements vary, but four to six feet deep is typical. Contractors connect buildings to utility lines and take the shortest and straightest path, unless otherwise instructed. These connections are usually placed in trenches three feet deep. Consider the following methods to minimize damage from installation of utilities:

- Place notices on tree protection fences informing workers to prevent encroachment by routing all trenches around trees.
- Trench by hand when digging close to trees, so the woody roots can be bridged, or tunnel under tree roots.
- Curve trenches for street improvements towards the middle of the road or move them to the other side of the street.

Post-Construction Site Re-Assessment
Once construction is complete and the site clean, the tree care professional begins to direct maintenance. The remaining trees were chosen by others in the development process, and the reasons for selecting them may not be known. If protection measures were applied, they may be hidden. So, before post-construction maintenance can begin, the tree care professional must re-assess the condition of the site.

Begin by determining the condition of the trees and sites. Safety, value to the property, and the chances of remaining vigorous are all factors with considering. The maintenance
prescription should compensate for construction damage, including: disruptions to drainage, restricting surfaces, impacts of fill, and interference with the trees.

Trees stressed by construction must be carefully maintained to avoid loss of vigor or attack by harmful insects and disease. They require special attention to irrigation, fertilization, pruning, and pest control. In extreme cases, improper preservation techniques or severe construction damage could prompt heavy pruning—or even removal of whole tree. To determine the need for and the practicality of restoring a site severely changed by construction, the tree manager should draw on information from building plans as well as the designers and contractors involved in construction.

Damage or modification to the above-ground portion of the trees is easy to detect. Impacts to the roots and soil are more common, but generally difficult to uncover. These impacts are too often overlooked. Be sure to consider all factors affecting tree health, before developing a maintenance plan.

Table 1: Major Construction Impact and Methods to Minimize Damage

<table>
<thead>
<tr>
<th>IMPACT TO TREE</th>
<th>CONSTRUCTION ACTIVITY</th>
<th>METHODS/TREATMENTS TO MINIMIZE DAMAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Root Loss</td>
<td>Stripping site of organic surface soil during mass grading</td>
<td>Restrict stripping of topsoil around trees. Any woody vegetation to be removed adjacent to trees to remain should be cut at ground level and not pulled out by equipment, or root injury to remaining trees may result.</td>
</tr>
<tr>
<td></td>
<td>Lowering grade, scarifying, preparing subgrade for fills, structures</td>
<td>Use retaining walls with discontinuous footings to maintain natural grade as far as possible from trees (fig. 8 &amp; 9). Excavate to finish grade by hand and cut exposed roots with a saw to avoid root wrenching and shattering by equipment, or cut with root pruning equipment. Spoil beyond cut face can be removed by equipment sitting outside the dripline of the tree.</td>
</tr>
<tr>
<td></td>
<td>Subgrade preparation for pavement</td>
<td>Use paving materials requiring a minimum amount of excavation (e.g. reinforced concrete instead of asphalt). Design traffic patterns to avoid heavy loads adjacent to trees (heavy load bearing pavement require thicker base material and subgrade compaction). Specify minimum subgrade compaction</td>
</tr>
</tbody>
</table>
under pavement within dripline
(extra reinforcement in concrete or
geotextile under asphalt may be
needed).

<table>
<thead>
<tr>
<th>IMPACT TO TREE</th>
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</tr>
</thead>
</table>
| Wounding top of tree | Injury from equipment | Fence trees to enclose low branches
and protect trunk. Report all
damage promptly so arborists can
treat appropriately. |
<p>| Pruning for vertical clearance for building, traffic, and construction equipment | Prune to minimum height required prior to construction. Consider minimum height requirements of construction equipment and emergency vehicles over roads. All pruning should be performed by an arborist or other qualified personnel, not by construction personnel. |
| Unfavorable conditions for root growth; chronic stress from reduced root systems | Compacted soils | Fence trees to keep traffic and storage out of root area. In areas of engineered fills, specify minimum compactions if fill will not support a structure. Provide a storage yard and traffic areas for construction activity |</p>
<table>
<thead>
<tr>
<th>Spills, waste disposal (e.g. paint, oil, fuel)</th>
<th>Post notices on fences prohibiting dumping and disposal of waste around trees. Require immediate cleanup of accidental spills.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Soil sterilants (herbicides) applied under pavement</td>
<td>Use herbicides safe for use around existing vegetation and follow directions on the label.</td>
</tr>
<tr>
<td>Impervious pavement over soil surface</td>
<td>Utilize pervious paving materials (e.g. interlocking blocks set on sand (fig 10). Install aeration vents in impervious paving (fig 11).</td>
</tr>
<tr>
<td>Inadequate soil moisture</td>
<td>Rechannelization of stream flow, redirecting runoff, lowering water table, lower grade</td>
</tr>
<tr>
<td></td>
<td>In some cases it may be possible to design systems to allow low flows through normal stream alignments and provide bypass into storm drains for peak flow conditions. (Usually flood control and engineering specifications are not flexible where the possibility of flooding occurs). Provide supplemental irrigation in similar volumes and seasonal distribution as would normally occure.</td>
</tr>
</tbody>
</table>
Table 1: Major Construction Impact and Methods to Minimize Damage (cont’d)

<table>
<thead>
<tr>
<th>IMPACT TO TREE</th>
<th>CONSTRUCTION ACTIVITY</th>
<th>METHODS/TREATMENTS TO MINIMIZE DAMAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excess soil moisture</td>
<td>Underground flow backup, raising water table</td>
<td>Fills placed across drainage courses must have culverts placed at the bottom of the low flow so that water is not backed up before rising to the elevation of the culvert. Study the geotechnical report for ground water characteristics to see that walls and fills will not intercept underground flow.</td>
</tr>
<tr>
<td>Lack of surface drainage away from tree</td>
<td>Where surface grades are to be modified, make sure that water will flow away from the trunk, i.e. that the trunk is not the lowest point. If the tree is placed in a well, drainage must be provided from the bottom of the well.</td>
<td></td>
</tr>
<tr>
<td>Compacted soils, irrigation of exotic landscapes</td>
<td>Compacted soils have few macropores and many micropores. Core vent to improve drainage. Some species cannot tolerate frequent irrigation required to maintain lawns, flowers, and other shallow-rooted plants. Avoid landscaping under those trees, or utilized plants that do not require irrigation.</td>
<td></td>
</tr>
<tr>
<td>Increased exposure</td>
<td>Thinning stands, removal of undergrowth</td>
<td>Preserve species that perform poorly in single stands as groups or clusters of trees. Maintain the natural undergrowth.</td>
</tr>
<tr>
<td>Reflected heat from surrounding hard surfaces</td>
<td>Minimize use of hard surfaces around trees. Monitor soil moisture needs where water use is expected to increase.</td>
<td></td>
</tr>
<tr>
<td>Pruning</td>
<td>Avoid server pruning where previously shaded bark would be exposed to sun. Where pruning is unavoidable, provide protection to bark from sun.</td>
<td></td>
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</tbody>
</table>
APPENDIX D
TREE PROTECTION STANDARD DRAWINGS

TREE CROWN CHARACTERISTICS

Examples of Canopy Cover (%)
Example of a Critical Root Zone

Tree Protection Device Detail 1
Tree Protection Device Detail 2

INCLUDE 50% OR MORE OF DRIPLINE MINIMUM 6'

PRESERVED UNDERSTORY

3' HIGH MINIMUM

DRIPLINE OF TREE
TREE PLANTING DETAIL

NOTES:
1. ATTACH GUY WIRES TO CENTRAL LARGEST TRUNK
2. SPACE STAKES EVENLY AROUND (AND OUTSIDE) ROOTBALL PIT SUCH THAT WIRES DO NOT COME INTO CONTACT WITH OTHER TRUNKS

SHRUB/GROUND COVER PLANTING DETAIL
EXAMPLE OF ACHIEVING LANDSCAPING REQUIREMENTS FOR COMMERCIAL STRUCTURES AND PARKING LOTS

*Plants are shown at mature growth.
MEDIAN/TREE ISLAND DETAIL 1
MEDIAN/TREE ISLAND DETAIL 2

MEDIAN/TREE ISLAND W/WALK WAY DETAIL

*NOTE: TREE CANOPY MUST BE PRUNED OF 1/3 OF ITS STRUCTURE, MAXIMUM REDUCTION OF ROOT STRUCTURE IS 1/3 OF TOTAL MASS.*
Example of tree islands in parking lot.
EXAMPLE OF PARKING LOT LAYOUT WITH LANDSCAPING

USE OF LANDSCAPING WITH BERM

USE OF LANDSCAPE ONLY
EXAMPLE OF SCREENING A COMMERCIAL SERVICE AREA FROM ROADWAY