

## **CITY OF COVINGTON: DEVELOPMENT REGULATIONS**

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**TITLE 14  
SUBDIVISION ORDINANCE**

**CHAPTER 14.04  
SUBDIVISIONS GENERALLY**

**14.04.010 Short Title**

- A. This title shall be known as the “Covington development regulations.”
- B. These development regulations shall govern the use of all land and all development and redevelopment thereof within the incorporated areas of Covington, Georgia.

**14.04.020 Purpose**

These rules and regulations are intended to serve the following purposes, among others:

- A. To protect and promote the health, safety, morals, and general welfare of the residents.
- B. To encourage economically sound and stable land development.
- C. To assure the provision of required streets, utilities, and other facilities and services to new land developments in conformance with public improvement plans of the city.
- D. To assure the adequate provisions of safe and convenient traffic access and circulation, both vehicular and pedestrian, in new land developments.
- E. To assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, and other public purposes.
- F. To assure equitable handling of all subdivision plats by providing uniform procedures and standards for observation both by the subdivider and the planning commission.

**14.04.030 Definitions.**

The following definitions are intended to be complementary to Section 16.04.020 of this title and shall be applicable to the subdivision regulations set forth in this chapter. As applied to such regulations, in the event of a conflict between a definition in this section and a definition in Section 16.04.020, the definition in this section shall prevail.

Except as specifically defined herein, all words used in these regulations have their customary dictionary definition. Words in the present tense include the future; words in the singular include the plural number, and words in the plural include the singular; the word “building” includes the word “structure”; the word “shall” is mandatory and not directory. The word “may” is permissive. Certain words in these regulations are defined for the purpose hereof, as follows:

“Alley or service drive” means a minor, permanent, public serviceway which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

“Basement” means that portion of a building that is partly or completely below grade and has at least 6 1/2 feet vertical interior clearance from floor or grade to ceiling or underside of structure.

“Berm” means an earthen mound designed to screen undesirable views, reduce noise, or fulfill other such purposes.

“Block” means a piece or parcel of land entirely surrounded by public streets, other than alleys or other major physical barriers.

“Building setback line” means a line across a lot establishing the minimum yard to be provided between the building and the street property line. “Crosswalk” means a right-of-way within a block dedicated to public use, ten (10) feet or more in width, intended primarily for pedestrians and from which motor propelled vehicles are excluded.

“Buffer, transitional” means that portion of a lot set aside for open space and visual screening purposes, pursuant to applicable provision of this chapter, so separate different use districts, or to separate uses on one property from uses on another property of the same use district or a different use district. See chapter 16.40.

“Buffer, state waters” means the area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat, as referenced in O.C.G.A. § 12-2-8.

“Buildable area” means the area of a lot remaining after the minimum front, side and rear yard setback requirements of the zoning district has been met.

“Center line of street”. See “Street, centerline of”.

“Clearing” means the removal of trees and brush from the land but not including removing roots and stumps or the ordinary mowing of grass.

“City” means the City of Covington, Georgia.

“Comprehensive plan” means any part or element of the overall plan for development adopted by the mayor and council as provided by O.C.G.A. § 50-8-1 and DCA Regulations Chapter 110-3-2, Minimum Standards and Procedures for Local Comprehensive Planning, including the future land use map and all other maps, exhibits, and appendices.

“Condominium” means a building, or group of buildings, in which dwelling units, offices, or floor areas are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

“Conservation easement” means a recorded agreement between a land owner and government agency or land trust that permanently protects open space or greenspace on the owner's land by limiting the amount and type of development that can take place, but continues to leave the remainder of the fee interest in private ownership.

“Construction activity” means activities including, but not limited to, activities subject to the Georgia Erosion and Sedimentation Control Act or NPDES General Construction Permits, such as clearing and grubbing, grading, excavating, and demolition. These include construction projects resulting in land disturbance, erecting new structures and buildings, as well as redevelopment, remodeling or modification of an existing building or structure.

“Construction, existing” means any structure for which "the start of construction" commenced before the effective date of these regulations.

“Construction, new” means structures for which the "start of construction" commenced on or after the effective date of the zoning ordinance; other structures that are built on previously undeveloped land and are not additions or alterations.

“Construction, start of” means the point of time commemorating the breaking of ground for the construction of a development or structure.

“Cul-de-sac” means a local street or road with one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

“Curb cut” means the opening along the curb line or edge of pavement of a public street at which point a driveway begins for vehicular ingress and egress from a parcel.

“Detention” means the temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling the peak discharge.

“Detention facility” means a permanent basin or structure designed for the detention of stormwater runoff and gradual release of stored water at controlled rates in accordance with the Georgia Stormwater Management Manual.

“Developer” means a person who undertakes land development activities.

“Development” means any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, clearing, grubbing, grading, paving, any other installation of impervious cover, excavation or drilling operations or and storage equipment or materials.

“Driveway” means a vehicular access, or curb cut that is in private ownership, except for that portion lying within the public right-of-way, and provides access primarily to one property.

“Dumpster” means a portable container used for temporary storage of garbage, trash, or other refuse or receptacle material that has a capacity of one cubic yard or more.

“Easement” means an acquired legal right for the specific use of land owned by others.

“Easement, access” means an easement created for the purpose of providing vehicular or pedestrian access to or across a property.

“Easement, drainage” means land required for the installation of storm water sewers or drainage ditches and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility.

“Easement, utility” means a grant by a property owner for the use of real property for the specified purpose of constructing and maintaining utilities; including, but not limited to sanitary sewers, water mains, electric lines, telephone lines, cable lines, storm sewer or storm drainage ways and gas lines.

“Existing construction” means any structure for which the start of construction commenced before the effective date of the zoning ordinance.

“Final plat” means a finished drawing of a subdivision showing completely and accurately all legal and engineering information and certification necessary for recording.

“Finished grade” means the final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

“Floodplain” means any land area susceptible to flooding, which would have at least a one percent probability of flooding occurrence in any calendar year based on: a) the basin being fully developed as shown on the current land use plan or b) the regulatory floodplain as defined by the National Flood Insurance Program (FEMA). The more restrictive (wider) of either a) or b) shall be used.

“Frontage, road” means the distance on which a parcel of land adjoins a public street or street right-of-

way, including proposed streets within a subdivision of land approved by the City of Covington.

“Grade” means a reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or between the building and a point six feet from the building, whichever is closer.

“Grade, percentage of” means the rise or fall of a slope in feet and tenths of a foot for each 100 feet of horizontal distance.

“Grading” means altering the shape of ground surfaces 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.

“Grasscrete or Grasspave” means a paving systems primarily used for parking that utilize porous elements which facilitate the drainage of stormwater runoff.

“Greenway, stream” means an area along the course of any state waters to be maintained in an undisturbed and natural condition for both recreation and conservation that may contain limited minor land disturbances, such as trails and picnic areas.

“Ground elevation” means the original elevation of the ground surface prior to cutting, ~~or~~ filling or grading.

“Groundwater recharge area” means any portion of the earth's surface where water infiltrates into the ground to replenish an aquifer.

“Grubbing” means removing roots and stumps from land that has been cleared, but not grading.

“Health department” means the Newton County health department and the commissioner of health of Newton County, Georgia, or his authorized representative.

“Impervious” means a material that water cannot pass through or be absorbed by.

“Impervious cover or surface” means areas which significantly prevent or impede the natural infiltration of stormwater into the soil. Common impervious surfaces include, but are not limited to, rooftops, buildings, streets, roads, sidewalks, walkways, patio areas, driveways, parking lots, concrete and asphalt surfaces, storage areas, compacted gravel and soil surfaces, awning, and other fabric or plastic coverings, and other surfaces which prevent or impede the natural infiltration of stormwater runoff which existed prior to development. Impervious surface also includes unpaved graded aggregate base (GAB) or crusher run.

“Impoundment” means the water or liquid substance that is or will be stored by a dam - commonly referred to as the reservoir.

“Industrial activity” means activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26 (b)(14).

“Infiltration” means the process of percolating stormwater runoff into the subsoil.

“Landscape strip” means a land area located within the boundary of a lot and required to be set aside and used for landscaping upon which only limited encroachments are authorized.

“Land development” means any land disturbing activity, including but not limited to clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving and any other installation of impervious surface. Land development excludes agricultural uses.

“Land development activity or activities” means those actions or activities that comprise, facilitate or result in land development.

“Land development project” means a single or phased discrete land development undertaking.

“Land disturbance” means any land or vegetation changes, including, but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, that do not involve construction, paving or any other installation of impervious surface, but not including agriculture.

“Land disturbance activity or activities” means those actions or activities which comprise, facilitate or result in land disturbance.

“Land disturbance permit”. See “Permit, land disturbance”.

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

“Lot area” means the total area within the boundaries of a lot.

“Lot, conforming” means a lot that meets all requirements of the zoning ordinance and is not a nonconforming lot.

“Lot coverage” means the percentage of the total area of a lot that is occupied by buildings.

“Lot, corner” means a lot abutting upon two or more streets at their intersection.

“Lot, double frontage” means a lot other than a corner lot abutting two streets.

“Lot, flag (or panhandle lot)” means a prohibited lot not meeting minimum frontage requirements and where access to the lot from a public road is achieved by a narrow strip of land.

“Lot, interior” means a lot with a single street frontage.

“Lot of record” means a lot, the plat for which has been lawfully recorded in the office of the clerk of the Superior Court of Newton County, or a lot, the deed of which has been lawfully recorded in the office of the clerk of the Superior Court of Newton County.

“Master plan” means a comprehensive plan, which may consist of several maps, recommendations, guides for implementation, and other descriptive matter, or physical development of the city or any portion thereof, including any amendments, extensions, or additions thereto recommended by the planning commission, indicating the general location for major streets, parks or other public utilities, zoning districts, or other similar information.

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

“National pollutant discharge elimination system (NPDES) storm water discharge permit” means a permit issued by the Georgia EPD under authority delegated pursuant to 33 USC 1342 (b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable to an individual, group, or general area-wide basis.

“Natural ground surface” means the ground surface in its original state before any grading, excavation or filling.

“Natural vegetative buffer or buffer area” means a river corridor containing the flora native to that area. The natural floras for specific areas are described in Georgia Geologic Survey Bulletin 114, "The

Natural Environment of Georgia." Habitats for endangered and threatened species may require human management of the river corridor in order to maintain those species.

"North American Vertical Datum (NAVD) of 1988" means a vertical control used as a reference for establishing varying elevations within a floodplain.

"On-site sewage management system" means a sewage management system other than a public or community sewage treatment system serving one or more buildings, mobile homes, recreational vehicles, residences, or other facilities designed or used for human occupancy or congregation.

"Open space" means areas that are primarily undeveloped and reserved to provide separation, resource protection, scenic enjoyment, recreation, or amenity to abutting developed property.

"Owner" means the legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, or other person, firm or corporation, in control of the site.

"Owners of record" means the owner(s) of property as specified on the deed to the lot of record.

"Percentage of grade". See "Grade, percentage of".

"Permit" The authorization necessary to conduct a land-disturbing activity, land development activity, building construction, or other activity regulated by the City of Covington that requires an official authorization as provided in the zoning ordinance.

"Permit, building" a permit issued by the planning and zoning department to the owner that is required for undertaking any construction, alteration, addition or repair of a structure.

"Permit, land disturbance" means the permit by the planning and zoning department to the owner that is required for undertaking any land-disturbing or land development activity under the provisions of the zoning ordinance.

"Permittee" means any entity that has submitted a notice of intent.

"Person" means any individual, partnership, firm, company, agency, association, joint venture, public or private corporation, organization, society, 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.

"Plan, concept" means written and graphic documents submitted to the director for review that document the intent of a developer in a conceptual form, indicating the types, general arrangement and density of uses, extent and pattern of subdivision, and the relationship of the intended uses to surrounding tracts.

Plat, Preliminary. "Preliminary plat" means a drawing which shows the proposed layout of a subdivision in sufficient detail, although not completely computed, to indicate unquestionably its workability, but is not in final form for recording. An approved community unit plan may be considered a preliminary plat if it is processed under the terms of these regulations concurrent with its processing under the terms of the zoning ordinance.

"Primary permittee" means the owner or the operator or both of a tract of land for a construction project.

"Private road". See "Road, private".

"Private street. See "Street, private".

"Public improvement" means any street, park, water line, sanitary drainage system or similar improvement installed to serve abutting or nearby private or public property constructed by

either a private entity or a public agency and ultimately owned and maintained by a public entity.  
“Public street” means right-of-way dedicated to or owned by a public government agency for the purpose of providing principal access to abutting property.

“Public utility” means any publicly, privately, or cooperatively owned line, facility or system for producing, collecting, transmitting or distributing communications, power, electricity, light, heat, gas, oil products, water, steam, waste, stormwater not connected with highway drainage, and other similar services and commodities, including publicly owned fire and police and traffic signals and lighting systems, which directly or indirectly serve the public or any part thereof.

“Quadrangle map” means the most recently published USGS 7.5 minute topographic map prepared at a scale of 1:24,000.

“Retaining wall”. See “Wall, retaining”.

“Retention facility, stormwater” means a pond, pool, or basin used for the permanent storage of stormwater runoff.

“Right-of-way” means a strip of land dedicated to, designated, reserved, or purchased by the City of Covington for the purpose of pedestrian or vehicular access or utility line installation.

“Right-of-way line” means the dividing line between a lot, tract or parcel of land and a contiguous right-of-way.

“Riparian” means belonging or related to the bank of a river, stream, lake, pond or impoundment.

“River bank” means the rising ground, bordering a river, which serves to confine the water to the natural channel during the normal course of flow.

“Road, private” means any privately owned and maintained access way serving two or more parcels of land that is intended to provide access for motorized vehicles, including safety and emergency equipment and that is not dedicated to the city or maintained by the city.

“Road, public” means any right-of-way set aside for public travel as defined in O.C.G.A. § 32-1-3(24).

“Sanitary sewer or sewer” means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of groundwater, storm waters and surface waters that are not admitted intentionally.

“Screening” means a method of shielding, obscuring or buffering one use or building from another use or building by fencing, walls, densely planted vegetation, natural vegetation, including a transitional buffer or other means; a visual and acoustical barrier which is of such nature and density that provides year-round maximum capacity from the ground to a height of at least six feet.

“Secondary permittee” means an individual builder, utility contractor that conducts a construction activity within a common development.

“Septic tank” means an approved watertight tank designed or used to receive sewage from a building sewer and to affect separation and organic decomposition of sewage solids, and discharging sewage effluent to an absorption field or other management system.

“Setback” means with respect to a stream, river, lake, or impoundment, the area extending beyond any riparian buffer applicable to the stream, river, lake, or impoundment in which certain structures, including buildings, septic tanks and septic tank drainfields, are prohibited.

“Setback” means the shortest distance between an adjacent street curb line, property line or lot line and the nearest wall of the building or structure on a lot as prescribed in the zoning ordinance.

“Sewage”. See “Wastewater”.

“Sewage treatment system” means a system that provides primary treatment and disposal, including absorption field components, devices and appurtenances intended to be used for disposal of sewage by soil absorption, but does not include a conventional or chamber septic tank system.

“Sewer” means a pipe or conduit that carries wastewater or stormwater.

“Start of construction”. See “Construction, start of”.

“Stream bank” means the sloping land that contains the stream channel and the normal flows of the stream.

“Street” means a way for vehicular traffic, whether designated as an avenue, boulevard, road, highway, expressway, lane, alley or other way.

“Street Categories” means the following definitions intended to distinguish between different categories of streets:

1. “Freeways” are high-capacity streets from which access to abutting property is prohibited, and which are intersected at specific locations by major and collector streets.
2. “Major thoroughfares” are those which are used primarily for fast or heavy traffic. The term shall include all street designations shown on the major thoroughfare plan for the city.
3. “Arterial and collector streets” are those which carry traffic from minor streets to the system of major streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
  1. “Arterial streets” are intended generally, but not exclusively, to provide service through industrial, commercial, and high density multiple-family complexes.
  2. “Collector streets” are intended generally, but not exclusively, to provide service through residential areas, including low density multiple-family complexes.
  3. “Minor streets,” including loop streets and cul-de-sacs, are those which are used primarily for access to the abutting properties, and for streets within a NR3 or NM district.
  4. “Subdivision streets” are generally intended to provide service to the abutting properties and to provide access to collector streets. Street, dead end: A street that must be exited at the same point as is entered but not a cul-de-sac.
  5. “Downtown streets” are those streets bounded on the North by Central of Georgia Railroad, South by Conyers Street, East by Elm Street and West by Emory Street.

“Street, centerline of” means a line that is halfway between the right-of-way lines of a street,

“Street curb” means the edge of street or a line of concrete or asphalt that forms part of the gutter at the edge of a street.

“Street fronting” means any building, sidewalk or landscaping element that is directly facing and adjacent to any public street and not facing the interior rear or side lot line adjacent to a neighboring property.

“Street, half” means 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 jog” means the incidence where two streets or two portions of a single street are separated by a relatively short distance, usually at their intersection with another street.

“Street, private” means any privately owned and maintained access way serving two or more lots or parcels that is intended to provide access for motorized vehicles, including safety and emergency equipment, that is not dedicated to the city or maintained by the city.

“Street, public”. See “Road, public”.

“Street, stub” means an extension of the right-of-way 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” means any fixed object that is constructed or erected on the ground or attached to something on the ground, including, but not limited to, towers, fences, posts, walls and walled or roofed buildings, but not including tents, flags, balloons, or vehicles.

“Structure, accessory” means a structure detached from the principal building located on the same lot and customarily incidental and subordinate in area, extent, and purpose to the principal building or use. Where a structure is attached to the main building in a substantial manner, as by a wall, such structure shall be considered part of the main building.

“Structure, occupied” means a building with one or more rooms intended for use by humans for dwelling, commerce, industry, or public services, and including buildings intended for the installation, storage, or use of equipment, merchandise, or machinery related to such use, subject to regulations and permitting procedures of the zoning ordinance.

“Subdivider” means any person, firm, corporation or duly authorized agent or other legal entity who undertakes the subdivision of land as defined in this chapter.

“Wall” means any structure forming a physical barrier or enclosure which is so constructed that 50 percent or more of the gross vertical surface is closed and prevents the passage of light, air and vision through said surface in a horizontal plane.

“Wall, foundation” means a wall constructed on footings or piers and designed to bear the load of a building or major structure.

“Wall, retaining” means a structure constructed and erected between lands of different elevations to protect structures and/or to prevent erosion, and not used as a foundation.

“Wastewater” means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water and storm water that may be present.

“Wastewater facilities” means the structures, equipment and processes required to collect, carry away and treat domestic and non-domestic wastewater and to dispose of the effluent.

“Watershed” means the land area that drains into a particular stream, river, lake, or impoundment.

“Well” means an excavation or opening into the ground by which groundwater is sought or obtained.

“Wetlands” means 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. Wetlands generally include swamps, marshes, bogs and, similar areas.

#### **14.04.040 Administration.**

- A. These rules and regulations shall be administered by the planning commission.
- B. The planning commission may from time to time issue instructions and operating procedures to be followed in the administration of these regulations to the end that the public may be informed and that approval of plats may be expedited.
- C. The planning commission shall be the official platting authority.

**14.04.050 Violation and penalty.**

Any person, firm, or corporation violating any of the provisions of these regulations shall be deemed guilty of an offense and upon conviction thereof shall be punished as provided in the General Enabling Act of 1957, as amended. Each day's continuance of a violation shall be considered a separate offense. The owner of any lands or parts thereof, where anything in violation of these regulations shall be placed or shall exist, and any person who may have assisted in the commission of any such violation, shall be guilty of a separate offense.

In any case in which any land is or is proposed to be used in violation of these regulations or amendments thereto adopted by city council, the legal counsel of the city or any owner of real estate within the district in which such land is situated, may in addition to other remedies provided by law, institute injunction, abatement, or any appropriate action or actions, proceeding, or proceedings to prevent, enjoin or abate unlawful use.

**14.04.060 Amendments.**

These regulations may be amended from time to time by the city council, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the planning commission for review and recommendations. The planning commission shall have thirty (30) days within which to submit its report. If the planning commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposal.

Before enacting an amendment to this article, the planning commission, acting for the city, shall hold a public hearing thereon, at least fifteen (15) days' notice of the time and place of which shall be published in a newspaper of general circulation in the city.

**CHAPTER 14.08  
PLATTING PROCEDURE**

**Article 1 Planning Jurisdiction Enforcement**

**14.08.010 Submitting Plats**

Any person proposing to subdivide land within the city shall submit to the planning commission plats of the proposed subdivision which shall conform to all the requirements set forth in these regulations.

**14.08.020 Approval Before Construction**

No subdivider shall proceed with any construction work on a proposed subdivision before obtaining preliminary plat approval from the planning commission, as certified thereon.

**14.08.030 Approval Before Sale**

No subdivider shall sell or negotiate to sell any lot in a proposed subdivision by reference to or exhibition of or by any other use of a plat of such subdivision, until such plat has been given final approval by the planning commission, as certified thereon, and recorded in the office of the clerk of the superior court of Newton County.

**14.08.040 Approval Before Street Acceptance, etc.**

No land dedicated as a public street shall be accepted, opened, or improved, nor shall any utilities or other facilities be installed therein, 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 corresponds in its location and lies with a street shown on a plat approved by the planning commission or on a plat made and adopted by the planning commission; provided, however, that the mayor and council may locate and construct or may accept any other street, if the ordinance or other measure for such approval be first submitted to the planning commission for its review and comment.

**14.08.050 Access to Streets**

No building permit shall be issued for and no building or other structure shall be erected on any lot within the city unless such lot has access to a street which shall have been accepted or opened as, or otherwise shall have received the legal status of a public street, or which corresponds in its location and lines with a street shown on a plat approved by the planning commission or a plat made and adopted by the planning commission; provided, however, that private streets and other private accessways may be approved under the terms of these rules and regulations in community unit plans, group development plans, condominium projects, apartment projects, townhouses, commercial developments, shopping centers, or other developments. All single-family residence lots must abut a public street.

**14.08.060 Preapplication Review**

Whenever the subdivision of a tract of land is proposed, the subdivider is urged to consult early and informally with the planning commission. The subdivider may submit sketch plans and data showing existing conditions within the site and in its vicinity and the proposed development layout of the subdivision. The purpose of the preapplication review is to facilitate the subsequent preparation of plans, and no fees are charged for this review.

## **Article 2 Preliminary Plat Procedure**

### **14.08.070 Application for Approval**

Following the preapplication review of a proposed subdivision and the payment of a twenty-five dollar (\$25.00) fee plus one dollar for each lot up to one hundred (100), and fifty cents for each lot over one hundred (100), the subdivider shall submit to the planning commission chairman at least fifteen (15) days prior to the next regular meeting of the planning commission, the following:

A. A letter requesting review and approval of a preliminary plat conveying the subdivider's intentions as to proposed layout and type of development, and giving the name and address of a person to whom the notice of the hearing by the planning commission on the preliminary plat shall be sent.

B. Five blue or black line prints of the preliminary plat as specified in Article 3 and other related documents to be utilized as follows:

1. Planning commission;
2. County health department;
3. Mayor and council;
4. City engineer;
5. The fifth copy shall be returned to the subdivider or his agent with a notation of the action taken by the planning commission; and
6. Fire Marshal

### **14.08.080 Official Date of Submittal**

The time submission of the preliminary plat shall be considered to be the date of the regular monthly meeting of the planning commission at least fifteen (15) days prior to which the application for plat approval, complete and accompanied by the required fee and all data, has been filed with the planning commission.

### **14.08.090 Hearing**

A hearing shall be held, notice of which shall be sent to the subdivider by certified mail, return receipt requested, five days prior to the hearing.

### **14.08.100 Preliminary Plat Approval**

A. An application for preliminary plat approval shall be studied by the planning director and the city engineer for compliance with these regulations, and with other relevant governmental and public utility company regulations. The planning director and the city engineer shall indicate on the plat, or

by a written memorandum attached thereto, comments and any suggested changes that are necessary to meet the intent of these regulations or to serve the best interests of the city. Not more than thirty (30) days after the submission of an application for preliminary plat approval, the planning director shall:

1. Issue a certificate of preliminary plat approval; or
2. Issue a certificate of conditional preliminary plat approval, subject to any necessary modifications the nature of which shall be indicated on the preliminary plat or attached to it in writing;

or

3. Disapprove the preliminary plat or any portion thereof in which case the planning director shall so notify the subdivider in writing, stating the reasons therefore. If the planning director and the city engineer disapproves of the preliminary plat the application fee shall be retained by the city.

B. Action of planning director and the city engineer shall be noted on two copies of the preliminary plat. One copy shall be returned to the applicant, and the other made a part of the public record.

C. Failure of the planning director and the city engineer to take action on the preliminary plat within thirty (30) days shall be deemed approval of the plat, and a certificate of preliminary plat approval shall be issued to the subdivider at his request, provided the subdivider does not agree upon an extension of time, if requested in writing by the planning commission to further study the preliminary plat.

D. Approval of all preliminary plats shall be governed by the following qualifications:

1. Approval of a preliminary plat is only tentative pending submission of the final plat.
2. Approval of the preliminary plat shall be effective and binding for a period not to exceed one year, and thereafter expire and be null and void except to the extent that work on the subdivision has progressed, unless a request for an extension of time has been submitted to and is subsequently approved by the planning director and the city engineer.

3. No improvements, including clearing or grading shall be undertaken until final engineering plans based on runoff calculations and necessary profiles for the subdivision (or unit division thereof) have been submitted to and approved by the city engineer.

#### **14.08.110 Improvements Authorized**

Approval of preliminary plat and the final engineering plans is authorization to proceed with installation of any improvements required in Chapter 16.24, subject to the approval of agencies having proper authority; however, no improvements shall be made, and no work shall be commenced, in connection with said preliminary plat, or unit division there-of, until a performance bond, or cash deposit or escrow account or letter of credit shall have been filed by the subdivider in the office of the city clerk which shall:

A. Be conditioned upon the faithful performance by the subdivider or developer of all work required to complete all improvements and installations for the subdivision, or unit division thereof, in compliance with these rules and regulations within a specified time.

B. Be payable to, and for the identification of the city.

C. Be with surety by a company entered and licensed to do business in the state of Georgia.

D. Contain a provision for the maintenance of installations and improvements required by these

rules and regulations in the subdivision for a period of one year following the date of final acceptance of streets by the city council.

- E. Be approved by the city engineer and the city attorney.

### **Article 3 Preliminary Plat Specifications**

#### **14.08.120 Sheet Size**

The preliminary plat shall be clearly and legibly drawn at a scale of not less than one hundred (100) feet to one inch. No scale shall be used that destroys the effective enforcement of this article. Sheet size shall not exceed forty-eight (48) inches by thirty-six (36) inches; provided, however, a scale of two hundred (200) feet to one inch may be used to avoid sheets in excess of forty-eight (48) inches by thirty-six (36) inches. In no case shall sheet size be less than eight and one-half inches by eleven (11) inches. The planning commission may approve other scales and sheet sizes as deemed appropriate.

#### **14.08.130 Subdivision Name**

The proposed name of the subdivision and proposed street names shall not duplicate or too closely approximate, phonetically, the name of any other subdivision or street in Newton County. If shown to the contrary, the planning commission may refuse to accept such subdivision and street names. The subdivision may use letter designations in place of street names on the preliminary plat.

#### **14.08.140 Information**

A. The preliminary plat shall contain the following:

1. Proposed name of subdivision.
2. Name and address of the owner of record.
3. Name, address, and telephone number of the subdivider.
4. Date of survey, north point and graphic scale, source of data, date of plat drawing, and space for revision dates.
5. Preliminary certificates and statements as specified.
6. Location, acres, number of lots.
7. A sketch locating the subdivision in relation to the surrounding area with regard to well-known landmarks such as major thoroughfares, railroads or others. Sketches may be drawn to scale in free-hand and at a scale sufficient to show clearly the information required, but not less than one inch to two thousand (2,000) feet. U.S. Geological Survey maps may be used as a reference guide for the location sketch.
8. Name of former subdivision if any or all of the preliminary plat has been previously subdivided.
9. Exact boundary lines of the tract indicated by a heavy line giving length and bearings. The boundary lines shall include the entire tract to be subdivided eventually and data as required herein shall apply to the entire tract.
10. Contour lines based on sea level data. These shall be drawn at intervals of not more than five feet.

Contour lines shall be based on field surveys or photogrammetric methods from aerial photographs. The basis for the topographic contour shown shall be specified.

11. Natural features within the proposed subdivision, including drainage channels, bodies of water, wooded areas, and other significant features. On all water courses leaving the tract the direction of flow shall be indicated, and for all water courses entering the tract the direction and acreage of the drainage area above the point of entry shall be noted. Flood plains shall be outlined.

12. Cultural features within the proposed subdivision, including right-of-way and pavement widths and names of existing and platted streets, bridges, culverts, utility lines such as gas, electric, water and sewer lines, and structures, all easements, buildings, city and county lines, and land lot lines, zoning districts and lines, and other significant information.

13. Proposed layout including lot lines with rough dimensions, lot numbers, block letters, street and alley lines with letters, street and alley lines with letter designations for proposed street names, right-of-way widths, sites reserved through covenants, easements, dedication or otherwise for public uses, for nonpublic or community uses exclusive of single-family dwellings, for nonresidential uses, and for multi-family dwellings.

14. Proposed unit division or stage development, if any, as proposed by the subdivider.

15. Location and results of percolation tests for lots which will not be served by a public or community sanitary sewage system, as required by the health department.

16. Location, site plan, and other information as may be required by the health department for all community sewage disposal plants.

B. The preliminary plat shall be accompanied by the following information when same is not shown on, or evident from, the preliminary plat:

1. A written summary of the proposal giving information as to the overall development plan giving type of structures, number of housing units, type of business and industry, so that the effects of the development can be determined by the planning commission.

2. Existing and proposed covenants and restrictions.

3. Source of water supply.

4. Provisions for sewage disposal, drainage, and flood control (as specified in Chapter 16.24)

5. The subdivider shall obtain letters or certificates of approval or disapproval from city, county, or state agencies, as well as from the utility companies as applicable.

#### **14.08.150 Street Improvement Data**

An application for street improvements, for a subdivision (or for a unit division thereof) shall be supported by the following, submitted to the city engineer:

A. Plat, drawn to the preliminary plat specifications, prescribed in Section 16.20.120 showing the following information:

1. Location and size of all proposed drainage structures, including catch basins, grates, headwalls, and any extensions thereof.

2. Acreage of drainage area and constant used in determining size of structures by use of a formula approved by the city engineer.

3. Location of land subject to flooding, indicated by flood crest contour as provided by the city, county, or other sources.

4. Location of all proposed sewer lines, and of any easements required therefor, together with sufficient dimensions to locate same on ground.

B. Engineering data as listed below:

1. Profiles of proposed streets, showing center line elevations and elevations along right-of-way lines on either side of street, exposed rock to be indicated; drawn on standard plan and profile sheet with plan section showing street layout, width, curvature, and drainage required.

2. Where sanitary or storm sewers are to be installed, the grate, size of pipe, and location of manholes shall be indicated on the road profile.

3. Profiles covering roadways that are extensions of existing roadways shall include: elevations at fifty (50) foot intervals for a minimum distance of three hundred (300) feet back of beginning point and forward of ending point, or such additional distance as may be required by the city engineer.

4. All elevations shall be coordinated and tied into U.S. Coast and Geological Survey bench marks, where feasible.

5. Above submittals shall be drawn to a scale no less than as follows:

Horizontal scale of one inch to one hundred (100) feet;

Vertical scale of one inch to ten (10) feet.

C. Where a proposed road abuts the plat boundary, a properly executed slope easement shall be submitted. A slope easement shall also be submitted under such other conditions as may be required by the city engineer.

**14.08.160 Certificate for Preliminary Approval**

Certificates for approval of the preliminary plat by the planning commission shall be inscribed on the plat as follows:

“Pursuant to the Land Subdivision Regulations of Covington, Georgia, all the requirements of Preliminary Approval having been fulfilled, this Preliminary Plat was given Preliminary Approval by the City of Covington Planning Commission on \_\_\_\_\_19\_\_\_\_.

This Preliminary Approval does not constitute approval of a Final Plat. This Certificate of Preliminary Approval shall expire and be null and void on (one year from preliminary approval):

\_\_\_\_\_.”  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary Covington  
Planning Commission

“I hereby certify that this proposed Preliminary Plat correctly represents data compiled or verified through a survey completed by me on \_\_\_\_\_, of 19\_\_\_\_, of property shown and described hereon.

By: \_\_\_\_\_  
Registered C.E.  
No. \_\_\_\_\_

or

\_\_\_\_\_  
Registered Georgia  
Land Surveyor’s  
No. \_\_\_\_\_  
Date \_\_\_\_\_”

**Article 4 Final Plat Procedure**

**14.08.170 Application for Approval**

After the preliminary plat of a proposed land subdivision has been given tentative approval by the planning director and the city engineer the subdivider may, within one year from tentative approval, submit to the planning director and the city engineer:

- A. A letter requesting review and approval of a final plat.
- B. Six copies of the final plat, the original, and other related documents, as specified in this division, the original of which shall be drawn in ink on cloth or durable tracing material to be utilized as follows:
  1. Mayor and council;
  2. Zoning enforcement officer;
  3. City engineer;
  4. Post office;
  5. Tax assessor;
  6. Planning commission (the original and one copy; the original to be filed in the office of the clerk of the superior court.)

**14.08.180 Official Date of Submittal**

The time of submission of the final plat shall be considered to be the date; the submitted plat is deemed complete and is accompanied by all data and documents, and has been filed with the planning director.

**14.08.190 Final Plat Approval**

- A. Whenever a final plat has been submitted to the planning director and is in conformance with an approved preliminary plat and the provisions of Article 5, the planning director and the city engineer shall consider and take action on the plat.
- B. Within thirty (30) days after submittal of the application, the planning director and the city engineer shall express approval, or if disapproved shall state in writing disapproval and the reasons therefor.
- C. Final approval by the planning director and the city engineer shall not be shown on the final plat until all requirements of these rules and regulations have been met:
1. All improvements and installations to the subdivision required for its approval under the terms of these rules and regulations have been completed in accordance with the appropriate specifications; or
  2. A letter of credit, or cash deposit or escrow account has been provided by the subdivider or developer to satisfy the requirements of Section 16.20.110.
- E. Once approved by the planning director and the city engineer, the final plat and other supplementary material required shall be transmitted to the city council for final action. Approval by the city council shall appear on the original tracing.
- F. Upon final approval by the city council, the approved final plat with all endorsements shall be recorded in the office of the clerk of the superior court of Newton County by the chairman of the planning commission.
- G. Upon recording of the approved final plat, the original tracing or other permanent material, a reproducible print of the final plat at the original scale, with all certificates endorsed, shall be provided by the subdivider and shall be returned to the city for its files.
- H. Upon completion of the installation of the improvements required by these rules and regulations, the subdivider shall present to the city engineer one complete set of the construction plans and drawings showing the subdivision and its improvements. This set of plans and drawings shall include:
1. "As built" plans of all streets and alleys showing the planned and actual location of all utility lines.
  2. "As built" center line profiles of all streets.
  3. Profiles and invert elevations of all storm and sanitary sewer lines as such improvements shall have actually been installed by the subdivider.
  4. A letter submitted by a registered professional engineer and/or registered surveyor certifying that all sewers, storm drains, curbing and paving, have been placed according to grade stakes set by him or his representatives to conform with construction plans submitted to and approved by the city engineer. (Prior code § 24-9.3)

#### **14.08.200 Approval Constitutes Street Acceptance**

Approval of the final plat by the city council shall be deemed an acceptance of the dedication of the streets and other public land as shown upon said plat on behalf of the public.

### **Article 5 Final Plat Specifications**

**14.08.210 Draftsmanship, Scale, Sheet Size**

The final plat shall be clearly and legibly drawn in black ink on suitable permanent reproducible material. The scale of the final plat shall be one hundred (100) feet to one inch. Sheet size shall not exceed thirty-four (34) inches by thirty-four (34) inches. If complete plat cannot be shown on one sheet of this size, said plat shall be shown on several sheets with an index map indicated on each sheet. In no case shall sheet size be less than eight and one-half inches by eleven (11) inches, provided, however, that space is thereby available for statements, approvals, and certificates as required in Section 16.20.250.

**14.08.220 Conformance to Design Characteristics**

The final plat shall conform to the design and characteristics and standards of the preliminary plat and it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at any one time, provided that such portion conforms to the staging established in preliminary plat procedure and to the requirements of these regulations.

**14.08.230 Information**

The final plat shall contain the following information:

- A. Name of subdivision and street names.
- B. Name and address of owner of record.
- C. Name and address of subdivider.
- D. Date of plat drawing, graphic scale, north point, notation as to the reference of bearings to magnetic, true north, or grid north, and an indication of whether bearings shown are calculated from, angles turned or taken from compass readings.
- E. Location of tract, acres, number of lots.
- F. Name of former subdivision if any or all of the final plat had been previously subdivided.
- G. Location sketch as provided for in Section 16.20.140(A)(7).
- H. Courses and distances to the nearest existing street intersections or bench marks or other recognized permanent monuments. Not less than three shall be accurately described on the plat.
- I. Exact boundary lines of the tract, to be indicated by the heavy line, giving distances to the nearest one-tenth foot and angles to the nearest minute, which shall be balanced and closed with an error of closure not to exceed one to five thousand (5,000). The error of closure shall be stated. Tract boundaries shall be determined by accurate survey in the field. Surveys shall be coordinated and tied into U.S. Geological Survey maps where same are available.
- J. Municipal, county, or land lot lines accurately tied to the lines of the subdivision by distance and angles when such lines traverse the subdivision.
- K. Exact locations, width, and names of all streets and alleys within and immediately adjoining the plat and the exact location and widths of all crosswalks.
- L. Street centerlines showing angles of deflection, angles of intersection, radii, length of tangents and arcs, and degree of curvature with basis of curve data.

M. Lot lines with dimensions to the nearest one-tenth foot, necessary internal angles, arcs and chords, and tangents or radii of rounded corners.

N. Building setback lines with dimensions.

O. When lots are located on a curve or when side lot lines are at angles other than ninety (90) degrees, the lot width at the building line shall be shown.

P. Lots or sites numbered in numerical order and blocks lettered alphabetically.

Q. Location, dimensions, and purpose of all drainage structures and of any easements, including slope easements, if required, and public service utility right-of-way lines, and any areas to be reserved, donated, or dedicated to public use or sites for other than residential use with notes stating their purposes and limitations; and of any areas to be reserved by deed covenant for common uses of all property owners.

R. A statement of the private covenants, if they are brief enough to be put directly on the plat; otherwise, a statement as follows:

“This plat is subject to the covenants set forth in the separate document(s) attached hereto dated \_\_\_\_\_, which hereby become(s) a part of the plat,” recorded on \_\_\_\_\_(date) and signed by the owner.

S. Accurate location, material, and description of monuments and markers. Monuments to be placed after final street improvement shall be designated as future.

T. Certificates and statements specified in Section 16.20.150. (Prior code § 24-10.2)

**14.08.240 Final Plat Certifications**

Each final plat submitted to the planning commission for approval shall carry the following certificates printed or stamped thereon substantially as follows:

A.

“It is certified that this plat is true and correct and was prepared from actual survey of the property made by me or under my supervision; and that all monuments shown hereon actually exist or are marked as “Future,” and their location, size, type, and material are correctly shown; and that all engineering requirements of the Covington Development Regulations have been fully complied with.

By \_\_\_\_\_  
Registered C.E. No. \_\_\_\_\_

\_\_\_\_\_  
Registered Georgia Land  
Surveyor’s No. \_\_\_\_\_  
Date \_\_\_\_\_”

B.

“OWNER’S ACKNOWLEDGMENT:

(STATE OF GEORGIA)

(COUNTY OF NEWTON)

The owner of the land shown on this plat and whose name is subscribed thereto, and in person or through duly authorized agents, acknowledges that this plat was made from an actual survey and dedicates to the use of the public forever, all streets, parks, drains, easements and public grounds thereon shown, which comprise a total of \_\_\_\_\_ acres, for the purpose therein expressed.

Subdivider \_\_\_\_\_

Owner \_\_\_\_\_

Date \_\_\_\_\_”

C. Place for statement of slope easement.

D. Place for approval of health department.

E. “This subdivision has been approved for recording by the City Council of Covington, Georgia, and has first been technically examined by the Planning Commission and the City Engineer and approved in accordance with existing rules and regulations.

Date \_\_\_\_\_, 19\_\_

\_\_\_\_\_  
City Clerk of Covington

Date \_\_\_\_\_, 19\_\_

\_\_\_\_\_  
Secretary, Planning Commission

Date \_\_\_\_\_, 19\_\_”

\_\_\_\_\_  
City Engineer

## **CHAPTER 14.12 REQUIRED IMPROVEMENTS**

### **14.12.010 Installation Required**

Every subdivider at his own expense shall be required to install or to have installed by the appropriate public utility the following improvements.

### **14.12.020 Street Grading**

A. All street rights-of-way shall be cleared and graded to the entire width plus one foot on each side and graded to within two inches of finish grade elevation to provide sufficient area for underground utilities.

B. When property adjacent to the street is not owned by the subdivider, he shall obtain the necessary easements for sloping banks before submitting preliminary plat, as required in Chapter 16.28. (Prior code § 24-11.1)

### **14.12.030 Street Paving**

A. Major street paving widths shall be in conformance with standards set forth in Chapter 16.28.

B. Street pavements shall be installed according to the specifications contained in the city of Covington Utilities Specification Handbook, as more particularly identified and adopted under Section 15.04.010, to which reference is made for the purpose of incorporating same herein. At any place in this chapter where a reference is made to the utilities handbook, it shall mean the aforesaid City of Covington Utilities Specification Handbook as then in effect in accordance with the provisions of Section 15.04.010.

### **14.12.040 Curbs and Gutters**

A. Curbs and gutters shall be installed on all streets, except where noted herein. Installation shall be according to the specifications contained in the Utilities Handbook, copies of which are on file at the city's utility department and the city's building and zoning office.

B. Curbs and gutters shall be installed on one or both sides of sidewalks, as applicable, where sidewalks are required.

### **14.12.050 Sidewalks**

A. The subdivider shall furnish all sidewalks when the planning commission determines that sidewalks are necessary to provide for pedestrian movement.

B. Sidewalks shall have a minimum width of four feet and shall be provided under the following conditions:

1. Sidewalks shall be required in subdivisions on both sides of any subdivision street to provide for pedestrian movement.

2. The planning commission may require wider sidewalks within a distance of up to one mile on streets leading to or going through commercial areas, school sites, places of public assembly, and other congested areas.

3. Sidewalks in residential areas shall not be less than twelve (12) inches from the street curbs.

4. All sidewalks shall have a minimum thickness of four inches, and shall be constructed of two thousand (2,000) P.S.I. Class A concrete. Sidewalks shall hold the same elevation as the curb when possible. Construction of sidewalks must be approved by the city engineering department.

C. Upon the determination and approval of the city engineer that required sidewalks might be damaged by future construction, the subdivider shall place in escrow with the city clerk, sufficient funds to cover the cost of constructing sidewalks at some future date.

#### **14.12.060 Water Supply**

A. When in the written opinion of the city engineer, a public water supply is available within one thousand (1,000) feet of the subdivision at its nearest point, the subdivider shall install or have installed water mains as specified by the city engineer. The installation of said mains and connections to each lot shall be installed prior to the paving of the street.

B. When in the written opinion of the city engineer an adequate public water supply is not available within a reasonable distance, each lot in a subdivision shall be furnished with public, individual or community water supply system approved by the health department, the city engineer and the local fire marshall.

C. The water supply shall be installed according to the specifications contained in the Utilities Handbook, copies of which are on file at the city utility department and at the city building and zoning office. All water connections shall be in complete compliance with Chapter 16.140 of this title.

#### **14.12.070 Sanitary Sewage Disposal**

A. When in the written opinion of the health department and city engineer, sewers are accessible within reasonable access of the subdivision, the subdivider shall provide sanitary sewer services to each lot within the bounds of the subdivision. The city engineer shall determine the size of sewer lines. All street sewers serving lots in the subdivision shall be installed by the subdivider. The subdivider shall be responsible for the cost of all taps, lift pump stations, manholes and extensions of city facilities.

B. When in the written opinion of the Health Department and the city engineer, a public sanitary sewer is not accessible, an alternate method of sewage disposal for each lot or a community sewage disposal system may be used when in compliance with the standards of the health department and city engineering department.

C. When the operation of a temporary sanitary sewer system requires land to be set aside for a disposal plant, the property owner shall give the city title to the property for as long as the plant is in operation. Said title may carry a reversionary clause returning the property to the owner when the site is no longer necessary for the operation of the plant.

D. In a drainage basin which at time of plat application is scheduled for a public sewage system, all subdivisions shall be provided with a temporary community sewage disposal system, as approved by the

health department. Such system shall include permanent sewerage outfall lines plus a temporary treatment plant to be installed by the subdivider.

E. Whenever the installation of a sanitary sewer is required as provided by these rules and regulations, no new street shall be paved without such sewer being first installed.

F. All sanitary sewerage systems shall be installed according to the specifications contained in the Utilities Handbook, copies of which are on file at the city utility department and the city building and zoning office.

#### **14.12.080 Storm Drainage**

A. Every subdivision shall be served by storm drainage facilities, including drains, sewers, catch basins, culverts, and other facilities.

B. All drainage facilities shall be so designed as to serve the entire drainage area in which these facilities are located. All street drains serving lots in the subdivision shall be installed by the subdivider.

C. All surface water drainage shall be transported to existing storm sewers or to drainage facilities approved by the city engineer.

D. Whenever drainage ditches are used, such ditches shall retain natural design characteristics and be so designed that they do not present a hazard to life and safety.

E. All drainage features shall be in accordance with standards and specifications of the city engineering department and no extension shall be made from the street drainage through the abutting property without approval of the city engineer.

F. When the construction of a proposed public road makes it necessary to cross a storm drain, the developer shall provide and install the required size and length of pipe acceptable to the city engineer.

1. In cases where the developer or owner chooses not to develop the land through which the drain runs, then the trench may be left open, however, in such cases the plat must be so marked and an easement shown thereon, indicating that no building or driveway shall be built over or within forty (40) feet of the open drain.

2. Where the developer chooses to leave the drain open and same is crossed by a driveway, the size of pipe shall be determined by the city engineer, and no building permit will be approved unless the installation meets the requirements of the city engineer.

3. Notwithstanding the above controls, the building inspector may refuse to issue a building permit on any lot or lots where the land is subject to floods or where, in the opinion of the building inspector, the topographic features of the property are such that a building could not be properly maintained on the lot.

G. Improvements, such as widening, deepening, relocating, clearing, protecting, or otherwise improving existing lakes and shore lines, stream beds and other watercourses, for the control of mosquitoes and public health nuisance, shall be provided by the developer in accordance with standards and requirements of the health department.

H. Any water impoundment structure shall be constructed so as to minimize mosquito breeding and other nuisance hazards. The outside toe of any dam shall be at least fifty (50) feet away from the toe of the street right-of-way slope. Any dam to be constructed within the city shall require the approval of the

city engineer and the health department, and shall be constructed in accordance with standards and specifications as determined by them.

I. No land subject to flooding as determined by the city engineer shall be platted or improved for residential or other use which may be endangered by floods. Flood plains shall not be altered by clearing, cutting, or filling unless determined that such action is necessary to correct a public health nuisance.

J. All storm drainage facilities shall be installed according to the specifications contained in the Utilities Handbook, copies of which are on file at the city utility department and the city building and zoning office.

#### **14.12.090 Monuments and Iron Pipes**

Permanent monuments shall be accurately set and established at the following points:

A. Where plat boundary lines intersect with land lot lines.

B. Monuments shall consist of a two inch iron pipe, sixteen (16) inches in length. Monuments shall be set so that the top of the pipe shall be six inches above the ground level unless otherwise approved by the city engineer.

C. The accurate location, material, and size of all existing monuments shall be shown, on the final plat, as well as the future location of monuments to be placed after street improvements have been completed.

D. Iron pipes at least three-fourths inch by sixteen (16) inches shall be placed at all corners of each lot and driven so as to be set two inches above the finished grade.

#### **14.12.100 Fire Hydrants**

Fire hydrants shall be approved by the local fire marshal and located and set in accordance with specifications for fire hydrants contained in the Utilities Handbook, copies of which are on file in the city utility department and the city building and zoning office.

#### **14.12.110 Street Trees**

Street trees and other shrubbery that may be retained or planted shall be placed or retained so as not to obstruct sight distances at street intersections.

## **CHAPTER 14.16 DESIGN STANDARDS**

### **14.16.010 Suitability of the Land**

Land subject to improper drainage and/or erosion, as determined by the city engineer, and any land deemed by the planning commission or county health department to be unsuitable for development shall not be platted for any uses as may continue such conditions or increase danger of health, safety, life or property unless steps are taken to eliminate the above-mentioned hazards.

Land within a proposed subdivision detrimental to the development of the subdivision shall be set aside for uses as shall not be endangered by the conditions set forth in this section.

### **14.16.020 Access**

- A. Every subdivision and every lot within a subdivision shall be served by a publicly-dedicated street.
- B. When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged and designed so as to allow for the opening of future streets and to provide access to those areas not presently served by streets.
- C. No subdivision shall be designed so as to completely eliminate street access to adjoining parcels of land.

### **14.16.030 Conformance to the Master Plan**

- A. All proposed subdivisions shall conform to the master plan and development policies in effect at the time of submission to the planning commission.
- B. All highways, streets and other features of the master plan shall be platted by the subdivider in the location and to the dimension indicated on the master plan. In subdivisions related to or affecting any state or federally numbered highway, the approval of the Georgia State Highway Department may be required by the planning commission.
- C. Where features of the master plan (other than minor streets and collector streets) such as school sites, parks, arterial streets, major thoroughfares, and other public spaces are located in whole or in part in a proposed subdivision, or when these features have not been anticipated by the master plan and planning policy, but are considered essential by the planning commission, such features shall be dedicated or in lieu of dedication shall be reserved by the subdivider. Whenever such reserved land, or any portion thereof, is not acquired, optioned, or condemned by the appropriate public agency within a one year period from the date of recording the subdivision, the subdivider may claim the original reservation, or portion thereof, and cause it to be subdivided in a manner suitable to the subdivider subject to the provisions of these rules and regulations.
- D. The planning commission may waive the above-mentioned platting and reservation requirements of subsections B and C, whenever stating that such a planned feature is not being acquired.

E. The planning commission shall disapprove plats when such planned features, as specified by the master plan, are not incorporated into the plat.

F. Whenever the plat proposes the dedication of land to public use and the planning commission or the appropriate agency finds that such land is not required or suitable for public use, the planning commission may either refuse to approve said plat or it may require the rearrangement of lots to include such land.

#### **14.16.040 Zoning and Other Ordinances**

Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in zoning ordinance, building code, or other official regulations or resolutions, the most restrictive shall apply.

#### **14.16.050 Modifications**

A. Modifications of the provisions set forth in these rules and regulations may be authorized by the planning commission in specific cases when, in its opinion, undue hardships may result from strict compliance; provided any such determination shall be based fundamentally on the fact that unusual topographical and other exceptional conditions require such modifications, and that the granting of the modifications will not adversely affect the general public or nullify the intent of these regulations; provided further that any such modifications granted by the planning commission shall be made in writing to the subdivider and also made a part of the planning commission's records and the plat.

B. Application for any modifications must be filed in writing with necessary supporting documents with the planning commission by the subdivider and shall explain in detail reasons and facts supporting the application.

#### **14.16.060 Design**

The design standards set forth in this chapter shall be observed in all plats which are required to be approved by the planning commission, except that standards for improvements shall be applicable only to those plats for which improvements or improvement plans are required as a condition of plat approval.

#### **14.16.070 Streets**

A. The arrangements, character, extent, width, grade, and location of all streets shall conform to the major thoroughfare plan for the city and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

B. Where such is not shown in the major thoroughfare plan for the city, the arrangement of streets in a subdivision shall either:

1. Provide for the continuation of appropriate projection of existing streets in surrounding areas at the same or greater width, but in no case less than the required minimum width.
2. Conform to a plan for a neighborhood approved or adopted by the planning commission to meet

a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

C. Minor streets shall be so laid out that their use by through traffic will be discouraged.

D. Where a subdivision contains a dead-end street other than a cul-de-sac, the planning commission may require the subdivider to provide a temporary vehicular turn-around within the right-of-way, when the planning commission considers such to be necessary for effective traffic circulation.

E. Where a subdivision abuts or contains an existing or proposed major street, the planning commission may require marginal access streets, double frontage lots with screen planting contained in a nonaccess reservation along the rear property lines, deep lots with rear service drives, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

F. Where a subdivision borders on or contains a railroad right-of-way, the planning commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

G. Street right-of-way widths shall be dedicated as follows:

1. Major thoroughfares: 100 feet
2. Arterial streets (industrial, commercial, and high-density multiple-family): 80 feet
3. Collector streets (single-family and low density, multiple-family, depending on densities): 60 feet
4. Minor streets: 50 feet
5. Cul-de-sacs and loop streets: 50 feet
6. Subdivision streets: 55 feet
7. Cul-de-sacs turn-around (radius): residential 53 feet; residential with island 58 feet; commercial and industrial: 75 feet
8. Right-of-way requirements on new streets in excess of sixty (60) feet shall be reserved for acquisition by the appropriate public body, subject to the provisions of Section 16.28.030(C).

H. Street paving widths shall be no less than as follows, measured from face of curb to face of curb:

1. Major thoroughfares (100' r-o-w): 81 feet (a median may be required)
2. Arterial streets (80' r-o-w): 49 feet (a median may be required)
3. Collector streets (60' r-o-w): 33 feet
4. Minor streets (50' r-o-w): 23 feet
5. Cul-de-sac and loop streets (50' r-o-w): 23 feet
6. Subdivision streets (55' r-o-w): 28 feet
7. Cul-de-sac turn-around:
  - a. Residential, outside paving radius: 38.5 feet
  - b. Commercial and industrial, outside pavement radius: 60 feet
8. Alleys, service drives or private drives: 20 feet

I. Where a subdivision abuts an existing street, the subdivider shall dedicate additional right-of-way on said existing streets to meet the above minimum street width requirements from each side of the centerline.

- J. Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle less than sixty (60) degrees. Detailed designs of intersections may be required.
- K. Horizontal curvature. The minimum radii of centerline curvature shall be as follows:
1. Major thoroughfares and arterial streets: eight hundred (800) feet.
  2. Collector streets: two hundred (200) feet.
  3. Minor streets and alleys: one hundred (100) feet.
- L. Tangents. Between reverse curves, there shall be a tangent having a length of not less than the following:
1. Major thoroughfares and arterial streets: two hundred (200) feet.
  2. Collector and minor streets: one hundred (100) feet.
- M. Vertical Alignment. Vertical alignment shall be that the following requirements are met:
1. Major thoroughfares and arterial streets shall have a sight distance of at least five hundred (500) feet above ground level.
  2. Collector streets shall have a sight distance of at least two hundred (200) feet at six feet above ground level.
- N. Curb line radius at street intersections of less than ninety (90) degrees, the planning commission may require a greater radius.
- O. Right-of-way radius at street intersections shall parallel the curb line radius.
- P. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be permitted.
- Q. Cul-de-sac streets shall be designed so that the maximum desirable length shall be one thousand (1,000) feet, including circular turn-around, unless excepted by the planning commission.
- R. Alleys or service drives may be required on any lots to be used for multiple-family, commercial or industrial developments, but shall not be provided in residential blocks except where the subdivider produces evidence satisfactory to the planning commission of the need for alleys or service drives.
- S. Half-streets shall be prohibited.
- T. Reserve strips controlling access to streets, alleys, or public grounds shall not be permitted.

#### **14.16.080 Blocks**

- A. The lengths, widths, and shapes of blocks shall be determined with due regard to:
1. Provision of adequate building sites suitable to the special needs of the types of use contemplated.
  2. Zoning requirements as to lot sizes and dimensions unless a planned unit development is contemplated.
  3. Needs for convenient access, circulation, control, and safety of street traffic.
  4. Limitations and opportunities of topography.
- B. In general, residential blocks shall not be greater than one thousand eight hundred (1,800) feet in length, or less than six hundred (600) feet in length. In blocks over one thousand (1,000) feet long, the planning commission may, when existing or proposed public gathering places so justify, require public crosswalks across the block.

C. Residential blocks shall be wide enough to provide two tiers of lots, except where fronting on major streets or prevented by topographical conditions or size of the property, in which case the planning commission may require and/or approve a single tier of lots of minimum depth.

#### **14.16.090 Lots**

A. Insofar as practical, side lot lines shall be perpendicular or radial to street lines. Each lot shall abut upon a public street.

B. The size, shape, and orientation of every lot shall be subject to approval of the planning commission for the type of development and use contemplated. No lot shall be more than six times as deep as it is wide at the building setback line, unless excepted by the planning commission.

C. Every residential lot shall conform to the minimum dimension and area requirements of the zoning ordinance, provided that every lot not served by a public sewer or community sanitary sewage system and/or public water shall meet the dimension and area requirements of the health department.

D. Additional building set-back lines shall conform to front yard and building setback requirements of the zoning ordinance, unless excepted by the planning commission.

E. Size, shape, and arrangement of commercial and industrial lots, where platted, shall be subject to the planning commission, provided that approval is not granted under the provisions of Section 16.28.050 of these rules and regulations.

F. Double frontage, unless required by the planning commission, shall be prohibited except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography, orientation, and property size. A planting screen reservation of at least ten (10) feet, and across which there shall be no right of access, may be required along the line of lots abutting such a traffic artery or other disadvantageous use.

G. Corner lots shall, as required in the zoning ordinance, have extra width to permit appropriate building set-back from and orientation to both streets.

H. Lot remnants (lot below minimum area or width left over after subdividing tracts of land) shall be prohibited. Such remnant areas shall be added to adjacent lots, rather than remain as unusable parcels.

I. The subdividing of the land shall be such as to provide each lot with direct abutting access to an existing public street or to a street contained within the proposed subdivision.

J. The subdividing of land adjacent to or surrounding an existing or proposed lake, shall be such that lots abut the centerline of the water course which would pass through the lake should it be cleared. Such requirements may be waived upon submittal to the planning commission of an acceptable method for the maintenance of the lake and any recreational operations to be provided thereon.

## **CHAPTER 14.20**

### **PROTECTION OF GROUNDWATER RECHARGE AREAS**

#### **14.20.010 Findings of Fact**

The mayor and council of the city find that in order to provide for the health, safety and welfare of the public and a healthy economic climate within the city it is essential that the quality of public drinking water be insured. It is therefore necessary to protect the subsurface water resources that the city and surrounding communities rely upon as sources of public water. To that end it is also necessary to manage land use within groundwater recharge areas so that pollution threats are minimized.

#### **14.20.020 Definitions**

As used in this chapter, the following words and phrases have the meanings set forth in this section:

“Acre-foot” means the volume of water that would cover one acre of land to a depth of one foot.

“Aquifer” means any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well.

“DRASTIC” means the standardized system for evaluating groundwater pollution potential using the hydrogeologic settings described in U.S. Environmental Protection Agency document EPA-600-2-87-035.

“Pollution susceptibility” means the relative vulnerability of an aquifer to being polluted from spills, discharges, leaks, impoundments, applications of chemicals, injections and other human activities in the recharge area.

“Pollution susceptibility map” means maps of relative vulnerability to pollution prepared by the Department of Natural Resources, using the DRASTIC methodology. (Georgia Department of Natural Resources Hydrologic Atlas 20: Groundwater Pollution Susceptibility Map of Georgia)

“Recharge area” means any portion of the earth’s surface, where water infiltrates into the ground to replenish an aquifer.

“Significant recharge areas” means those areas mapped by the Georgia Department of Natural Resources in Hydrologic Atlas 20 (1989 edition).

#### **14.20.030 Groundwater Recharge Area Protections District**

The boundaries of groundwater recharge area district shall be coterminous with the boundaries of all lands within the city which are designated as significant recharge areas by the Georgia Department of Natural Resources in “Hydrologic Atlas 20, 1992 edition”, a copy of which is maintained in the city building and zoning office and which is by reference thereto incorporated herein and made a part hereof. Each recharge area shall have a pollution susceptibility of high, medium or low as shown on the Georgia Pollution Susceptibility Map contained in the aforesaid Hydrologic Atlas 20.

#### **14.20.040 Protection Criteria**

The following criteria shall be applicable to all activity or improvements within the groundwater recharge area district.

A. No construction may proceed on a building or mobile home to be served by a septic tank unless the Newton County environmental department first approves the proposed septic tank installation as meeting the requirements of the manual of the Georgia Department of Human Resource for On-Site Sewage Management (hereinafter DHR Manual), a copy of which is maintained in the city building and zoning office and which is by this reference incorporated herein and made a part hereof, and subsections B and C of this section.

B. New homes served by a septic tank/drain field system shall be on lots having minimum size limitations as follows, based on application of Table MT-1 of the DHR Manual (hereinafter DHR Table MT-1). The minimums set forth in Table MT-1 may be increased further based on consideration of other factors (set forth in this chapter) of the DHR Manual.

1. One hundred-fifty (150) percent of the subdivision minimum lot size calculated based on application of DHR Table MT if they are within a high pollution susceptibility area;

2. One hundred twenty-five (125) percent of the subdivision minimum lot size calculated based on application of DHR Table MT-1 if they are within a medium pollution susceptibility area; and

3. One hundred ten (110) percent of the subdivision minimum lot size calculated based on application of DHR Table MT-1 if they are within a low pollution susceptibility area.

C. New mobile home parks served by septic tank/drain field systems shall have lots or spaces having minimum size limitations as follows, based on application of Table MT-2 of the DHR Manual (hereinafter DHR Table MT-2). The minimums set forth in Table MT-2 may be increased further based on consideration of other factors (set forth in this chapter) of the DHR Manual.

1. One hundred-fifty (150) percent of the subdivision minimum lot or space size calculated based on application of DHR Table MT-2 if they are within a high pollution susceptibility area;

2. One hundred twenty-five (125) percent of the subdivision minimum lot or space size calculated based on application of DHR Table MT-2 if they are within a medium pollution susceptibility area; and

3. One hundred-ten (110) percent of the subdivision minimum lot or space size calculated based on application of DHR Table MT-2 if they are within a low pollution susceptibility area.

D. New above-ground chemical or petroleum storage tanks, having a minimum volume of six hundred-sixty (660) gallons, shall have secondary containment for one hundred-ten (110) percent of the volume of such tanks or one hundred-ten (110) percent of the volume of the largest tank in a cluster of tanks. Such tanks used for agricultural purposes are exempt, provided they comply with a federal requirements.

E. New facilities that handle hazardous materials of the types listed in section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and in amounts of ten thousand (10,000) pounds or more on any one day, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements and local fire code requirements.

F. Permanent storm water infiltration basins shall not be constructed in areas having high pollution susceptibility.

G. New agricultural waste impoundment sites shall be lined if they are within a high pollution susceptibility area; a medium pollution susceptibility area and exceed fifteen (15) acre-feet; or a low pollution susceptibility area and exceed fifty (50) acre-feet. As a minimum, the liner shall be constructed of compacted clay having a thickness of one foot and vertical hydraulic conductivity of less than  $5 \times 10^{-7}$  cm/sec or other criteria established by the Natural Resources Conservation Service.

**14.20.050 Exemptions**

The city may, with the approval of the planning commission, exempt any lot of record on the date of enactment of this section from the minimum lot size requirements of Section 16.148.040(B) and (C) of this chapter.

**14.20.010 Administration and Enforcement**

This section shall be administered and enforced in the same manner as provided in Section 15.04.020 of this code for enforcement of state minimum standards codes.

## **CHAPTER 14.24 STORMWATER MANAGEMENT**

### **Article 1 Connection and Discharge Into Storm Sewer System**

#### **14.24.010 Findings of Fact**

The mayor and council of the city find that discharges into the city's separate storm sewer that are not composed entirely of stormwater runoff contribute to increased nonpoint source pollution and degradation of receiving waters. Nonstormwater discharges occur due to spills, dumping and improper connections to the city's separate storm sewer system from residential, industrial, commercial and institutional establishments. Impacts of such discharges adversely effect public health and safety, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of land and water, and can be minimized through the regulation of spills, dumping and discharges into the city's storm sewer system and proper management of post-development stormwater runoff.

#### **14.24.020 Definitions**

As used in this chapter, the following words and phrases shall have the meanings set forth in this section:

“Accidental discharge” means a discharge prohibited by this chapter which occurs by chance and without planning or thought prior to occurrence.

“Applicant” means a person submitting a post-development stormwater management application and plan for approval.

“Authorized enforcement agency” means the public works department of the city.

“Channel” means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

“City's separate storm sewer system” means any facility designed or used for collecting and/or conveying stormwater, including but not limited to any roads with drainage systems, highways, city streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural, man-made or altered drainage channels, reservoirs, and other drainage structures, and which is:

1. Owned or maintained by the city;
2. Not a combined sewer; and
3. Not part of a publicly-owned treatment works.

“Clean Water Act” means the Federal Water Pollution Control Act (33 U.S.C. Section 1251 et seq.) and any subsequent amendments thereto.

“Conservation easement” means an agreement between a land owner and the city or other governmental agency or land trust that permanently protects open space or greenspace on the

owner's land by limiting the amount and type of development that can take place, but continues to leave the remainder of the fee interest in private ownership.

"Construction activity" means an activity subject to the Georgia Erosion and Sedimentation Control Act or NPDES general construction permits. Such activities include but are not limited to clearing and grubbing, grading, excavating, demolition and other projects resulting in land disturbance.

"Detention" means the temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling peak discharges.

"Detention facility" means a detention basin or structure designed for the detention of stormwater runoff and gradual release of stored water at controlled rates.

"Developer" means a person who undertakes land development activities.

"Development" means a land development or land development project.

"Drainage easement" means an easement appurtenant or attached to a tract or parcel of land allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

"Erosion and sedimentation control plan" means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during land disturbance activities.

"Extended detention" means the detention of stormwater runoff for an extended period, typically twenty-four (24) hours or greater.

"Extreme flood protection" means measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of one hundred (100) years or more.

"Flooding" means a volume of surface water that is too great to be confined within the banks or walls of a conveyance or stream channel and that overflows onto adjacent lands.

"Greenspace" or "open space" means permanently protected areas of a site that are preserved in a natural state.

"Hotspot" means an area where the use of the land has the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

"Hydrologic soil group (HSG)" means a natural resource conservation service classification system in which soils are categorized into four runoff potential groups. The groups range from group A soils, with high permeability and little runoff produced, to group D soils, which have low permeability rates and produce much more runoff.

"Illegal connection" means either of the following:

1. Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the city's storm drain system, including but not limited to any conveyances which allow any nonstormwater discharge such as sewage, chemicals, process wastewater, and wash water to enter the storm drain system, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or

2. Any pipe, open channel, drain or conveyance connected to the city's separate storm sewer system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

“Illicit discharge” means any direct or indirect nonstormwater discharge to the city’s separate storm sewer system, except as expressly exempted under the provision of this chapter.

“Impervious surfaces” means those areas which prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted gravel and soil surfaces, awnings and other fabric or plastic coverings.

“Industrial activity” means activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26(b)(14).

“Industrial stormwater permit” means a National Pollutant Discharge Elimination System (NPDES) permit issued to an industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

“Infiltration” means the process of percolating stormwater runoff into the subsoil.

“Inspection and maintenance agreement” means a written agreement providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land development project.

“Jurisdictional wetland” means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

“Land development” means any land change, including, but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving, and any other installation of impervious surface.

“Land development activities” means those actions or activities which comprise, facilitate or result in land development.

“Land development project” means a discrete land development undertaking.

“National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit” means a permit issued by the Georgia EPD under authority delegated pursuant to 33 USC Section 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

“New development” means a land development activity on a previously undeveloped site.

“Nonpoint source pollution” means a form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agriculture, silviculture, mining, construction, subsurface disposal and urban runoff sources.

“Nonstormwater discharge” means any discharge to the storm drain system that is not composed entirely of stormwater.

“Nonstructural stormwater management practice” or “nonstructural practice” means any natural or planted vegetation or other nonstructural component of the stormwater management plan that provides for or enhances stormwater quality and/or quality control or other stormwater management

benefits, and includes, but is not limited to, riparian buffers, open and greenspace areas, overland flow filtration areas, natural depressions, and vegetated channels.

“Off-site facility” means a stormwater management facility located outside the boundaries of a site.

“On-site facility” means a stormwater management facility located within the boundaries of a site.

“Overbank flood protection” means measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e., flow events that exceed the capacity of the channel and enter the floodplain), and that are intended to protect downstream properties from flooding for the two-year through twenty-five- (25) year frequency storm events.

“Owner” means the legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

“Permit” means the permit issued by the city to the applicant which is required for undertaking any land development activity.

“Person” means, except to the extent exempted from the provisions of this chapter, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of Georgia, any interstate body or any other legal entity.

“Pollutant” means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations that may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any other kind.

“Pollution” means the contamination or other alteration of any water’s physical, chemical or biological properties by the addition of any constituent and includes but is not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gas, solid, radioactive material, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

“Post-development” refers to the time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity on a site as the context may require.

“Pre-development” refers to the time period or the conditions that exist on a site prior to the commencement of a land development project and at the time that plans for the land development of a site are approved by the plan approving authority. Where phased development or plan approval occurs, such as in the case of preliminary grading, roads and utilities, the existing conditions at the time prior to the first item being approved or permitted shall establish pre-development conditions.

“Premises” means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

“Project” means a land development project.

“Redevelopment” means a land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff or cause additional nonpoint source pollution.

“Regional stormwater management facility” or “regional facility” means stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

“Runoff” means stormwater runoff.

“Site” means the parcel of land being developed, or the portion thereof on which the land development project is located.

“State waters” means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface and subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state of Georgia which are not entirely confined and retained completely upon the property of a single person.

“Stormwater better site drainage” means nonstructural site design approaches and techniques that can reduce a site’s impact on the watershed and can provide for nonstructural stormwater management. Stormwater better site design includes conserving and protecting natural areas and greenspace, reducing impervious surface and using natural features for stormwater management.

“Stormwater management” means the collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner intended to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

“Stormwater management facility” means any infrastructure that controls or conveys stormwater runoff.

“Stormwater management measure” means any stormwater management facility or nonstructural stormwater practice.

“Stormwater management plan” means a document describing how existing runoff characteristics will be affected by a land development project and containing measures for complying with the provisions of this chapter.

“Stormwater management system” means the entire set of structural and nonstructural stormwater management facilities and practices that are used to capture, convey and control the quantity and quality of the stormwater runoff from a site.

“Stormwater retrofit” means a stormwater management practice designed for a currently developed site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

“Stormwater runoff” or “stormwater” means any surface flow, runoff, or drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

“Structural stormwater control” means a structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow of the stormwater.

“Subdivision” means the division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway. (Ord. dated 10/5/04 (part))

#### **14.24.030 Illicit Discharges**

No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the city’s separate storm sewer system any pollutants or waters containing any pollutants, other than stormwater.

The following discharges are exempt from the provisions of this section: water line flushing performed by a government agency, other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, natural riparian habitat or wetland flows, and any other water source not containing pollutants; discharges or flows from firefighting, or other discharges necessary to protect public health and safety; discharges from domestic or other noncommercial cleaning of motor vehicles.

The prohibition provision of this section shall not apply to any nonstormwater discharge permitted under an NPDES permit or order issued to the discharger and administered under the authority of the state and the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and further provided that written approval has been granted by the city’s public works department for any discharge to the city’s separate storm sewer system.

#### **14.24.040 Illegal Connections**

The construction, connection, use, maintenance or continued existence of any illegal connection to the city’s separate storm sewer system is prohibited. This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. Connections in violation of this section must be disconnected and redirected to an approved on-site wastewater management system or, with the written approval of the city’s public works department, to the city’s sanitary sewer system.

#### **14.24.050 Location of Connections**

Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the city’s storm sewer system, shall be located by the owner or occupant of property served by such connection upon receipt of written notice of violation from the city requiring that such location be completed. Such notice shall specify a reasonable time period within which the location of

the drain or conveyance is to be completed, that the drain or conveyance be identified as storm sewer, sanitary sewer or other type of facility, and that the outfall location or point of connection to the city's storm sewer system, sanitary sewer system or other discharge point be identified.

#### **14.24.060 Industrial or Construction Activity Discharges**

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with such permit may be required in a form acceptable to the city prior to allowing discharges to the city's separate storm sewer system.

#### **14.24.070 Access and Inspection of Properties and Facilities**

Authorized representatives of the city shall be permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with the provisions of this chapter.

A. If a property or facility has security measures in force which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to representatives of the city.

B. The owner or operator shall allow the city ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination and copying of any records that are required under the conditions of an NPDES permit to discharge stormwater.

C. The city shall have the right to set up on any property or facility such devices as are necessary in the opinion of the city to conduct monitoring and/or sampling of flow discharges.

D. The city may require the owner or operator to install monitoring equipment and perform monitoring as necessary, and make the monitoring data available to the city. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator at his or her own expense. All devices used to measure flow and quality shall be maintained and calibrated by the owner or operator to ensure their accuracy.

E. Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the city and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.

F. Unreasonable delays in allowing the city access to a facility for the purpose of such inspections is a violation of the provisions of this chapter.

G. If the city has been refused access to any part of the premises from which stormwater is discharged, and the city is able to demonstrate probable cause to believe that there may be a violation of the provisions of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with the provisions of this chapter or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the city may seek issuance of a search warrant from any court of competent jurisdiction.

#### **14.24.080 Notification of Accidental Discharges and Spills**

Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or nonstormwater discharges from that facility or operation which is resulting or may result in illicit discharges into stormwater, the city's separate storm sewer system, state waters, or waters of the U.S., said person shall forthwith take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge.

Said person shall notify the authorized enforcement agency in person or by phone or facsimile within twenty-four (24) hours of discovery of such release or discharge of the nature, quality and time of occurrence of the discharge. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the city within three business days of the phone, facsimile or in person notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also make and retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years from the date of discovery of such release or discharge. Said person shall also take immediate steps to ensure that there is no recurrence of the discharge or spill.

## **Article 2      Post-development Stormwater Control**

### **14.24.090      Applicability**

A. The provisions of this article shall be applicable to all land development within the corporate limits of the city, including, but not limited to, site plan applications, subdivision applications, and grading applications, unless exempt pursuant to subsection B of this section. The provisions of this article further apply to any new development or redevelopment site that meets one or more of the following criteria:

1. New development that involves the creation of five thousand (5,000) square feet or more of impervious surface, or that involves other land development activities of one acre or more;
2. Redevelopment that includes the creation, addition or replacement of five thousand (5,000) square feet or more of impervious surface, or that involves other land development activity of one acre or more;
3. Any new development or redevelopment, regardless of size, that is determined by the public works director of the city to be a hotspot land use; or
4. Land development activities that are smaller than the minimum applicability criteria set forth in subsections (A)(1) and (A)(2) of this section if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place in connection with such development at different times on different schedules.

B. The following activities are exempt from this section:

1. Individual single-family or duplex residential lots that are not part of a subdivision or phased development project;
2. Additions or modifications to existing single-family or duplex residential structures that are not part of a subdivision or phased development;

3. Agricultural or silvicultural land management activities within areas zoned for these activities; and
4. Repairs to any stormwater management facility or practice deemed necessary by the public works director of the city.

#### **14.24.100 Stormwater Design Manual**

The city will utilize the policies, criteria and information, including technical specifications and standards, in the current edition of the Georgia Stormwater Management Manual (GSMM), the provisions of which are incorporated herein by reference, for the proper implementation of the provisions of this chapter. A current copy of the GSMM will be maintained and available for public reference during office hours in the city building and zoning office.

#### **14.24.110 Permit Application**

No owner or developer shall commence any land development activities without having met the requirements of this article. Unless specifically exempted by this, any owner or developer proposing a land development activity shall submit to the public works department of the city a permit application on a form provided by the city.

#### **14.24.0120 Stormwater Management Plan**

The stormwater management plan shall detail how post-development stormwater runoff will be controlled or managed and how the proposed project will meet the requirements of this chapter, including the performance criteria set forth in this article.

The stormwater management plan shall be in accordance with the criteria established in this section and must be submitted with the stamp and signature of a Georgia licensed professional engineer, who must verify that the design of all stormwater management facilities and practices meets the submittal requirements outlined in the submittal checklist(s) found in the Georgia Stormwater Design Manual.

The plan shall consist of maps, narrative, and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system and shall include all of the information required in the stormwater management site plan checklist found in the Georgia Stormwater Design Manual.

#### **14.24.130 Application Procedure**

- A. Applications for land development permits shall be filed with the public works department of the city.
- B. Permit applications shall include the items set forth in Section 16.149.110 in this chapter.
- C. Within thirty (30) days of the date of filing the application the city shall inform the applicant whether the application, stormwater management plan and inspection and maintenance agreement are approved or disapproved, and if disapproved shall specify the basis for disapproval and the curative measures necessary for approval.

D. Upon approval of the application the city shall issue a permit for the land development project.

E. In the event that the applicant is not notified of the city's action within thirty (30) days of the date of filing the application, the application shall be deemed to have been approved and the city shall issue a permit for the land development project.

#### **14.24.140 Post-Development Stormwater Management Performance Criteria**

The following performance criteria shall be applicable to all stormwater management plans, unless otherwise provided for in this chapter:

A. Water Quality. All stormwater runoff generated from a site shall be adequately treated before discharge. It will be presumed that a stormwater management system complies with this requirement if:

1. It is sized to treat the prescribed water quality treatment volume from the site, as defined in the Georgia Stormwater Management Manual;
2. Appropriate structural stormwater or nonstructural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the GSMM; and
3. Runoff from hotspot land uses and activities identified by the city are adequately treated and addressed through the use of appropriate structural stormwater controls, nonstructural practices and pollution prevention practices.

B. Stream Channel Protection. Protection of stream channels from bank and bed erosion and degradation shall be provided by using all of the following three approaches:

1. Preservation, restoration and/or reforestation (with native vegetation) of the applicable stream buffer;
2. Twenty-four- (24) hour extended detention storage of the one-year, twenty-four- (24) hour return frequency storm event;

This requirement may be adjusted or waived by the city for sites that discharge directly into larger streams, rivers, wetlands, or lakes, or to a man-made channel or conveyance system where the reduction in these flows will not have an impact on upstream or downstream streambank or channel integrity.

3. Erosion prevention measures such as energy dissipation and velocity control.

C. Overbank Flooding Protection. Downstream overbank flood and property protection shall be provided by controlling (attenuating) the post-development peak discharge rate to the pre-development rate for the twenty-five- (25) year, twenty-four- (24) hour return frequency storm event. If control of the one-year, twenty-four- (24) hour storm under subsection (B)(2) of this section is exempted, then peak discharge rate attenuation of the two-year through the twenty-five- (25) year return frequency storm event must be provided.

This requirement may be adjusted or waived by the city for sites where the post-development downstream analysis shows that uncontrolled post-development conditions will not increase downstream peak flows, or that meeting the requirement will cause greater peak flow downstream impacts than the uncontrolled post-development conditions.

D. Extreme Flooding Protection. Extreme flood and public safety protection shall be provided by controlling and safely conveying the one hundred- (100) year, twenty-four- (24) hour return frequency storm event such that flooding is not exacerbated.

This requirement may be adjusted or waived by the city for sites where the post-development downstream analysis shows that uncontrolled post-development conditions will not increase downstream peak flows, or that meeting the requirement will cause greater peak flow downstream impacts than the uncontrolled post-development conditions.

E. **Structural Stormwater Controls.** All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the GSMM. All structural stormwater controls must be designed appropriately to meet their intended function. For other structural stormwater controls not included in the GSMM, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval from the city before being included in the design of a stormwater management system. In addition, if hydrologic or topographic conditions, or land use activities warrant greater control than that provided by the GSMM control requirements, the city may impose additional requirements deemed necessary to protect upstream and downstream properties and aquatic resources from damage due to increased volume, frequency, and rate of stormwater runoff or increased nonpoint source pollution loads created on the site in question.

Applicants shall consult the GSMM for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.

F. **Stormwater Credits for Nonstructural Measures.** The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required under GSMM. The applicant may, if approved by the city, take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. For each potential credit, GSMM provides a minimum set of criteria and requirements which identify the conditions or circumstances under which the credit may be applied. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are included in the GSMM.

G. **Drainage System Guidelines.** Stormwater conveyance facilities, which may include but are not limited to culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, ditches, and energy dissipaters shall be provided when necessary for the protection of public right-of-way and private properties adjoining project sites and/or public right-of-ways. Stormwater conveyance facilities that are designed to carry runoff from more than one parcel, existing or proposed, shall meet the following requirements:

1. Methods to calculate stormwater flows shall be in accordance with the GSMM;
2. All culverts, pipe systems and open channel flow systems shall be sized in accordance with the stormwater management plan using the methods included in the GSMM; and
3. Design and construction of stormwater conveyance facilities shall be in accordance with the criteria and specifications found in the GSMM.

#### **14.24.150 Construction Inspections of Post-Development Stormwater Management System**

A. **Inspections to Ensure Plan Compliance During Construction.** Periodic inspections of the stormwater management system construction shall be conducted by the staff of the city or conducted and certified by a Georgia licensed professional engineer. Construction inspections shall utilize the approved stormwater management plan for establishing compliance.

All inspections shall be documented with written reports that contain the following information:

1. The date and location of the inspection;
2. Whether construction is in compliance with the approved stormwater management plan;
3. Variations from the approved construction specifications; and
4. Any other variations or violations of the conditions of the approved stormwater management plan.

If any violations are found, the applicant shall be notified in writing of the nature of the violation and the required corrective actions.

B. Final Inspection and As Built Plans. Upon completion of a project, and before a certificate of occupancy shall be granted, the applicant shall be responsible for certifying that the completed project is in accordance with the approved stormwater management plan. All applicants are required to submit actual “as built” plans for any stormwater management facilities or practices after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and practices and must be certified by a Georgia licensed professional engineer. The plans shall be submitted in hard copy and digital CAD or GIS format. A final inspection by the city is required before the release of any performance securities can occur.

#### **14.24.160 Stormwater Management Facility Dedication to City**

Prior to the issuance of any permit for a land development activity requiring a stormwater management facility or practice hereunder and for which the city requires ongoing maintenance, the applicant or owner of the site must, unless an on-site stormwater management facility or practice is dedicated to and accepted by the city, execute an inspection and maintenance agreement, and/or a conservation easement, if applicable, in recordable form containing a proper legal description of the affected real property that shall be a covenant running with the land binding in perpetuity on all subsequent owners of the site.

The inspection and maintenance agreement, if applicable, must be approved by the city prior to plan approval, and recorded in the Newton County deed records upon final plat approval.

The inspection and maintenance agreement shall identify by name or official title the person(s) responsible for carrying out the inspection and maintenance. Responsibility for the operation and maintenance of the stormwater management facility or practice, unless assumed by a governmental agency, shall remain with the property owner and shall pass to any successor owner. If portions of the land are sold or otherwise transferred, legally binding arrangements shall be made to pass the inspection and maintenance responsibility to the appropriate successors in title. These arrangements shall designate for each portion of the site, the entity to be responsible in perpetuity for its inspection and maintenance.

### **Article 3 Enforcement; Appeal; Penalties**

#### **14.24.170 Notice of Violation**

Whenever the city determines that a violation of the provisions of this chapter has occurred it may order compliance by serving a written notice of violation upon the alleged violator. Such notice shall contain:

- A. The name and address of the alleged violator;

- B. The street address, when available, or a description of the building, structure or land upon which the violation is occurring or has occurred;
- C. A statement specifying the nature of the violation;
- D. A statement of the remedial measures necessary to restore compliance with the provisions of this chapter, including a timetable for the completion of such remedial action;
- E. A statement of the applicable penalty provisions of this article;
- F. A statement that the city's determination of violation may be appealed to the board of zoning appeals, as hereinafter provided; and
- G. Such other information relating to the violation as the city may deem appropriate.

**14.24.180 Appeals**

The city's determination of violation of the provisions of this chapter may be appealed to the board of zoning appeals as provided in Chapter 16.12 of this title.

**14.24.190 Enforcement**

In the event that the violation has not been corrected in accordance with the notice of violation, or, in the event of an appeal, within thirty (30) days of a decision of the board of zoning appeals affirming the city's determination of violation, the city may take any and all measures necessary or appropriate to remedy the violation and the city shall have a lien against the property in the amount of the costs of such remediation unless the owner of the property shall have fully repaid the city for such costs within thirty (30) days of said owner's receipt of a statement of such costs from the city.

**14.24.200 Penalties**

Violations of the provisions of this chapter are hereby declared to be unlawful and a public nuisance, and in the event of final determination of such violation, the city may impose any or all of the following penalties in addition to the enforcement provisions of Section 16.149.190 of this article:

- A. Issuance of a stop work order by the public works director, under the procedure provided in Section 15.04.020(G)(3) of this code;
- B. Suspension, modification or revocation of the applicable land development permit;
- C. Withholding of a certificate of occupancy for any building or other structure located on the affected property;
- D. Filing a complaint in the Covington Municipal court seeking imposition of punishment for violation of the provisions of this chapter, as further provided in Section 1.12.010 of this code;
- E. Filing a complaint in the Covington Municipal Court seeking abatement of the violation as a nuisance as further provided in Chapter 8.12 of this code.

**14.24.210 Stormwater Management Regulations**

The public works department of the city shall be authorized to promulgate and publish such written rules, regulations, standards, criteria or procedures as may be appropriate to effect the provisions of this chapter, and shall maintain a copy of same for public inspection at city hall, 2194 Emory Street, Covington, Georgia.

## **CHAPTER 14.28 TREE PRESERVATION**

### **14.28.010 Title**

The provisions of this chapter shall be known as the city’s “Tree Preservation Ordinance.”

### **14.28.020 Purpose**

**Tree Canopy Cover.** The purpose of these provisions is to regulate the conservation, protection, maintenance, and establishment of trees within the city in order to maintain at least sixty (60) percent tree canopy cover across the city and increase the city’s tree canopy cover wherever and whenever possible, to preserve tree and community forest health, and to contribute to community health, safety, and welfare.

**Trees as Infrastructure.** Trees and the community forest are a component of the community infrastructure, and as such provide benefits and require management, including maintenance, removal, and replacement to maximize their useful service life. As with other infrastructure, trees shall be maintained in a safe and healthy condition to provide maximum benefits with minimum risk.

**Tree Benefits.** Trees, tree canopy, and tree roots conserve soil and maintain soil health, reduce soil erosion and sedimentation, shade streams, and improve water quality.

Trees and tree canopy shade the soil, pavement, buildings, other property, and infrastructure, and cool the environment through the evaporation of water during leaf transpiration. Trees moderate temperatures, decrease the urban heat island effect, reduce the amount of volatile organic compounds released from parked vehicles, and extend the useful life of property and infrastructure.

Trees and tree canopy filter particulate matter from the air and absorb carbon dioxide and other harmful compounds, reduce air pollution, and contribute to human survival and health.

Trees and tree canopy provide recreational places and opportunities. The presence of trees has psychological and social benefits, including reduction of domestic violence, improvement in learning among youth, reduction in healing times, hospital stays, and medication needs, and calming of traffic.

Trees and tree canopy provide economic benefits because they increase property values and bring residents and visitors to a community, resulting in increased commerce and trade.

Trees are effective buffers and provide visual screening, noise reduction, and reduce light glare.

### **14.28.030 Definitions**

The following definitions shall apply in the interpretation and enforcement of this chapter unless otherwise specifically stated.

“Appraised value” means the dollar value assigned to a tree and calculated using the methods outlined in the latest edition of the Guide for Plant Appraisal.

“Best management practices” means recommended practices established by the American National Standards Institute and published by the International Society of Arboriculture for the management of

trees and community forests that are based upon professional experience and the results of ongoing research.

“Buffer” means a natural, undeveloped portion, or planted portion, of a lot or parcel of land set aside for open space and visual screening for the purpose of separating different use districts, or to separate uses on one property from uses on another property of the same use district.

“Buildable area” means the portion of a parcel that is not located within any required yard, landscaped area, open area, recreation area, buffer, or screen, i.e., that portion of a parcel wherein a building may be located in compliance with applicable zoning regulations.

“Building activities” means activities on existing development sites including, but not limited to, the construction, alteration, repair, enlargement, restoration, relocation, or moving of buildings or structures.

“Building official” means the person appointed by the city who has the responsibility for the issuance of building permits and the administration and enforcement of the Georgia State Minimum Construction Codes; or, the head of the city building and zoning department.

Where the term “building official” is used, it shall also indicate any person designated by the building official to act on his/her behalf in carrying out the responsibilities of the department and the provisions of this ordinance.

“Caliper” means the diameter of the trunk of a replacement tree (new nursery stock) measured six inches above the ground line for trees of four-inch caliper or smaller, and measured twelve (12) inches above the ground line for trees larger than four inches in caliper.

“Canopy tree” means a generally long-lived, overstory tree that grows tall and to a large size, usually with a height of forty (40) feet or greater at maturity. Trees listed as large or medium in the community tree species list described in Section 16.136.100 are considered canopy trees.

“Certified arborist” means a person who voluntarily has been certified as an arborist by the International Society of Arboriculture and maintains that certification in good standing.

“Community forest management practices” means practices conducted to maintain and improve the health, function, and safety of the trees and forests within a community.

“Critical root zone” means the area of soil and roots beneath a tree’s canopy, within the dripline, or within a circular area of soil and roots with a radius out from the tree trunk a distance of one and one-half feet for every one-inch of DBH, whichever is greater.

“Crown” means the upper portion of the tree that includes the scaffold limbs, branches, and leaves.

“CTLA” means the Council of Tree and Landscape Appraisers, a national council that periodically defines the accepted professional methods for determining the appraised value of trees and cost of cure for tree damage and destruction.

“Cut” means a portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as “excavation.”

“DBH” means diameter at breast height, which is the diameter of a tree trunk measured in inches at a height of four and one-half feet above the ground line for individual trunks, and at the narrowest point below the fork for trees forked below four and one-half feet.

“Deciduous tree” means a tree that loses its leaves annually in the fall, or late in the winter (tardily deciduous), and produces new leaves in the spring.

“Decline” means a state of health characterized by loss of living tissue and wood volume, such as in branch dieback and shedding, slowing of the annual growth rate, and reduction in overall tree health and vigor.

“Dripline” means a vertical line extending downward from the outermost tips of a tree’s branches, creating a more or less circular projection on the ground; the outline of a tree’s canopy as it is projected on the ground.

“Encroachment activity” means any activity that is conducted on or encroaches on adjacent public property or the public street right-of-way, including, but not limited to, land disturbing activities, building activities, installation of irrigation systems, sod installation, pesticide application, tree planting, tree pruning, and tree removal, and they may impact the soil, vegetation (including trees), sidewalk, curb, landscape strip, road, utilities, or other infrastructure as determined by the building official.

“Erosion” means the process by which land surface is worn away by the action of wind, water, ice, or gravity.

“Evergreen tree” means a tree that retains its leaves throughout the year; evergreen trees may lose their older leaves on a regular or irregular basis.

Excavation. See Cut.

“Fill” means a portion of land surface to which soil or other solid material has been added; the depth above the original ground.

“Forest management practices” means practices for managing the age, composition, health, and wood production of a forested tract of land, including, but not limited to: the removal of trees for commercial use and sold as pulpwood, shortwood, chip and saw, sawtimber, plylogs, wood chips, or other hardwood or softwood products; site preparation for tree planting including tilling, root raking, tree planting; herbicide application for herbaceous or woody plant control; fertilization; and pest control.

“Grading” means altering ground surfaces to specified elevations, dimensions, and/or slopes; includes stripping, cutting, filling, stockpiling, and shaping or any combination thereof.

“Grubbing” means the removal of woody vegetation from a site using heavy, mechanized equipment.

“Impervious surface” means any surface through which water does not penetrate.

“ISA” means the International Society of Arboriculture, an international organization that developed and administers the Certified Arborist, Certified Tree Worker, and Certified Utility Worker programs.

“Land disturbing activity” means any activity that disturbs the soil, removes woody vegetation, or results 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, excavating, filling, grading, grubbing, root or stump removal, trenching, or transporting of land, but not including agricultural practices as described in Section 15.36.210(E).

“Landscaped area” means ground covered with a combination of turf, shrubs, herbaceous plants, trees, and/or mulch.

“Large tree” means a tree expected to grow to a minimum height of forty (40) feet at maturity under urban conditions.

“Medium tree” means a tree expected to grow to a maximum height of twenty-five (25) to forty (40) feet at maturity under urban conditions.

“Net area or acreage” means the project area or acreage not including required buffers, open space, or recreation areas.

“Overstory tree” means a tree whose crown, at maturity, is dominant or at the least co-dominant in the canopy of the forest. A canopy tree.

“Parking area” means that portion of a development required and used exclusively for the parking in unenclosed spaces of vehicles of employees, residents, or customers.

“Permit” means the authorization necessary to conduct land disturbing, timber harvesting, or building activities as described in this chapter.

“Permit holder” means the person authorized by the issuance of a permit to conduct land disturbing, timber harvesting, or building activities as described in this chapter.

“Person” means 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.

“pH” means a measure of the concentration of hydrogen ions in substances such as water or soil. A measurement of 7.0 is neutral, below 7.0 is acidic, and above 7.0 is alkaline. For each 0.1 change in number, there is a one hundred (100) times change in the pH.

“Private tree” means a tree located on privately owned property; not a public tree.

“Project area” means the entire proposed development area, including but not limited to, all proposed yards, buffers, open space, recreation areas, tree conservation areas, tree protection zones, landscaped areas, roads, buildings, and parking areas, but including only the current phase.

“Public tree” means a tree located on city property including, but not limited to, city street rights-of-way, buildings, parks, and cemeteries.

“Registered forester” means a person who is licensed to practice professional forestry in Georgia.

“Registered landscape architect” means a person who is licensed to practice landscape architecture in Georgia.

“Root zone” means the area beneath the soil containing the majority of the roots of an individual tree or group of trees. Tree roots typically grow out from the tree two to three times the width of the crown and are concentrated in the top twenty-four (24) inches of soil.

“Roots” means the woody and non-woody (fibrous) structures of a tree that are located within the soil and function to take up water and nutrients from the soil.

“Shrub” means a woody, perennial, usually multi-stemmed plant that generally achieves a height at maturity of less than fifteen (15) feet.

“Small tree” means a tree expected to grow to a maximum height of twenty-five (25) feet at maturity under urban conditions.

“Soil” means a composite of mineral, biological, and chemical substances that can be categorized by its structure, texture, moisture, and pH.

“Street right-of-way” means that land to which the public has the paramount right for use as a thoroughfare; the width of the right-of-way is that distance, measured perpendicular to the

centerline of such thoroughfare, between the front lot lines of the abutting properties on each side of the thoroughfare.

“Tilling” means the mechanized turning and aeration of soil, usually to a depth of less than twelve (12) inches, for the purpose of preparing a site for planting of turf or herbaceous plants.

“Timber harvesting” means the cutting and removal of standing, living trees from the forest for the milling and manufacture of wood products; also known as “logging” or “timbering.”

Topping. “Tree topping” means the removal of tree limbs, branches, or stems by cutting between branch attachments to achieve a desired tree height or shape.

“Tree” means a self-supporting, generally single-stemmed, woody perennial plant that is capable of growing to a trunk diameter of at least three inches and a height of at least fifteen (15) feet. A multi-stemmed woody plant may be considered a tree if at least one stem meets the criteria above.

“Tree bank” means an account established by the city for the purpose of collecting and expending forfeited bonds and penalties as provided for in this chapter.

“Tree conservation” means the retention and protection of trees on a site, either individually or in a group.

“Tree establishment” means the process of establishing a new tree on a site including, but not limited to, site selection, species selection, selection of planting stock, site preparation, planting, mulching, watering, pruning, pest management, and inspection. The number of years required to successfully establish a tree during which time intensive and routine maintenance is required shall, for the purposes of this chapter, be three years from the date of planting.

“Tree preservation” means ongoing maintenance and protection of a tree, whether newly planted, juvenile, mature, or declining, to preserve its health.

“Tree protection zone” means the area around a tree and within the critical root zone extending at least two feet below ground and encompassing the entire above ground portion of the tree. The area around a tree that requires ongoing protection.

“Trunk” means the woody stem of a tree that supports the crown. Multiple or forked trunks may be present.

“Understory tree” means a tree whose crown, at maturity, is subordinate to and beneath the forest canopy. Trees listed as small or very small in the community tree species list as described in Section 16.136.100 are considered understory trees.

“Very small tree” means a tree expected to grow to a maximum height of fifteen (15) feet at maturity under urban conditions.

#### **14.28.040 Applicability**

The provisions of this chapter shall apply to any land disturbing activity on real property within the corporate limits of the city including, but not limited to, all activities that require a sediment and erosion control permit or a land disturbance permit; and, to any activity that requires a building permit including, but not limited to, the construction, alteration, repair, enlargement, restoration, relocation, redevelopment, or moving of buildings or structures.

Exemptions. Activities on residential lots, or the construction of, individual, single-family detached

dwellings by the resident homeowner, shall be exempt, unless otherwise stated in this chapter.

Activities performed by city staff during the course of their daily work and activities at the land application facility shall be exempt from the provisions of this chapter. However, best management practices for tree care shall be incorporated into daily work activities.

Forest management practices, including timber harvesting, which are being conducted as part of an ongoing forest management program and are based upon a long-term forest management plan, shall be exempt. Forest management practices, including timber harvesting, that are incidental to land development, shall not be exempt.

#### **14.28.050 Tree Canopy Cover Measurements**

To maintain current information on the state of the city's tree canopy cover and to track changes in tree canopy over time, measurements of the overall percent of tree canopy cover and other types of cover within the city and of tree canopy cover on all developments required to conserve or plant trees under the provisions of this chapter shall be made by the city within one year of the receipt of updated aerial photography.

Cover types to be measured across the city shall include, but are not limited to, impervious surfaces (buildings, other structures, and pavement), turf, other vegetation, exposed soil, and open water. Tree canopy cover only shall be measured on all developments required to conserve or plant trees under the provisions of this chapter.

#### **14.28.060 Tree Preservation Board**

**Purpose.** A tree preservation board (hereinafter referred to as the "board") is established to assist the city building and zoning department in interpreting and enforcing the provisions of this chapter and to advise the mayor and city council on matters pertaining to the preservation of trees and conservation of tree canopy cover within the city.

**Members.** The tree preservation board shall consist of no fewer than five nor more than nine members, all of whom shall be residents of the city, though one member may be a nonresident with professional expertise in arboriculture or horticulture. Members shall be appointed by the mayor and city council and shall serve without compensation.

**Chairman and Vice-chairman.** A chairman and vice-chairman shall be elected by the board from among the board members. Nominations for these positions shall be submitted to the board annually at least ten (10) working days and not more than thirty (30) working days prior to the first meeting of each calendar year. Elections shall be held at the first meeting of each calendar year, at which time the term of office shall begin.

**Secretary.** The zoning administrator shall act as secretary of the board. The secretary shall be a non-voting member.

**Records.** The secretary shall maintain records of the board's proceedings and assist the building official with dissemination of information, public awareness, and such other administrative duties as may be assigned by the board.

**Term of Office.** Each member of the tree preservation board shall serve for three years, with exception of the members of the first board, which shall have three members serving for only

one year, three members serving for two years, and one member serving for three years. The term of office of the chairman and vice-chairman shall be one year.

**Vacancy.** In the event that a vacancy occurs during the term of any member, his or her successor shall be appointed by the mayor and council to serve the unexpired portion of the term. The chairman of the tree preservation board shall recommend to the mayor and council that a replacement be appointed for any member who fails to perform his/her duties.

**Quorum.** A majority of the members of the board shall constitute a quorum. In varying the application of any provisions of this code, affirmative votes of a majority of the members present and voting shall be required.

**Meetings.** The tree preservation board shall meet not less frequently than quarterly and shall establish rules and regulations for its operations consistent with the provision of this chapter.

**Administrative Guidelines.** The tree preservation board shall have the power to adopt and promulgate such further administrative guidelines, standards, and regulations as may be necessary or desirable to carry out the provisions of this chapter. The maintenance of the city's community tree species list shall be the responsibility of the board. Current copies of the community tree species list and other such administrative guidelines, standards, or regulations shall be maintained at the city building and zoning department and shall be made available to the public for inspection and copying during normal business hours.

#### **14.28.070 Soil and Tree Conservation**

**Permit Required.** No person shall conduct any land disturbing activity or building activity within the city without first obtaining a soil and tree conservation permit from the city building and zoning department to perform such activity. A soil and tree conservation permit shall be required for new developments prior to the issuance of an erosion and sedimentation control permit and/or land disturbing permit and/or approval of a preliminary plat or preliminary plan, and for existing developments prior to the issuance of a building permit.

The property owner or authorized agent is the only person that can obtain a soil and tree conservation permit. No soil and tree conservation permit shall be issued unless all provisions of this chapter have been satisfied.

To obtain a soil and tree conservation permit, a permit application and a soil and tree conservation plan as specified in this section must be submitted to the city building and zoning department in accordance with this chapter.

If the activity is to occur in phases, then a separate soil and tree conservation permit shall be required for each phase.

The soil and tree conservation permit may be suspended, revoked or modified by the building official, as to all or any portion of the land affected by the soil and tree conservation plan, upon finding that the soil and tree conservation permit holder is not in compliance with the approved soil and tree conservation plan or is in violation of this chapter.

The soil and tree conservation permit shall expire after one year of inactivity on the site.

**Soil Conservation.** The soil on site shall be conserved and protected to the greatest extent possible. To

protect tree roots, soil within the tree protection zone shall not be compacted, cultivated, altered, or disturbed in any manner.

Where trees are to be planted, topsoil shall remain on site or be moved, stored, and then replaced prior to planting.

**Application Process.** Applications for a soil and tree conservation permit shall include three copies of the soil and tree conservation plan. Upon receipt of a completed application and soil and tree conservation plan, the city building and zoning department shall have thirty (30) days to review the application and soil and tree conservation plan and either approve, approve with conditions, or deny the soil and tree conservation permit with comments.

**Fee.** Upon the approval of an application for a soil and tree conservation permit, the applicant shall pay an administrative fee of thirty-five dollars (\$35.00) before a permit will be issued.

**Soil and Tree Conservation Plan.** The soil and tree conservation plan shall be completed and signed by a registered forester, a certified arborist, or a registered landscape architect.

A soil and tree conservation plan shall not be required for any construction, alteration, repair, enlargement, or restoration of existing structures or site when the construction, alteration, repair, enlargement, or restoration is less than fifty (50) percent of the assessed value of the structure or site.

The soil and tree conservation plan shall include, as a minimum, the following information:

- A. Project name;
- B. Project description;
- C. Project location and tax parcel number(s);
- D. Name, address, and telephone number of property owner;
- E. Name, address, and telephone number of developer;
- F. Name, address, and telephone number of the person responsible for preparing the soil and tree conservation plan, and the seal, signature, and statement of professional qualifications of such person;
- G. Size of project area in acres or square feet;
- H. Size of the buildable area in acres or square feet;
- I. Total landscaped area required in percent and square foot area;
- J. Total canopy cover required in percent and square foot area;
- K. Summary table of tree canopy coverage for conserved trees by individual tree or tree groups, and for planted trees by species, mature size and canopy category;
- L. Delineation of required buffers, landscaped areas, open space, and recreation areas;
- M. Location and size of proposed structures or additions to existing structures, paved areas, and all other site improvements;
- N. Construction entrance and exit;
- O. Delineation of tree conservation areas;
- P. Species, DBH, and location of trees to be conserved; include both trunk location and extent of tree protection zone;
- Q. For existing developments, location, species, and size of any tree previously conserved or planted to achieve required tree canopy cover, including trunk location, DBH, and location and dimensions of tree protection zones;
- R. Location of all existing and proposed overhead and underground utilities;

- S. Type and location of tree protection fencing and other tree protection structures required;
- T. Type and location of tree protection area signs;
- U. Species, caliper, and location of trees to be planted;
- V. Tree protection statement for all conserved trees: “Tree protection measures will be maintained at all times. Additional tree protection measures will be installed if deemed necessary by on-site inspection;”
- W. Tree maintenance statement for all planted trees: “Trees will be maintained throughout their life using best management practices; maintenance within the first three years after planting will include watering, mulching, and pruning.”;
- X. Species, DBH, and location of trees growing on the adjacent public street right-of-way or public property;
- Y. Project activity schedule;

Tree Protection Bond. The applicant shall be required to provide an escrow deposit or post a bond or irrevocable letter of credit with a surety or issuer acceptable to the city in the amount of five hundred dollars (\$500.00) for each one thousand six hundred (1,600) square feet of tree canopy cover conserved on a site after approval of an application and soil and tree conservation plan, and prior to the issuance of a soil and tree conservation permit. For all developments except new residential subdivisions, the bond shall be released after the issuance of a certificate of occupancy and the successful and complete implementation of the provisions of this chapter related to tree conservation, as determined by the building official.

For new residential subdivisions the bond shall be released to the developer after final plat approval and at least fifty (50) percent of the lots have been sold and all provisions of this chapter have been met for each phase of development. Separate tree protection bonds shall be required from the general contractor providing improvements on each lot sold according to the provisions of this chapter.

Tree Establishment Bond. Prior to the issuance of final plat approval or a certificate of occupancy, the soil and tree conservation permit holder shall be required to provide an escrow deposit or post a bond or irrevocable letter of credit with a surety or issuer acceptable to the city in the amount of three hundred dollars (\$300.00) per tree planted or required to be planted to meet canopy cover requirements. For all developments except new residential subdivisions, the bond shall be held by the city for a minimum of thirty-six (36) months. If the applicant does not comply with any provision of this chapter or with the conditions of the soil and tree conservation permit after issuance, the bond may be forfeited. Trees that do not survive in good condition as determined by the building official shall be replaced prior to the release of the bond. If the trees are not replaced within forty-eight (48) months from the original date of planting, the bond shall be forfeited and the entire sum deposited in the city’s tree bank account.

For new residential subdivisions, the bond shall be released to the developer after final plat approval and at least fifty (50) percent of the lots have been sold and all provisions of this chapter have been met. Separate tree establishment bonds shall be required from the general contractor providing improvements on any lot sold according to the provisions of this chapter.

#### **14.28.080 Timber Harvesting**

Permit Required. A timber harvesting permit shall be required for tree removal and timber harvesting operations that are part of the development process. A timber harvesting permit shall not be required for timber harvesting in any zone if included as part of an ongoing forest management program.

The property owner is the only party that can obtain a timber harvesting permit. No timber harvesting permit shall be issued unless all provisions of this chapter have been satisfied.

The timber harvesting permit shall expire after one year of inactivity on the site.

After the issuance of a timber harvesting permit, the owner will be eligible for additional development related permits including, but not limited to, sediment and erosion control permits, land disturbance permits, site and tree conservation permits, and right-of-way encroachment permits.

When timber harvesting occurs with or without a timber harvesting permit and the tree canopy cover remaining is less than that required in Section 16.136.090, or is wholly or partly of unacceptable quality according to the building official, then no additional development related permits for such harvesting site shall be issued for a minimum of three years including, but not limited to, sediment and erosion control permits, land disturbance permits, site and tree conservation permits, and right-of-way encroachment permits.

Application Process. Application for a timber harvesting permit shall be submitted to the city building and zoning department. A separate application is required for each location. Upon receipt of a completed application for a timber harvesting permit the city building and zoning department shall have five days to review the application and issue a permit.

Fee. No fee shall be required for a timber harvesting permit.

#### **14.28.090 Right-of-way Encroachment**

Permit Required. A right-of-way encroachment permit is required for any land disturbing activity or building activity conducted by any person that encroaches on city property, other than mowing turf, and for any activity that may impact the soil, vegetation (including trees), sidewalk, curb, landscape strip, road, utilities, or other infrastructure as determined by the building official. City property includes, but is not limited to, parks, city buildings, and street rights-of-way.

Permit Expiration. The right-of-way encroachment permit shall expire on the date of completion listed on the application, or after one year of inactivity on the site, whichever comes first.

Application Process. Application for a right-of-way encroachment permit shall be submitted by the person proposing to engage in the encroachment activity, to the city building and zoning department along with a right-of-way encroachment plan. A separate application and right-of-way encroachment plan is required for each location. Upon receipt of a completed application and right-of-way encroachment plan the city building and zoning department shall have ten (10) working days to review the application and either approve, approve with conditions, or deny the right-of-way encroachment permit with comments. If a right-of-way encroachment permit is denied the applicant may resubmit the application with the required changes to restart the application and permit process.

If no notice of action on the right-of-way encroachment permit taken by the city building and zoning department is received by the applicant within ten (10) working days from the date of filing of the application, the application will be deemed to have been approved as of the eleventh day following the date of such filing.

Fee. Upon the approval of an application for a right-of-way encroachment permit, the applicant shall pay an administrative fee of thirty-five dollars (\$35.00) before a right-of-way encroachment permit will be issued.

Fee Waived. The fee shall be waived for any person performing activities requested by the city. However, an application, right-of-way encroachment plan, and right-of-way encroachment permit shall be required.

Tree Protection. All trees located on city property shall be protected from root, trunk, or crown damage during the proposed encroachment according to the provisions of this chapter.

Tree Protection Bond. The applicant may be required by the building official to furnish a tree protection bond prior to the issuance of a right-of-way encroachment permit in an amount not to exceed the appraised value of the trees growing on the permit site.

Right-of-Way Encroachment Plan. Applications for a right-of-way encroachment permit shall include three copies of the right-of-way encroachment plan. The right-of-way encroachment plan shall include, as a minimum, the following information:

- Z. Name, address, and telephone number of the applicant;
- AA. Name, address, and telephone number of the person preparing the plan;
- BB. Date the plan was prepared;
- CC. Location of the encroachment (address);
- DD. Location of existing trees, structures, and utilities;
- EE. Location and description of tree protection measures;
- FF. Location of proposed structures or the location of the encroachment;
- GG. Date encroachment activity is to commence;
- HH. Date encroachment activity is to end;
- II. How pedestrian traffic will be rerouted during the encroachment activity;
- JJ. How vehicular traffic will be rerouted during the encroachment activity.

#### **14.28.100 Tree Canopy Cover**

Minimum Tree Canopy Cover Required. For new developments within each zoning district, a minimum amount of healthy tree canopy cover, measured in square feet of projection of the canopy onto the ground, shall be conserved and/or established within the net area of each parcel. The required amount of tree canopy cover shall be maintained throughout the life of the development except as exempted in Section 16.136.040. Tree canopy cover requirements are listed by zoning district in Table A of this section. Trees in poor or declining condition, as determined by the building official, shall not be credited toward the required tree canopy coverage.

#### **Table A Minimum Tree Canopy Coverage and Landscaped Area Required by Zoning District**

Zoning District	Tree Canopy Coverage	Landscaped Area
NR1	50%	30%
NR2	50%	30%
NR3	60%	30%
CR	50%	30%
TCR	40%	20%
NM	45%	20%
CM	45%	20%
TCM	30%	15%
M-1	30%	15%
M-2	30%	15%

**Minimum Amount of Conserved Trees.** For all new developments, a minimum of one-half of the tree canopy cover required shall originate from the conservation of existing trees, if there are sufficient existing trees in good condition on the site as determined by the building official. If there are not sufficient trees in good condition and the one-half requirement cannot be met, then the deficit shall be made up through tree planting.

**Distribution.** Tree canopy cover shall be distributed as evenly as practicable throughout the development.

**Parking Areas.** Within parking areas at least one canopy tree shall be planted or conserved within the interior and along the perimeter of the parking lot for each seven parking spaces. In no case shall a parking space be greater than one hundred sixty-five (165) feet from a tree. Trees planted or conserved to meet this requirement shall be counted toward the overall tree canopy cover requirement.

**Buffers, Open Areas, and Recreation Areas.** Where buffers, open areas, and recreation areas are required, the required canopy cover percent shall apply to the net area.

**Size Composition.** In no case shall the number of medium or large maturing canopy trees conserved and/or planted account for less than seventy (70) percent of the total canopy cover required.

**Canopy Cover Calculations.** The canopy of each conserved tree shall be calculated by measuring the diameter of the crown at its widest point and multiplying that by the diameter of the crown perpendicular to the first measurement. The resulting square foot area is the contribution of the tree to total tree canopy cover area required. In lieu of measuring actual tree canopy cover, each tree conserved may be assigned the canopy cover areas listed below:

Large Trees:           One thousand six hundred (1,600) square feet;  
Medium Trees:        Nine hundred (900) square feet;  
Small Trees            Four hundred (400) square feet;  
Very Small Trees:    One hundred fifty (150) square feet.

When calculating the number of trees required, any fraction below .5 shall be rounded down to the next lower whole number, and any fraction equal to or greater than .5 shall be rounded up to the next highest whole number.

For conserved trees, multiple, adjacent trees with overlapping crowns shall be credited with the amount of canopy cover they collectively project onto the ground. Trees with trunks growing directly on top of a property boundary line shall be credited with only that portion of the canopy projection that falls onto the permitted property, or one-half of the assigned canopy cover area as provided for in this section. No credit shall be given for trees whose trunks are growing solely on adjacent property that overhang the permitted property.

#### **14.28.110 Community Tree Species List**

The city shall maintain a list of tree species approved for conservation and planting within the city as well as those not recommended. The list shall be known as the city's community tree species list, hereinafter referred to as the "tree species list." The tree species list includes the canopy cover category of each species, the mature size category of each species, notations on which species may be planted beneath utility lines, and other species characteristics.

The list is maintained by the tree preservation board and may change without notice to incorporate results of research and experience with individual species, and is available from the city building and zoning department.

**Canopy Cover Category.** Each species included in the tree species list shall be assigned a canopy cover category of "canopy" or "understory." Canopy trees shall also be known as overstory trees.

**Mature Size Category.** Each species included in the tree species list shall be assigned a mature size category of "large," "medium," "small," or "very small." The mature size limits of each category are as follows:

Large Tree:	Average mature height of forty (40) feet or greater;
Medium Tree:	Average mature height of twenty-five (25) to forty (40) feet;
Small Tree:	Average mature height of fifteen (15) to twenty-five (25) feet.

#### **14.28.120 Permeable Surfaces**

**Minimum Permeable Surface Area Required.** For each tree conserved or planted a minimum amount of permeable surface area is required around the tree to provide for tree and root health, soil aeration, percolation of water, and exchange of gases.

Permeable surfaces include, but are not limited to, mulch, turf, crushed rock, and permeable paving materials, as well as areas covered by shrubs and herbaceous plants.

For conserved trees, the required permeable surface area shall coincide with the critical root zone. The building official may allow permeable pavement or materials in up to thirty (30) percent of the critical root zone. In no case shall less than seventy (70) percent of the critical root zone consist of soil covered with mulch. The area of soil covered with mulch shall be a circle that has the tree trunk as its center. Where natural, undisturbed forest conditions and a natural leaf litter layer exist, no mulch shall be required.

For planted trees, the amount of permeable surface area required shall be based upon the mature tree size category as follows:

Large Trees:	Six hundred forty (640) square feet;
Medium Trees:	Three hundred sixty (360) square feet;
Small Trees:	One hundred sixty (160) square feet;
Very Small Trees:	Sixty (60) square feet.

For planted trees, a minimum of fifty (50) percent of the permeable surface area required shall consist of soil covered with mulch and shall be that area immediately surrounding the tree trunk. Exposed soil shall not be allowed but shall be covered with a three to four inch layer of organic mulch.

The same permeable surface area cannot be counted for more than one tree except as approved by the building official.

#### **14.28.130 Landscaped Area**

**Minimum Landscaped Area Required.** For each site, a minimum amount of landscaped area within the buildable area is required within each zoning district. Minimum landscaped areas are listed in percent of buildable area by zoning district in Table A of Section 16.136.090 of this chapter.

#### **14.28.140 Tree Protection**

**Conserved Trees.** All conserved trees shall be actively protected during the development process and passively protected throughout the life of the development. The entire tree, including the crown, trunk, and roots, and the critical root zone, shall be protected.

**Minimum Tree Protection Measures.** Active tree protection shall consist of, at a minimum, establishing a tree protection zone around each tree or grouping of trees by the installation of fencing at the outer edges of the critical root zone.

Tree protection fencing and tree protection area signs shall be installed after the issuance of a soil and tree conservation permit or right-of-way encroachment permit and prior to any land disturbance activity or building activity. Tree protection fencing shall be at least four feet high and shall be installed with either sturdy wooden or metal fence posts around the tree protection zone. Tree protection fencing shall remain in good condition throughout the development and construction processes, and shall only be removed after final plat approval or a certificate of occupancy has been issued. The critical root zone within the tree protection area shall be mulched with a minimum of three inches and not more than eight inches of organic mulch such as pine straw, wood chips, tree leaves, or compost.

The building official may require the installation of additional tree protection measures to insure survivability of conserved trees.

**Prohibited Activities.** Within the tree protection areas, the following activities shall be prohibited:

- KK. Vehicle traffic or parking;
- LL. Materials or equipment storage;
- MM. Soil disturbance;
- NN. Soil excavation;
- OO. Removal of topsoil;
- PP. Trenching;
- QQ. Soil fill;

- RR. Change in soil pH;
- SS. Change in soil drainage;
- TT. Equipment washouts or disposal (including concrete);
- UU. Fires;
- VV. Chemical or trash disposal;
- WW. Other activities harmful to the trees as determined by the building official.

Planted Trees. All planted trees shall be actively protected during the development process and passively protected throughout the life of the development. The entire tree, including the crown, trunk, and roots, and the critical root zone, shall be protected.

#### **14.28.150 Tree Establishment**

**Planting Required** The planting of canopy trees shall be required to achieve the tree canopy cover amounts listed in Table A of Section 16.136.090 of this chapter where existing, conserved tree canopy cover is not adequate or cannot be conserved.

**Species Composition.** Canopy trees planted shall be any combination of species listed in the tree species list, except that in no case shall any one genus (for example, “maple” or “oak”) comprise more than thirty (30) percent of the trees planted on a site and in no case shall any one species (for example “red maple” or “white oak”) comprise more than ten (10) percent of the number of trees planted on a site. Understory trees may also be planted but shall account for no more than ten (10) percent of the total canopy cover requirements.

**Minimum Caliper.** All trees planted and credited toward tree canopy cover requirements shall be at least two inches in caliper.

**Tree Condition.** All trees planted and credited toward tree canopy cover requirements shall be planted according to current arboricultural standards and shall be in good health and structural condition as determined by the building official.

**Canopy Cover Area Assigned** Each tree planted shall be assigned the canopy cover areas listed below:

Large Trees:	One thousand six hundred (1,600) square feet;
Medium Trees:	Nine hundred (900) square feet;
Small Trees:	Four hundred (400) square feet;
Very Small Trees:	One hundred fifty (150) square feet.

For planted trees, multiple, adjacent trees with overlapping minimum permeable surface areas shall be credited with one-half of the assigned canopy cover area.

**Growing Space.** All trees planted shall be provided with adequate space to grow unobstructed to maturity, avoid sight obstructions, and maintain pedestrian, vehicular, and building clearances. Minimum growing space requirements for trees by mature size are listed in Table B of this section. The building official may waive the minimum space requirements if the planting design will not cause conflicts with infrastructure, enhances tree function, and provides the required tree canopy cover.

**Table B**  
**Minimum Growing Space Requirements by Mature Size**

**Large Trees**

Distance to other large trees	40 feet
Distance to street intersections	35 feet
Distance to traffic signs	20 feet
Distance to light poles	20 feet
Distance to overhead power lines	20 feet
Distance to driveways	15 feet
Distance to mailboxes	15 feet
Distance to fire hydrants, electrical transmission boxes, water meters, or other similar infrastructure	15 feet
Distance to curb or sidewalk	4 feet
Width of planting site	8 feet

**Medium Trees**

Distance to street intersections	35 feet
Distance to other medium trees	30 feet
Distance to traffic signs	20 feet
Distance to light poles	20 feet
Distance to overhead power lines	20 feet
Distance to driveways	15 feet
Distance to mailboxes	15 feet
Distance to fire hydrants, electrical transmission boxes, water meters, or other such infrastructure	15 feet
Distance to curb or sidewalk	4 feet
Width of planting site	6 feet

**Small Trees**

Distance to street intersections	35 feet
Distance to traffic signs	20 feet
Distance to other small trees	15 feet
Distance to light poles	15 feet
Distance to driveways	15 feet
Distance to mailboxes	15 feet
Distance to fire hydrants, electrical transmission boxes, water meters, or other such infrastructure	15 feet
Distance to overhead power lines	0 feet
Distance to curb or sidewalk	2 feet
Width of planting site	4 feet

**Very Small Trees**

Distance to street intersections	35 feet
Distance to traffic signs	20 feet
Distance to light poles	15 feet
Distance to driveways	15 feet
Distance to mailboxes	15 feet
Distance to fire hydrants, electrical transmission boxes, water meters, or other such infrastructure	15 feet
Distance to other very small trees	10 feet
Distance to overhead power lines	0 feet
Distance to curb or sidewalk	2 feet
Width of planting site	3 feet

Tree Maintenance Required Trees established as part of the canopy cover requirement shall be maintained according to the standards described in Section 16.136.180.

Seasonal Planting. Final plat approval or a certificate of occupancy may be issued prior to the establishment of trees planned to meet the tree canopy cover requirements, if the building official determines that the season is inappropriate for planting. In such cases the trees shall be planted by the last day of February following the date of issuance of the certificate of occupancy or final plat approval. If they have not been planted by the last day of February following the issuance of the certificate of occupancy or final plat approval, the soil and tree conservation permit holder shall be considered to be in violation of the provisions of this chapter.

**14.28.160 Public Trees**

Authority. The city shall have the right to plant, maintain, prune, and remove trees, shrubs, and plants within the rights-of-way of all city streets, roads, and highways, in parks, around city facilities, and on other city grounds, as may be necessary or desirable to insure public safety, to preserve tree health, and to maintain and increase tree canopy cover.

Protection. All trees growing on city property shall be protected from damage to the crown, trunk, and roots.

It is unlawful for any person to engage in any activity on private property that directly or indirectly adversely affects the health, safety, or condition of a tree on city property. Furthermore, active tree protection measures, as described in this chapter, shall be undertaken by the person engaging in any such activity to protect each affected tree's roots, trunk, crown, and critical root zone, from damage. If a person damages, destroys, or fails to protect a city tree, the city may require the person responsible for the damage to pay a fine equal to the appraised value of the tree, the cost of repairing the damage, and/or the cost of restoring the site to its original condition or as near as possible to its original condition.

Appraised Tree Value. The value of a city tree shall be equal to the appraised value.

Pruning and Removal. The city may prune, remove or cause to be pruned or removed, any city tree or part thereof which is in an unsafe condition or which by reason of its location or condition is

or may be injurious to sewers, water lines, electric power lines, gas lines, or other public improvements, or is infested with any injurious fungus, insect, or other pest.

#### **14.28.170 Private Trees**

**Pruning and Removal.** It shall be the responsibility of private property tree owners to prune, remove or cause to be pruned or removed, any tree or part thereof which is in an unsafe condition or which by reason of its location or condition is or may be injurious to sewers, water lines, electric power lines, gas lines, or other public improvements, or is infested with any injurious disease, insect, or other pest.

**Notification.** The city shall notify the owner in writing delivered by certified or registered mail of the need to prune or remove any such tree within ten (10) working days of establishing the need. The tree owner shall have thirty (30) days after receipt of such notice to complete the required action.

**Action by the City.** If no action is taken by the tree owner, the city may prune, remove or cause to be pruned or removed, the tree or part thereof which is in an unsafe or injurious condition as stated above, and require reimbursement from the property owner for the reasonable cost of such pruning or removal.

**Abatement as Nuisance.** As an additional remedy, cumulative of the provisions of this section and of any other provisions of this chapter, upon the failure or refusal of any person or persons responsible therefore to maintain trees as hereinabove provided, after the notice provided for in Title 8, Health and Safety, Chapter 8.12 Nuisances Generally, Section 8.12.030 Abatement of Nuisances procedure of this code has been given, the city may treat such violation as a nuisance. In such event, the city clerk shall file the complaint with the police department as provided by Section 8.12.030(A), and the provisions of the chapter shall be fully and completely applicable.

#### **14.28.175 Historic Trees**

A classification of trees known as “historic trees” is established, along with a program to designate qualifying trees as historic trees. The tree preservation board shall administer the historic tree program.

**A. Criteria for Designation.** Historic trees shall be healthy trees that meet one or more of the following criteria:

1. Age greater than fifty (50) years as determined by planting records or the written opinion of the city arborist;
2. Large canopy trees greater than thirty-six (36) inches dbh, medium canopy trees greater than twenty-four (24) inches dbh, and small canopy trees greater than twelve (12) inches dbh;
3. Unique or rare species;
4. Association with a documented historic event, person, or community landmark;
5. Trees planted for Arbor Day celebrations and other community-wide public celebrations;
6. Trees planted in honor or memory of an individual or an event; or
7. Trees belonging to a significant cross-property or neighborhood-wide planting that affect the greater landscape beyond the property on which they grow.

**B. Application.** Only the owner may apply for historic tree status for a tree growing on their property. Applications shall be available from the city building and zoning office. The city arborist shall review each application, conduct an inspection of the candidate tree, and either approve or deny the application.

C. **Historic Tree Official Record.** The city arborist shall keep an official record of the location and description of all designated historic trees. Such record shall be maintained in the city building and zoning office and available for public inspection during regular business hours. In addition the location of a designated historic tree shall be entered into a historic tree GIS layer and maintained by the city engineering department.

D. **Appeal of Denial of Historic Tree Designation.** An appeal to approve an application for historic tree designation that has been denied may be made to the tree preservation board in writing. A copy of the original application for historic tree designation shall accompany the appeal. The tree preservation board shall act upon city arborist's decision at its next regularly scheduled meeting after receipt of such appeal.

E. **Maintenance of Historic Trees.** The pruning, maintenance, and protection of historic trees shall be done in accordance with standards promulgated by the tree preservation board and available for public inspection in the city building and zoning office during regular business hours. Failure to comply with such regulations shall be grounds for revocation of historic tree status by the city arborist. An appeal to reinstate a historic tree designation may be made by the tree owner to the tree preservation board in writing. The tree preservation board shall act upon the appeal for reinstatement at its next regularly scheduled meeting after receipt of such appeal. Historic tree owners are encouraged to hire professional certified arborists experienced in the care of mature and special trees to assist in maintaining historic trees.

#### **14.28.180 Certification**

All persons engaged as contractors in tree related work for the city, including, but not limited to, tree management, planting, maintenance (pruning), evaluation, and inspection, shall either be, or be under the supervision of, an ISA Certified Arborist.

#### **14.28.190 Standards**

All planting, protection, and maintenance activities performed on conserved or established trees to be included as part of the tree canopy cover requirements, and all maintenance activities performed on city trees, shall be done according to best management practices, the standards described below, and the administrative guidelines developed by the tree preservation board.

**Nursery Stock.** All nursery stock shall meet standards defined in the most current edition of American Standard for Nursery Stock published by the National Planting. All tree planting shall be done in accordance with standards defined in the most current edition of the "Tree and Shrub Transplanting Manual."

**Pruning.** All tree pruning shall be done in accordance with the most current edition of the American National Standards Institute A300 Standards for Tree Care Operations - Pruning.

**Tree Topping.** Tree topping is not allowed. Crown reduction pruning shall be used instead of topping to reduce the height of a tree when necessary. Topped trees shall not be counted toward tree canopy cover requirements.

**Fertilization.** All tree fertilization shall be performed in accordance with the most current edition of

the American National Standards Institute's A300 (Part 2) Standards for Tree Care Operations - Fertilization.

**Tree Support Systems: Cabling, Bracing, and Guying.** All tree support system installation and maintenance shall be performed in accordance with the most current edition of the American National Standards Institute's A300 (Part 3) Standards for Tree Care Operations - Cabling and Bracing.

**Lightning Protection Systems.** All lightning protection system installation and maintenance shall be performed in accordance with the most current edition of the American National Standards Institute's A300 (Part 4) Standards for Tree Care Operations - Lightning Protection.

**Safety.** All tree care operations shall be performed in accordance with the most current edition of the American National Standards Institute's Z133.1 Standards for Tree Care Operations - Safe Work Practices.

#### **14.28.200 Site Inspections**

**Authority.** The building official has the authority to perform site inspections and enforce the provisions of this chapter.

**Site Inspections.** Prior to the issuance of a soil and tree conservation permit or right-of-way encroachment permit, a visit shall be made to the proposed site by the building official and the applicant for the purpose of discussing the provisions of this chapter.

After a soil and tree conservation permit or right-of-way encroachment permit is issued and tree protection measures have been installed, and prior to any land disturbance, another site inspection shall be made by the building official.

Another site inspection shall occur prior to the issuance of final plat approval or a certificate of occupancy. All provisions of this chapter shall be met before final plat approval or a certificate of occupancy can be issued.

Other site inspections may take place without notice at any time prior to or after the issuance of a certificate of occupancy or final plat approval to insure continuing compliance with the provisions of this chapter.

**Access.** No person shall refuse entry or access to any authorized representative or agent of the building official who requests entry for the purposes of inspection and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out his official duties.

**Release of Bond.** Prior to the release of a tree establishment bond and within thirty-six (36) months of issuance of final plat approval or a certificate of occupancy, a site inspection will be made to determine ongoing compliance with the provisions of this chapter. If non-compliance exists, the bond shall be held until compliance occurs or for a maximum of forty-eight (48) months. If compliance does not occur within forty-eight (48) months from the date of issuance of the certificate of occupancy or final plat approval, the bond shall be forfeited to the city and deposited in the tree bank.

#### **14.28.210 Tree Bank**

When a documented hardship exists that results in a person's inability to achieve the required tree canopy cover, the building official may require a fee to be paid to the city for deposit in the

city's tree bank in lieu of the conservation or establishment of trees. Funds in the tree bank shall be used for planting or maintaining trees on city property. The fee shall be calculated by first subtracting the number of square feet of tree canopy achievable from the number of square feet of tree canopy required, and then multiplying the result by one dollar (\$1.00). For example, if ten thousand (10,000) square feet of tree canopy is required, and only eight thousand (8,000) is achievable, then the difference in the two, two thousand (2,000) feet, is multiplied by one dollar (\$1.00), equaling two thousand dollars (\$2,000.00).

Tree protection bonds and tree establishment bonds forfeited due to failure to comply with the provisions of this chapter shall also be deposited in the tree bank and used for planting or maintaining city trees.

#### **14.28.220 Enforcement**

The building official shall enforce the provisions of this ordinance. The tree preservation board shall assist the building official in the administration of this chapter. The building official shall have authority, upon violation of any provision of this chapter, to issue a stop work order on any soil and tree conservation permit, timber harvesting permit, right-of-way encroachment permit, or building permit for the site where such violation occurs.

If it is deemed that a person engaged in land disturbing or building activities, as defined herein, has failed to comply with his approved plan, with permit conditions, or with the provisions of this chapter, a written notice to comply shall be served upon that person personally or by certified or registered mail. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the activity fails to comply in a timely manner with the terms of such notice, such person shall be deemed to be in violation of this chapter.

#### **14.28.230 Penalties**

**Failure to Obtain Permit.** If any person commences any land disturbing activity or building activity requiring a site and tree conservation permit or a right-of-way encroachment permit without first obtaining said permit, the person shall be deemed to be in violation of the provisions of this chapter.

**Violations.** The owner of any property wherein a violation exists, and any builder, contractor, or agent who may have assisted in the commission of any such violation, may be chargeable with separate offenses for each such violation.

**Stop Work Orders.** For the first violation of any provision of this chapter, the building official or the city shall issue a written warning to the violator. The violator shall have forty-eight (48) hours to correct the violation.

If the violation is not corrected with forty-eight (48) hours, the building official or the city shall issue a stop work order requiring that land disturbing or building activities cease until necessary corrective action or mitigation has occurred; provided, however, that if the violation presents an imminent threat to a conserved or planted tree the building official or the city shall issue an immediate stop work order in lieu of a warning. For second and subsequent violations, the building official or the city shall issue an immediate stop work order.

All stop work orders shall be effective immediately upon issuance and shall remain in effect until the necessary corrective action or mitigation has occurred.

**Monetary Penalties.** Any person who violates any provision of this chapter, any soil and tree conservation permit or right-of-way encroachment permit condition, or who negligently or intentionally fails or refuses to comply with any final order which the building official issues as provided in this chapter shall be liable for a penalty of up to one thousand dollars (\$1,000.00) per day for each violation of the provisions of this chapter. Each day that such failure or refusal continues shall constitute a separate violation.

Any person violating any of the provisions of this chapter other than as hereinabove provided shall, upon conviction, be punished as provided in Section 1.12.010 of this code. Each day during which such violation occurs or continues shall constitute and be punishable as a separate offense.

No certificate of occupancy or final plat approval shall be issued while a stop-work order is in effect or until an assessed fine has been paid.

**Responsibility.** The building official is responsible for determining whether a violation has occurred. Violations may include, but are not limited to: deviation from the approved plan; failure to properly install tree protection structures; failure to maintain tree protection structures in effective condition; evidence of harmful activities occurring within the tree protection zone; improper planting; failure to conserve or establish the required tree canopy cover; failure to deliver a tree protection or tree establishment bond; unauthorized delay in tree planting; damage to a conserved or established tree's crown, trunk, roots, or critical root zone; and damage to a city tree's crown, trunk, roots, or critical root zone. (Ord. dated 9/16/03 (part))

#### **14.28.240 Appeals**

Any person aggrieved or adversely affected by a decision of the building official or the tree preservation board pertaining to the application of the provisions of this chapter may, within thirty (30) days of such decision, appeal the same to the board of zoning appeals as provided in Chapter 16.12 of this title. Any person aggrieved or adversely affected by the decision of the board of zoning appeals may, within thirty (30) days of such decision, appeal the same to the Superior Court of Newton County, Georgia, as provided in Section 16.12.050 of Chapter 16.12 of this title.

#### **14.28.250 Street Tree Plantings**

A. Street trees are required and shall be planted in the ground a maximum of fifty (50) feet on center.

B. All newly planted trees shall be a minimum of three (3) inches in caliper measured six (6) inches above ground, shall be a minimum of sixteen (16) feet in height, shall have a minimum mature height of forty (40) feet, and shall be limbed up to a minimum height of ten (10) feet. Said trees shall be in proportion in height to the first floor of building.

C. Trees in plazas or paved public pedestrian areas shall have a minimum planting area of forty-eight (48) square feet and shall have a three (3) inch raised curb provided along the perimeter of the planting area. All plantings, planting replacement, and planting removal shall be approved by the city arborist and the planning director.

- D. The area between required plantings shall either be planted with sod or shall be paved as approved by the city arborist and the planning director.
- E. Required tree plantings may be permitted to be planted in the adjacent front yard when extreme conditions prevent the planting of street trees within the landscape zone and only as approved by the city arborist and the planning director.
- F. Street tree species shall not be mono-specied or mono-cultured when greater than six (6) trees are planted.
- G. Street lights or pedestrian lights in the landscape zone shall be spaced equidistant between all required street trees.

#### **14.28.260 Parking Lot Landscaping**

- A. There shall be one (1) landscape island for every seven (7) parking spaces and such island shall be planted with a minimum of one (1) overstory tree.
- B. Vehicles shall be separated from sidewalks, driveways and streets in public rights-of-way by wheel bumpers and by a strip of land at least ten (10) feet wide reserved as public space and planted in grass containing at least one (1) understory or overstory tree.
- C. Head-to-head parking shall provide an eight (8) foot wide grass strip separating the wheel bumpers. The grass strip may be counted as part of the landscaped areas and shall have one (1) tree every fifty (50) feet containing at least one (1) overstory tree, and ten (10) shrubs, per fifty (50) linear feet, and a minimum of seventy (70%) percent living groundcover, sod, and/or annual or perennial color in the landscape strip surface area.
- D. There shall be a pedestrian walkway that is a minimum of five (5) feet in depth along the front of all buildings for the purpose of allowing pedestrians to walk from the parking facility to the building in safety.
- E. All parking decks and parking structures shall have a landscape strip a minimum width of eight (8) feet immediately contiguous to the parking facility for the whole of the exterior perimeter of the parking facility containing at least one (1) understory or overstory tree every fifty (50) feet, as appropriate.
- F. Landscape materials in parking lot landscape islands shall be selected to be compatible with the bioretention function of the landscaped areas, and adequate drainage shall be provided for the chosen species. Recommended plant species are shown in the table below. Additional appropriate species are listed in the Georgia Stormwater Management Manual, Volume 2, Appendix F, Table F-5 on page F-23.
- G. Approved Plant Species for Bioretention Areas in Parking Lots
1. Trees: Red Maple, River Birch, Eastern Red Cedar, Golden Rain Tree, Black Gum, London Plane-Tree, Sycamore, Pin Oak, Willow Oak, Black Willow.
  2. Shrubs: Bottlebrush Buckeye, Red Chokeberry, Fothergill, Witch Hazel  
Common St. Johns Wort, Inkberry, Winterberry, Creeping Juniper, Spicebush, Bayberry
  3. Herbaceous Plants: Broom sedge, Joe Pye Weed, Day Lily, Yellow Iris, Cardinal Flower, Switchgrass, Fountaingrass, Greenhead Coneflower, Woolgrass, Ironweed

## **CHAPTER 14.32 OVERLAY DISTRICTS**

### **14.32.010 Conservation Village Design Overlay District**

**A. General Statement.**

The provisions of this section and the regulations set forth in the next following section shall govern all development in the CVD overlay district. This district will be an overlay zone on the official zoning map.

**B. Purpose and Intent.**

The purpose and intent of the CVD district (CVDD) is to allow, coordinate and regulate large scale or comprehensive group development which may not follow standard design practices otherwise allowed by the city's zoning regulations. CVDD developments will not normally contemplate the normal layout of lots, blocks and streets or single uses.

**C. Adherence to Procedures and Regulations Required.**

Conservation village design districts will sometimes involve mixed uses, varying density, the grouping of housing and/or open areas, and densities and setbacks that are not traditional in developments of the type being sought by the initial developer in a CVDD.

**D. Conditions for Rezoning.**

Property will be considered for rezoning to the CVDD only in accordance with the following conditions, procedures and regulations:

**1. Ownership; Sale or Transfer.**

All of the land to be contained within a proposed CVDD must be owned at the time of the application by the same individual, corporation or other legal entity. Further, no interest in the said land may be sold or otherwise transferred until the original applicant has had an acknowledgment in the form approved by the city recorded in the Newton County deed records that the overall tract of land described therein is a portion of a CVDD which will result in substantial, perpetual restrictions on the future use of the said land, including:

- a. Designating portions thereof as open areas which will prohibit, in perpetuity, the areas so designated for any use other than as open areas; and
- b. Prohibiting the redevelopment of any areas of the CVDD at a density greater than that assigned to the area of the CVDD at the time of final approval of the development plan for that area; however, this shall not prohibit the same owner of more than one area of a CVDD from reassigning density rights between two or more areas of the CVDD as long as such reassignment is approved by the planning commission, does not increase the overall density of the CVDD and is otherwise consistent with the provisions of this section.

**2. Conditions for Preliminary Approval.**

In considering the preliminary approval for the rezoning of property to the CVDD use district, the planning commission and the mayor and council shall consider the following, and give preliminary approval only upon satisfaction of the conditions:

- a. The proposal utilizes design and development standards which would not be permitted in any

- other zoning district or which would combine various types of uses of housing into a single district;
- b. The proposal would not substantially alter or adversely affect nearby property values;
  - c. The proposal would not be incompatible with existing land use within the area;
  - d. The proposal would not be inconsistent with the goals and policies of the city's comprehensive land use plan or with the purposes of this chapter;
  - e. The site plan for the proposal provides for adequate ingress and egress for vehicular traffic and would not create safety, health or unreasonable traffic problems in the area;
  - f. The proposal makes adequate provisions for community facilities such as water, sewer, recreation and open areas. The recreation and open areas shall consist of not less than fifty (50) percent of the proposed CVDD land area, of which not less than one-half must be outside of all flood hazard areas as defined in chapter 15.48 of this code.
  - g. The proposal is justified based on facts presented to indicate the need for such development as called for in the city's comprehensive zoning plan;
  - h. The proposal does not have commercial areas in excess of three percent of the CVDD's land area; and
  - i. Off-street parking and loading space are provided in accordance with chapter 16.44.
3. Minimum Size.
- Due to the administrative expense and procedures involved in approving and monitoring CVDD developments to ensure compliance with CVDD special conditions, such as density and limits on nonresidential uses, the minimum area that will qualify for CVDD zoning is fifty (50) acres; provided, however, that smaller tracts of land contiguous to an existing CVDD may be rezoned to CVDD if same are an expansion of the existing adjacent CVDD.
4. Permitted uses.
- The CVD district is planned to be primarily a residential district with small percentages of the total land area contained within the district being available for use for multifamily, residential/professional, community commercial and zero lot line development. In order to assure that the limited use and overall density requirements for a CVDD are not violated, the following express limitations must be satisfied in each phase of the CVDD approval and development:
- a. The maximum area of a CVDD to be developed or allotted for development as neighborhood mixed use (NM district, chapter 16.16 of this code) and corridor mixed use (CM district, chapter 16.16) cannot exceed three (3%) percent of the total CVDD area. All areas of a CVDD designated for neighborhood mixed use or corridor mixed use will be subject to the same use restrictions contained in the said code sections, respectively; provided further that no such areas of the CVDD may be contiguous to any property outside of the CVDD that is in the NR1, NR2 and NR3 districts, as shown on the city's official.
  - b. The maximum area of a CVDD to be developed or allotted for development as multifamily areas within the CVDD shall be subject to the same conditions and restrictions as developments within the city's CR district; provided, however, that the maximum density per acre within the multifamily portion of the CVDD may be increased as provided in subsection D.5 of this section.

- c. Any use permitted in the NR1 use district under chapter 16.16 of this code, subject to the same conditions as the aforesaid section, except lot size, building size and setbacks shall be permitted anywhere in the CVDD except in those areas set aside as open areas.
  - d. Open areas shall be dispersed throughout the CVDD development so as to be readily available to various developments within the CVDD. Building improvements designed for use in conjunction with the open areas in excess of one percent of the total area of the open areas and parking lots and other impervious coverings on open areas in excess of three percent of the total open space area shall not be considered open areas for the purpose of determining density requirements for the overall CVDD project.
  - e. Except as hereinafter provided, height limitations, minimum lot areas, setbacks (front, side and rear yard) and minimum building size shall be established by the planning commission and approved by the mayor and council in conjunction with the final approval for each area of development within the CVDD. Unless there is a dedicated open area at least fifty (50) feet in width as measured at right angles to the outer boundary of the CVDD that separates property outside of the CVDD from improvements inside the CVDD, the height, lot area, building size, and setbacks adjacent to the outer boundary of the CVDD shall conform to those of the zoning district adjacent to the respective boundaries of the CVDD. The foregoing provisions may be waived as to those areas of the exterior boundary of the CVDD for which the adjoining property owner signs a written waiver in recording form approved by the city building official.
5. Density.  
Unless increased by approval of the planning commission and the mayor and council as part of the general approval of special criteria, the gross density for the CVDD shall be as provided for in chapter 16.16 of this title. "Net acreage" means the gross area within the CVDD exterior boundaries inclusive of streets, roads and other rights-of-way, but excluding the maximum area planned for either residential/professional or community commercial development and those portions of the areas designated as open areas that exceed the permitted limitations on building area and impervious surface areas (such as parking lots) contained in subsection D.4.d of this section.
6. Application of Other Code Provisions.  
Unless waived by the mayor and council as a part of its general approval of special criteria for the CVDD, each development within the CVDD shall comply with all other ordinances and regulations contained within this code, including, but not limited to, off-street parking requirements, utilities specifications, floodplain and soil erosion regulations, issuance of building permits and inspections, the Georgia State Energy Code, all Standard Building Codes, National Electrical Code, Fire Codes, fire walls, fire petitions, planning commission review for subdivisions and any other code provisions or regulation that are normally applicable to developing property within the city.
7. Right-of-Way Requirements.  
Anything contained herein to the contrary notwithstanding, upon approval of the planning

commission, streets within CVDD may remain private as long as all city specifications for right-of-way widths, grading and paving are fulfilled.

8. Land Use.

Since the primary intended use of land area within a CVDD is single family residential, any area of a CVDD may be platted and subdivided in accordance with the city's subdivision regulations as though the same were in the NR1 use district unless such subdivision would result in exceeding the overall density requirements of the CVDD.

E. Approval Process.

The process to secure the zoning and approval for development of property as a CVDD will involve the following three separate steps:

1. The preliminary approval, which may result in property being rezoned to the CVDD use district;
2. The general approval of special criteria, whereby the exact metes and bounds description of the CVDD is established and any special criteria (including mixed uses and special exceptions such as densities not otherwise approved) are established;
3. The final approval, which involves:
  - a. The planning commission's approval of a subdivision plat for recordation in accordance with the provisions of chapters 16.12.140 and 16.12.250 of this code, except as such provisions may be modified by the provisions of this section and the general approval of special criteria by the mayor and council; and
  - b. Approval of such plat by the mayor and council.

F. Specific Requirements for CVDD Approval.

1. Preliminary Approval.

The preliminary approval process shall be commenced by the applicant's submission of an application to the planning commission, requesting that the property described be considered for a CVDD development. The planning commission shall conduct a hearing to review the application, the site plan, and tentative draft of regulations concerning the applicant's proposed CVDD. If the planning commission determines that the application is consistent with the provisions of the regulations contained in this section, it shall recommend to the mayor and council that the property be considered for rezoning to the CVDD classification. In making such recommendation, the planning commission shall point out any areas of special concern regarding the application and shall enumerate same for further consideration by the applicant and by the mayor and council at a subsequent public hearing. The applicant may also request that the planning commission consider the general approval of special criteria in conjunction with its consideration of the preliminary approval. After the planning commission takes its action on the preliminary approval (and the general approval of special criteria, if applicable), the secretary to the planning commission shall coordinate with the city clerk in scheduling the application (both preliminary approval and general approval of special criteria) for a public hearing before the mayor and council. Since final action by the mayor and council on the preliminary approval shall constitute a rezoning of the property from the existing zoning district to the CVDD, the city clerk shall cause a legal notice to be placed in the legal organ for Newton County, Georgia, at least fifteen (15) days prior to the scheduled public hearing. The notice shall give the time,

place and purpose of the public hearing. After conducting the public hearing, the mayor and council shall either: (i) reject the application, stating the reasons therefor, (ii) remand the application to the planning commission for further consideration with recommendations thereon in light of any comments developed at the public hearing or (iii) grant preliminary approval. A grant of preliminary approval by the mayor and council shall have the legal effect of changing the property in question from the then existing zoning district to the CVD district.

Notwithstanding the fact that consideration of preliminary approval by the mayor and council shall have included consideration of the applicant's request for a general approval of special criteria and the applicant's proposed regulations concerning the CVDD development, the grant of preliminary approval shall not constitute approval either in whole or in part of such regulations and/or special criteria.

2. General Approval of Special Criteria.

Either in conjunction with the applicant's preliminary approval application, as specified in the immediately preceding subsection, or after the mayor and council have granted preliminary approval, the applicant shall apply to the planning commission for general approval of special criteria. The application shall be in the form specified by the planning commission and shall address, in detail, the following:

- a. The exact amount of acreage contained in the applicant's CVDD areas as shown on a plat of survey thereof by a Georgia licensed surveyor or engineer;
- b. The minimum land of area to be dedicated as open area and the maximum land area to be developed for multifamily residential use;
- c. The maximum land area to be developed for residential/professional and/or community commercial uses;
- d. Proposed restrictive covenants; and
- e. Specifications for the general areas within CVDD to be developed for the respective proposed uses and a statement of the maximum number of residences to be constructed within the CVDD if greater than that allowed under subsection D.5 of this section;
- f. After receipt of the application for general approval of special criteria, the planning commission shall conduct a hearing thereon and either specify the reasons for refusing to recommend approval of any or all of the special criteria requested (in which event the applicant shall be entitled to gather further information or change the special criteria requested), or the planning commission shall recommend approval thereof to the mayor and council. Upon recommendation of the special criteria by the planning commission, the secretary to the planning commission shall coordinate with the city clerk to schedule a public hearing thereon before the mayor and council after publication of notice of the type required for preliminary approval as specified in subsection F.1 of this section.
- g. After the public hearing on the application for general approval of special criteria, the mayor and council shall either approve or reject the application either in whole or in part and specify the reasons therefor. Only those special criteria expressly approved by the mayor and council as aforesaid may be incorporated by the applicant into the final development plans for the CVDD or any portion thereof. The mayor and council may grant tentative

general approval of special criteria (for example, in approving tentative drafts of restrictive covenants for various developments within the CVDD) and reserve final approval on specific special criteria items as a part of the final approval process.

3. Final Approval.

Final approval shall be appropriate only after the developer has submitted detailed plans and specifications for plat approval, both preliminary and final, in accordance with the city's subdivision regulations contained in chapter xx of this title. The approval process shall be in accordance with the provisions of chapter xx of this title, but modified to the extent necessary to reflect that:

- a. The density, lot size and setback requirements that apply to each phase of the development may be in accordance with the provisions of this section, including any special criteria contained in the general approval of special criteria;
- b. If the development contemplated by this application has a proposed density greater than the maximum overall density per acre within the CVDD, the applicant shall have designated and dedicated sufficient open area to ensure that the overall approved density within the CVDD will not be exceeded if developed to its full potential. As used herein the term "dedicated" as it relates to open areas, shall mean the official designation in the deed records of Newton County, Georgia, of a land area by plat dedication and/or written declaration, with a metes and bounds description of an area as "open area" in a conservation village design district under the city's CVDD regulations, in form and substance satisfactory to the city attorney;
- c. Together with the final plat the developer shall submit the final restrictive covenants and/or easements for the area encompassed by the plat under consideration for approval; and
- d. After the planning commission has approved the plat and the developer's restrictive covenants, the planning commission shall forward same to the mayor and council, and approval thereof by the mayor and council shall constitute final approval of the areas encompassed by the plat(s) and the restrictive covenants.
- e. The city's building official shall maintain such information as necessary to ensure that each CVDD complies with the provisions of this section. Such information shall include a detailed listing of total areas within the CVDD, the maximum amount of multifamily residential development, the maximum amount of residential/professional or community commercial development, the maximum number of residential units permitted within CVDD, the maximum number of residential units per acre to be constructed in areas dedicated from time to time as open area and a running total of final approvals given and areas thereby committed to specified densities and uses.

G. Modifications.

After securing final approval by the mayor and council for a development within a CVDD, all development on that portion must be done according to the plans approved, and no adjustments or alterations to said plans shall be made without prior approval of each body whose approval was required to secure such final approval.

1. In all areas that have received final approval for the development of a portion of the CVDD for neighborhood mixed use or corridor mixed use of this commercial use, all signs shall

- be in conformity with the provisions of chapter 16.48 of this title applicable to the city's NM and CM districts.
2. In all other areas of the CVDD not covered by subparagraph G.1, all signs shall be in conformity with the provisions of chapter 16.48 of this title applicable to the city's NR1 and NR2 single-family residential use districts.
- H. Conservation village design subdivision conditions for preliminary approval. The applicant shall provide a map of the primary conservation area site, including basic topography, location of wetlands, hundred-year floodplains, slopes exceeding twenty-five (25) percent and soils subject to slumping.
- I. Density Incentives.
1. Maintenance Endowment.  
To endow maintenance fund the city may allow a density bonus to generate additional income to the applicant for the express and sole purpose of endowing a permanent fund to offset continuing open space maintenance costs. Endowment funds should be twenty (20) times the annual amount estimated to be required to maintain the open space. On the assumption that the sale of an additional lot, over and above the maximum number that would ordinarily be permitted on the site, would be without allocable development costs and would represent true profit, seventy-five (75) percent of the net selling price of such lot shall be donated to the open space endowment fund for maintenance of the preserved lands within the subdivision. Such maintenance estimates shall be prepared by an agency or organization with experience in open space management acceptable to the planning commission. The fund shall be transferred by the developer to a designated entity, such as a homeowner's association, or a trustee approved by the planning commission.
  2. Public Access.
    - a. Ten (10) percent of the total land shall be dedicated for public use.
    - b. The density bonus for open space that would be in addition to the ten (10) percent public land dedication shall be computed on the basis of a maximum of one dwelling unit for each five acres of open space dedicated for public use. The decision as to whether to accept an applicant's offer to dedicate open space for public use shall be within the discretion of the planning commission, which shall be guided by the recommendations contained in the city's open space recreation and environmental resources plan, particularly as said plan relates to trail networks and/or recreational facilities.
  3. Affordable Housing.
    - a. A density increase may be permitted where the conservation subdivision proposal provides on-site or off-site housing opportunities for low or moderate income families
    - b. The amount of the density increase shall be based on the following standard: For each affordable housing unit provided under this section, one additional building lot or dwelling unit shall be permitted, up to a maximum fifteen (15) percent increase in dwelling units. Affordable housing is herein defined as units to be sold or rented to families earning seventy (70) to one hundred twenty (120) percent of the county median income, adjusted for family size as determined by the U.S. Department of Housing and Urban Development.

**J. Minimum Percentage of Open Space.**

The minimum percentage of land that shall be designated as permanent open space, not to be further subdivided and protected through a conservation easement held by the city or by a recognized land trust or conservancy, shall be as specified below.

1. A minimum of fifty (50) percent of the total tract area, after deducting the following kinds of land that is undesirable for building purposes:
  - a. Wetlands, i.e. land that is generally inundated (land under ponds, lakes, creeks, etc.);
  - b. All of the floodway and floodway fringe within the hundred-year floodplain, as shown on official FEMA maps;
  - c. Land with slopes exceeding twenty-five (25) percent or with soil subject to slumping;
  - d. Lands required for street rights-of-way, but not more than ten (10) percent of the net tract area;
  - e. Land under permanent easement prohibiting future development (including easements for drainage, access and utilities).
  - f. The above areas shall generally be designated as undivided open areas in order to facilitate easement monitoring and enforcement and to promote appropriate management by a single entity according to approved management standards.
2. At least twenty-five (25) percent of the minimum required open space shall be suitable for active recreation purposes, but no more than fifty (50) percent shall be utilized for that purpose, in order to preserve a reasonable proportion of natural areas on the site. The purpose for which open space areas are proposed shall be documented by the applicant.
3. The required open space may be used, without restrictions, for underground drainage fields for individual or community septic systems and for spray fields for spray irrigation purposes in a land application wastewater reclamation system. These systems shall be limited to no more than ten (10) percent of the required minimum open space.
4. Stormwater management ponds or basins may be included as part of the minimum required open space, as well as land within the right-of-way for underground pipe lines. However, land within the right-of-way of high-tension power lines shall not be included as comprising part of the minimum required open space.

**K. Location of Open Space.**

The location of open space conserved through compact residential development shall be consistent with the policies contained in the open space, recreation and environmental resources element of the city's comprehensive plan, the recommendations contained in this section and the evaluation criteria hereinafter set forth. All undivided open space and any lot capable of further subdivision shall be restricted from further subdivision through a permanent conservation easement, in a form acceptable to the city and duly recorded in the Newton County deed records.

**L. Classifications of Open Space.**

Open space shall be comprised of primary and secondary conservation areas. Both classes shall be protected by a permanent conservation easement prohibiting further development.

**1. Primary Conservation Area.**

This class consists of wetlands that are generally inundated (under ponds, lakes,

creeks, etc.), lands within the hundred-year floodplain, slopes exceeding twenty-five (25) percent, and soils subject to slumping. These sensitive lands shall be deducted from the total parcel acreage to produce the adjusted tract acreage on which density shall be based.

2. Secondary Conservation Area.

In addition to the primary conservation areas, at least fifty (50) percent of the remaining land shall be designated as permanently protected. Full density credit shall be allowed for land in this category that would otherwise be buildable under local regulations, so that its development potential is not reduced by this designation. Greater latitude exists in the designation of secondary conservation areas, except that they shall include a one hundred (100) foot green-way buffer along all water bodies and watercourses, and a fifty (50) foot green-way buffer alongside wetlands soils classified as “very poorly drained” in the medium intensity county soil survey. The location of secondary conservation areas shall be guided by the maps and policies contained in the open space, recreation, and environmental resources element of the city’s comprehensive plan, and shall typically include all or part of the following kinds of resources:

- a. Mature woodlands;
- b. Areas with highly permeable (excessively drained) soil;
- c. Significant wildlife habitat areas; and
- d. Scenic views into the property from existing public roads.
- e. Secondary conservation areas therefore typically consist of upland forest, meadows, pastures, and farm fields, as a part of the ecologically connected matrix of natural areas significant for wildlife habitat and water quality protection. Although the resource lands listed as potential secondary conservation areas may comprise more than half of the remaining land on a development parcel (after primary conservation areas have been deducted), no applicant shall be required to designate more than fifty (50) percent of that remaining land as a secondary conservation area.

3. General Location Standards.

Subdivisions and planned residential developments shall be designed around both the primary and secondary conservation areas, which together constitute the total required open space. The design process should, therefore, commence with the delineation of all potential open space, after which potential house sites are located. Both primary and secondary conservation areas shall be placed in undivided preserves, which may adjoin housing areas that have been designed more compactly to create larger areas that may be enjoyed equally by all residents of the development.

4. Undivided open space shall be directly accessible to the largest practicable number of lots within a conservation subdivision.

The majority of house lots should abut undivided open space in order to provide direct views and access. Safe and convenient pedestrian access to the open space from all lots not adjoining the open space shall be provided, except such areas that are specifically designed as village greens, ball fields, upland buffers to wetlands, water bodies, watercourses or trail links.

5. Interconnected Open Space Network.

The protected open spaces in each new subdivision will eventually adjoin each other,

ultimately forming an interconnected network of primary and secondary conservation areas.

M. Evaluation Criteria.

In evaluating the layout of lots and open space, the following criteria will be considered by the planning commission as indicating design appropriate to the site's natural, historic, and cultural features, and meeting the purposes of this section. Diversity and originality in lot layout shall be encouraged to achieve the best possible relationship between development and conservation areas. Accordingly, the planning commission shall evaluate proposals to determine whether the proposed conceptual preliminary plan:

1. Protects and preserves all floodplains, wetlands, and steep slopes from clearing, grading, filling or construction (except as may be approved by the city for essential infrastructure or recreation amenities);
2. Preserves and maintains mature woodlands, existing fields, pastures, meadows, and orchards, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses. Locating house lots and driveways within wooded areas is generally recommended except where such location:
  - a. Involves significant wildlife habitat or mature wood lands that raise an equal or greater preservation concern, as described in subsections F.5 and F.8 of this section.
  - b. Involves predominantly agricultural areas where remnant tree groups provide the only natural areas for wildlife habitat.
3. If development must be located on open fields or pastures because of greater constraints in all other parts of the site, the following must apply:
  - a. Dwellings should be sited on the least desirable agricultural soils or in locations at the far edge of a field, as seen from existing public roads; and
  - b. The development should be visually buffered from existing public roads, such as by a planting screen consisting of a variety of indigenous native trees, shrubs and wildflowers.
4. Maintains or creates an upland buffer of natural native species vegetation of at least one hundred (100) feet in depth adjacent to wetlands and surface waters, including creeks, streams, springs, lakes and ponds.
5. Designs around existing hedgerow and tree lines between fields or meadows, and minimizes impacts on large woodlands in poor condition with limited management potential which can provide suitable locations for residential developments. When any woodland is developed great care shall be taken to design all disturbed areas (for buildings, roads, yards, etc.) in locations where there are no large trees or obvious wildlife areas, to the fullest extent that is practicable.
6. Leaves scenic views and vistas open for uninterrupted viewing, particularly as seen from public thoroughfare, utilizing the following criteria:
  - a. In open agrarian landscapes, a deep "no-build, no-plant" buffer is recommended along any public thoroughfare where those views or vistas are prominent or locally significant;
  - b. The concept of "foreground meadows," with homes facing the public thoroughfare across a broad grassy expanse is strongly preferred to mere buffer strips, with or without berms or vegetative screening; and

- c. In wooded areas where the sense of enclosure is a feature that should be maintained, a deep “no-built, no-cut” buffer should be respected, to preserve existing vegetation.
7. Avoids siting new construction on prominent hilltops or ridges by taking advantage of lower topography feature.
8. Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern.
9. Designs around and preserves sites of historic, archaeological, or cultural value, and their environment, insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barns, foundations, cellar holes, earthworks and burial grounds.
10. Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public streets and establishes buffer zones along the scenic corridors or rural roads with historic buildings, stone walls, hedgerows or other significant features.
11. Landscapes common areas (in compliance with the city’s tree ordinance), such as cul-de-sac islands and both sides of new streets, with native species shade trees and flowering shrubs with high wildlife conservation value.
12. Provides active recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby house lots.
13. Includes a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system. All roadside footpaths should connect with off-road trails, which in turn should link with potential open space on adjoining undeveloped parcels.
14. Provides open space that is reasonably contiguous utilizing the following criteria:
  - a. Fragmentation of open space should be minimized so that these resource areas are not divided into numerous small parcels located in various parts of the development;
  - b. Conservation land shall be designed as a single block with logical, straightforward boundaries. Long thin strips of conservation land shall be avoided, unless the conservation feature is linear or unless such configuration is necessary to connect with other streams and trails;
  - c. Open spaces shall generally abut existing or potential open space land on adjacent parcels. Such subdivision open space shall be designed as part of larger contiguous and integrated green-way systems, as set forth in the open space, recreation, and environmental resources element of the city’s comprehensive plan. (Prior code § 24-31.3.1)

N. Conservation village design site planning procedures.

The following sequence of procedural steps prescribed in this article shall be followed in the order listed and may be combined only at the discretion of the planning commission:

1. Pre-Application Discussion.

A pre-application discussion is strongly encouraged between the applicant, the site designer and the planning commission. The purpose of this meeting is to introduce the applicant and the site designer to the city zoning and subdivision regulations and procedures and to discuss the applicant’s objectives in relation to the city’s policies and code requirements.

2. Existing Features (Site Analysis) Plan.

Plans analyzing each site's special features are required for all proposed CVDD subdivisions, as they form the basis of the design process for green-way lands, house locations, street alignments and lot lines. The applicant or his/her representative shall bring a copy of the existing features (site analysis) plan to the on-site walking inspections. Such site analysis plans must include at least:

- a. A contour map based upon topographical maps published by the US Geological Survey;
- b. The location of severely constraining elements such as steep slopes (over twenty-five (25) percent), wetlands, watercourses, intermittent streams, one hundred-year floodplain and all right-of-way easements;
- c. Soil boundaries as shown on U.S.D.A. Natural Resources Conservation Service medium intensity maps;
- d. The location of significant features such as woodlands, tree lines, open fields or meadows, scenic views into or out from the property, watershed divides, drainage ways, fences, stone walls, rock outcrops, existing structures, roads, tracks and trails.
- e. These existing features shall identify both primary conservation areas (floodplains, wetlands, and steep slopes, as defined in the process for computing "adjusted tract acreage") and secondary conservation areas, as described in section 16.64.020.E.2 of this chapter. Together, these primary and secondary conservation areas comprise the development's proposed open space, the location of which shall be consistent with the city's comprehensive plan. The site analysis plan shall form the basis for the conceptual preliminary plan which shall show the tentative location of houses, streets, lot lines and green-way lands in new subdivisions, according to the four-step design process described in subsection F of this section.

3. On-Site Walking Inspection by planning commission and applicant.

After the site analysis plan has been prepared, the planning commission shall schedule a mutually convenient date to walk the property with the applicant and the applicant's site designer. The purpose of this visit is to familiarize city officials with the property's special features and to provide them with an opportunity to offer guidance to the applicant regarding the tentative location of secondary conservation areas and potential house locations and street alignments. If the visit is not scheduled before submission of the sketch plan or the conceptual preliminary plan, it should occur soon thereafter.

4. Pre-Submission Conference.

Prior to the submission of the sketch plan or a conceptual preliminary plan, the applicant shall meet with the planning commission to discuss how the four-step approach to designing subdivision described in subsection F of this section, could be applied to the subject property. At the discretion of the planning commission this conference may be combined with the on-site walking inspection.

5. Conceptual Preliminary Plan.

After the pre-submission conference, a sketch plan or a conceptual preliminary plan shall be submitted for any proposed CVDD subdivision. As used in this section, the term "conceptual preliminary plan" refers to a preliminary engineered sketch plan drawn to illustrate

initial thoughts about a conceptual layout for green-way lands, house sites and street alignments. At this stage are tentatively illustrated before premature engineering costs are incurred in the design of any proposed subdivision layout. Conceptual preliminary plans shall be prepared by a team that includes a landscape architect and a civil engineer. This plan shall be submitted by the applicant to the city zoning official who will then submit it to the planning commission for review for the purpose of securing early agreement on the overall pattern of streets, house lots, primary and secondary conservation areas and potential trail linkages prior to any significant expenditures for engineering the street design, storm water management, or accurate delineation of internal lot boundaries.

6. Within thirty (30) days of receiving the conceptual preliminary plan the planning commission shall approve, disapprove or approve it with conditions, stating the reasons for its decision in writing. The remaining sixty (60) days of the statutory ninety (90) day review period for preliminary plans shall be utilized by the applicant to submit a detailed preliminary plan which shall contain all the customary engineering data, and for the planning commission to review said plan and to render its decision in writing. Either or both of these time periods may be formally extended if mutually agreeable to the applicant and the planning commission.

7. Four-Step Process.

Each conceptual preliminary plan shall follow a four-step design process, as described below. When the conceptual preliminary plan is submitted, the applicant shall be prepared to demonstrate to the planning commission that these four design steps were followed by their site designers in determining the layout of their proposed streets, house lots, and green-way lands. This process shall be accomplished during the first thirty (30) days of the statutory ninety (90) day review period for preliminary plans.

- a. Designating the Open Spaces.

During the first step, all potential conservation areas (both primary and secondary) are identified, using the site analysis plan. Guidance on which parts of the remaining land to classify as secondary conservation areas shall be based upon:

- i. On-site visits or walking inspections;
    - ii. The open space location criteria contained in section 16.64.020 (E)(3) of this chapter;
  - b. The evaluation criteria listed in section 16.64.020.F of this chapter;
  - c. Information from published data and reports; and
  - d. Conversation with existing or recent owners of the property and members of the mayor and council and planning commission.

8. Location of House Sites.

During the second step, potential house sites are tentatively located. Because the proposed locations of houses within each lot represents a significant decision with potential impacts on the ability of the development to meet the evaluation criteria contained in section 16.64.040.F of this chapter, subdivision applicants shall identify tentative house sites on the conceptual preliminary plan and proposed house sites on the detailed final plan. House sites should generally be located not closer than one hundred (100) feet from primary conservation areas, but may be situated within fifty (50) feet of secondary conservation areas, in order to enjoy views of the

latter without negatively impacting the former the building foot-print of proposed residences may be changed by more than fifty (50) feet in any direction with majority approval of the planning commission. Such changes involving less than fifty (50) feet do not require such approval.

9. Street and Lot Layout.

The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots and access streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on the primary and secondary conservation areas. To the greatest extent practicable, wetland crossings and streets traversing existing slopes of over fifteen (15) percent shall be strongly discouraged. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained by the city, and to facilitate easy access to and from homes in different parts of the property and on adjoining parcels. Where cul-de-sacs are necessary, those serving six or fewer homes may be designed with a “hammerhead” configuration, facilitating three-point turns. Cul-de-sacs serving more than six homes shall generally be designed with a central island containing indigenous trees and shrubs, either conserved on site or planted on site. In a CVD where more formal, “neo-traditional,” or village type layouts are proposed, the preceding steps two and three may be reversed, so that the location of house sites follows the location of streets and squares.

10. Lot Lines.

The fourth step is to draw in the lot lines. They are generally drawn midway between house locations and may include L-shaped “flag lots” meeting the city’s minimum standard codes for the same.

O. Preliminary Engineering Certification.

Prior to approval of the conceptual preliminary plan, the applicant shall submit to the planning commission a preliminary engineering certification from a Georgia licensed professional engineer that the approximate layout of proposed streets, house lots, and open space lands complies with the city’s zoning and subdivision ordinances, particularly those sections governing the design of subdivision streets and storm water management facilities. This requirement is meant to provide the city with assurance that the proposed plan is feasible under the current regulations of the city. The certification shall also note any waivers needed to implement the plan as drawn. (Prior code § 24-31.3.2)

P. Ownership and maintenance of open space.

Different ownership and management options apply to the permanently protected open spaces created through the CVD development process. Such open spaces shall remain undivided and may be owned and managed by a homeowner’s association, the city, or a recognized land trust or conservancy. However, in a low-density rural subdivision with ten (10) or more acres per dwelling, all or part of the required open space may be located without the house lots. Dedication of open spaces for public use, not exceeding ten (10) percent of the total parcel size, may be required by the city in order to facilitate trail connections. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements, utilities and open spaces in a proposed CVD.

**Q. Ownership Standards.**

Common open space within a CVD development shall be owned, administered and maintained by any of the following methods, either individually or in combination, and subject to approval by the planning commission.

**1. Offer of Dedication.**

The city shall have the first and last offer of dedication of undivided open space in the event said land is to be conveyed. Dedication shall take the form of a conveyance of fee simple title to the open space. The city may, but shall not be required to accept undivided open space, provided:

- a. Such land is accessible to the residents of the subdivision;
- b. There is no cost of acquisition other than any cost incidental to the transfer of ownership, such as title insurance or deed recording fees; and
- c. The residents of the subdivision agree to and have access to maintain such land.
- d. Where the residents of the subdivision accept dedication of common open space that contains improvements, the residents may require the posting of financial security to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication. The amount of financial security shall not exceed fifteen (15) percent of the actual cost of installation of said improvements.

**2. Homeowners' Association.**

The undivided open space and associated facilities may be held in common ownership by a homeowners' association. The association shall be formed and operated under the following provisions:

- a. The developer shall provide a description of the association, including its by-laws and methods for maintaining open spaces.
- b. The association shall be organized by the developer and shall be operated with a financial subsidy from the developer before the sale of any lots within the development.
- c. Membership in the association is automatic (mandatory) for all purchasers of homes in the subdivision and their successors in interest. The conditions and timing of transfer of control of the association from developer to homeowners shall be established by the developer.
- d. The association shall be responsible for maintenance taxes on undivided open spaces. The association may place liens on the subdivision property of the members who fail to pay their association dues in a timely manner. Such liens may include the imposition of penalties and interest charges.
- e. The members of the association shall share equitably in the cost of maintaining and developing open spaces. Shares shall be defined within the association by-laws.
- f. In the event of a proposed transfer of open space land by the homeowners' association within the methods herein permitted, notice of such action shall be given to all property owners within the subdivision.
- g. The association shall provide adequate staff to administer common facilities and property and continually maintain open spaces.

- h. The homeowners' association may lease open spaces to any other qualified person or corporation, for operation and maintenance of such open spaces, but such a lease agreement shall provide:
  - i. That the residents of the development shall at all times have access to the open spaces contained therein, except croplands during the growing season;
  - ii. That the open spaces to be leased shall be maintained for the purpose set forth in this chapter;
  - iii. That the operation of open space facilities may be for the benefit of the residents only, or may be open to non-residents of the subdivision, at the election of the developer and/or homeowner's association, as the case may be; and
  - iv. That the lease shall be subject to the approval of the governing body of the homeowners' association and any transfer or assignment of the lease shall be further subject to the approval of the said board.
  - v. Lease agreements so entered upon shall be recorded in the Newton County deed records within thirty (30) days of their execution, and a copy of the recorded lease shall be filed with the city.
- R. Condominiums.  
Open spaces and associated facilities may be controlled through the use of condominium agreements approved by the residents of the subdivision. Such agreements shall be in conformance with the Georgia Condominium Act, O.C.G.A. sections 44-3-70, et seq. All open space land shall be held as a "common element" as provided in said statute.
- S. Dedication of Easements.  
The residents of the subdivision may, but shall not be required to, dedicate easements for public use of any portion or portions of open space land, title to which shall remain in ownership by condominium or homeowners' association, provided:
  - 1. Such land is accessible to subdivision residents;
  - 2. There is no cost of acquisition other than any cost incidental to the conveyance of such easements, such as recording fees; and
  - 3. A satisfactory maintenance agreement is reached between the developer, condominium or homeowners' association, and the city.
- T. Transfer of Easements to a Private Conservation Organization.  
With the permission of the residents of the subdivision, the developer may convey easements to a private, nonprofit organization, among whose purposes it is to conserve open space, provided that:
  - 1. The organization is acceptable to the residents of the subdivision, and is a bona fide conservation organization with perpetual existence;
  - 2. The conveyance contains appropriate provisions for proper reversion or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions; and
  - 3. A maintenance agreement acceptable to the governing body of the homeowners' association is entered into by the developer and the organization.
- U. Maintenance Standards.

1. The ultimate owner of an open space, (typically a home-owners' association), shall be responsible for raising all funds required for operation, maintenance, and physical improvement to the open space through annual dues or special assessments. The homeowners' association shall be authorized under its by-laws to place liens on subdivision property of residents who fall delinquent in payment of such dues or assessments.
2. In the event that the association or any successor organization shall, at any time after establishment of a development containing an open space, fail to maintain the open space in reasonable condition in accordance with the development plan, the city may proceed with the enforcement provisions established in sections 8.04.130 through 8.04.180 of this code.

#### **14.32.020 Wetlands Protection Overlay Zoning District**

- A. The mayor and council of the city find that the wetlands within the city are indispensable and fragile natural resources with significant development constraints due to flooding, erosion and soil quality. Wetlands provide habitat areas for aquatic and other wildlife; unique vegetation; water quality maintenance; pollution, flood and erosion control; and educational and recreational opportunities. Wise management of the wetlands within the city is necessary to the economic welfare of the city. It is, therefore, appropriate for the city to provide by ordinance for the protection of wetlands from alterations or uses that will negatively affect their primary functions of water quality enhancement, flood and erosion control, ground water recharge, wildlife habitat and aesthetic appeal.
- B. Wetlands protection district.  
This is an overlay use district which shall include all wetlands located within the city as shown on the wetland map, as well as land in the city within fifty (50) feet from any boundary of such wetlands, all as indicated on the city's official wetlands map.
- C. Uses allowed without permit.  
The following uses shall be allowed in the wetland protection district as a matter of right without obtaining a development permit, provided they are otherwise lawful and do not require grading, filling, drainage, dredging or the erection of any structure, except as provided herein:
  1. Conservation of soil, water, vegetation, aquatic and other wildlife, provided that such activities do not affect waters of Georgia or the United States in a manner that would require a section 404 permit;
  2. Outdoor passive research, educational and recreational activities, including fishing, observation of wildlife, hiking, boating, horseback riding and canoeing;
  3. Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission and as specified in section 404 of the Clean Water Act (33 USC § 1344);
  4. Cultivation of agricultural crops in conformity with best management practices approved by the Georgia Department of Agriculture;
  5. Pasturing of livestock, provided that riparian wetlands are protected, that soil profiles are not disturbed and that best management practices approved by the Georgia Department of Agriculture are followed. (Prior code 24-31.4(D))

**D. Permit requirements.**

It is unlawful to engage in any development activity within the boundaries of a wetlands protection district without first obtaining a permit for such activity from the city's planning and zoning department. Prior to the issuance of any permit for development activity within the fifty (50) foot setback area adjacent to wetlands an applicant must furnish the following:

1. A US Army Corps of Engineers determination pursuant to the provisions of the Clean Air Act (33 USC § 1344) and, where required thereunder, a section 404 permit; and
2. A site plan, drawn at a scale of one inch equals fifty (50) feet, containing the following information:
  - a. A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross sectional drawings showing existing and proposed grades. Elevations horizontal scale and vertical scale must be shown on the cross sectional drawings,
  - b. Location of any wetland boundaries occurring within the site,
  - c. Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of fifty (50) feet,
  - d. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body,
  - e. Elevations of the site and adjacent lands within two hundred (200) feet of the site at contour intervals of no greater than two feet; and no greater than one-foot for slopes less than or equal to two percent,
  - f. Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials,
  - g. All proposed temporary disruptions or diversions of local hydrology;
3. Certification by a Georgia registered professional engineer that the following post-development conditions will prevail at the site:
  - a. The rate of storm water runoff from the site, including volume and peak runoff, will not exceed predevelopment conditions,
  - b. The amount of phosphorus, nitrogen, zinc and lead carried within the storm water runoff will not exceed pre-development conditions,
  - c. Biological oxygen demand and turbidity will not exceed pre-development levels;
4. An application fee in the amount of one hundred twenty-five dollars (\$125.00) to cover evaluation of the application. Additional application fees, not exceeding four hundred dollars (\$400.00), may be assessed where deemed necessary by the city to retain expert consultants to provide services reasonably required for evaluation of technical aspects of the site plan. (Prior code 24-31.4(E))

**E. Conformity with site plan.**

All development activities or site work conducted after issuance of the permit required hereunder shall conform to the specifications of the site plan. The site plan may be amended only upon written approval of the city planning and zoning department. (Prior code 24-31.4(F))

**F. Temporary emergency permit.**

A temporary emergency permit may be issued for the following activities in a wetlands protection district:

1. Maintenance or repair of lawfully located roads or structures and of facilities used in the service of the public to provide transportation, electric, gas, water, telephone, telegraph, telecommunication or other services, provided that such roads, structures, or facilities are not materially changed or enlarged and that, prior to the commencement of work, written notice has been given to the city and further provided that the work is conducted using best management practices to ensure that flow and circulation patterns, chemical and biological characteristics of the wetland, are not impaired and that any adverse effect on the aquatic environment will be minimized.
2. Temporary water level stabilization measures associated with silvicultural operations, provided that they are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected.
3. Limited ditching, tilling, dredging, excavating, or filling done solely for the purpose of maintaining or repairing existing drainage systems necessary for the cultivation of agricultural crops, provided that the maintenance or repair activity does not result in the impairment, alteration, or loss of wetlands not previously subject to agricultural and silvicultural use.
4. Limited excavating and filling necessary for the repair and maintenance of piers, walkways, nature trails, observation decks, wildlife management shelters, boathouses, or other similar water-related structures, provided that they are built on pilings to allow unobstructed flow of water and preserve the natural contour of the wetland. (Prior code § 24-31.4(G))

G. Application review procedure.

Applications for wetlands development permits shall be filed in the city planning and zoning office and will be reviewed by the appropriate officials within ten (10) working days of the date of filing a complete application. The review shall include preparation of written findings of approval or disapproval a copy of which shall be sent by first class mail to the applicant. If the review process is not completed within the time provided herein the application shall be deemed to have been approved and the applicant shall be entitled to the issuance of a permit as a matter of right unless the applicant agrees in writing to an extension of time.

H. Duration of permit.

1. If construction described in the development permit has not commenced within twelve (12) months from the date of issuance, the permit shall expire.
2. If construction described in the development permit is suspended or abandoned after work has commenced, the permit shall expire twelve (12) months after the date that work ceased.
3. Written notice of any pending expiration of a development permit shall be issued by the city's planning and zoning department.

I. Appeals.

Applicants for a wetland development permit may appeal adverse decisions on such applications to the city's board of appeals. Such appeals shall follow the procedures and standards of section 16.12.180.A. Decisions of the board shall be as provided in section 16.12.180.A. and shall be subject to further appeal to the superior court of Newton County pursuant to section 16.12.180.B.

J. Administration and enforcement.

The city planning and zoning department shall have primary responsibility for administration and enforcement of the provisions of this section and shall have all requisite power and authority necessary to carry out such responsibility, including without limitation entry onto private property for inspections, issuance of administrative orders, and civil or criminal prosecution of violations of said provisions. Additionally, the city may require a bond in an amount not exceeding three thousand dollars (\$3,000.00) per acre of affected wetlands and with surety and conditions sufficient to secure compliance with the conditions set forth in the permit. The particular amount and the conditions of the bond shall be consistent with the purposes of this section. In the event of a breach of any condition of any such bond, the city may institute an action in a court of competent jurisdiction upon such bond and prosecute the same to judgment and execution.

K. Remedies for violations.

1. Violations of the provisions of this section shall be punished as provided in section 16.04.100 of this code. Each violation shall be a separate offense, and, in the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct offense.
2. When a building or other structure has been constructed in violation of this section, the violator may be required to remove the structure, at the discretion of the city.
3. When removal of vegetative cover, excavation or fill has taken place in violation of this section, the violator may be required to restore the affected land to its original contours and to restore vegetation, as far as practicable, at the discretion of the city.
4. If a violation is discovered that also constitutes a violation of any provision of the Clean Water Act (33 USC § 1344) the city shall issue written notification of the violation to the US Environmental Protection Agency, the US Army Corps of Engineers and the owner of the affected wetland.
5. The city may suspend or revoke a permit if it finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work set forth in the permit, and shall promptly provide written notice of such suspension or revocation and the reasons therefore to the holder of the permit.

**14.32.030 Watershed Protection Overlay Zoning District**

A. Scope and applicability.

Pursuant to O.C.G.A. 12-2-8 and the Georgia Department of Natural Resources, Environmental Protection Division's Rules for Environmental Planning Criteria, Chapter 391-3-16, the watershed protection overlay district for small water supply watersheds establishes standards and procedures that apply to any development, use, or alteration of land or structures on any lot which is in whole or in part contained within the boundaries of the watershed protection overlay district for small water supply watersheds.

B. Purpose and intent.

The purpose of this district is to:

1. Provide watersheds and drinking water supplies from activities that could degrade drinking water quality in streams, rivers, lakes, and reservoirs; and
  2. Protect water supply reservoirs from sedimentation, which would reduce their storage capacity, shorten their useful life, and reduce their drought-withstanding capabilities.
- C. Watershed protection overlay district.
- To achieve the purpose and intent of this section, all of the land that drains to the public water supply intake is declared to be within this district, including without limitation:
1. Cornish Creek reservoir (Lake Varner);
  2. Proposed Bear Creek reservoir;
  3. Big Haynes Creek watershed; and
  4. City pond.
  5. The boundaries of these districts are defined by the ridgelines of the respective watersheds and are drawn on the Newton County/city of Covington watershed protection overlay district map, which is available for inspection during office hours in the city of Covington planning and zoning department, 2116 Stallings Street, Covington, Georgia.
- D. Use restrictions.
1. Underground fuel or chemical storage tanks located within permitted areas of these districts shall meet all applicable requirements set by the Georgia Department of Natural Resources, Environmental Protection Division.
  2. Unless existing and legally established prior to the establishment of these districts, and notwithstanding anything contained in the use table to the contrary, the following uses within such districts shall require a special use permit:
    - a. Industries or businesses that distribute or warehouse hazardous material;
    - b. Uses that provide for the sale of fuel for motor vehicles;
    - c. Confined animal feeding operations;
    - d. Landfills or wastewater disposal facilities of any kind (except for septic tanks approved by the Newton County health department);
    - e. Underground or aboveground fuel or chemical storage tanks;
    - f. The manufacture of chemicals and allied products, dairy products, fats and oils, leather tanning, meat, fish and poultry packing, paper and allied products, petroleum and related industries, primary metal, rubber and plastics, or concrete products;
    - g. Junkyards and auto wrecking facilities;
    - h. Bulk storage of petroleum;
    - i. Truck terminals;
    - j. Railroad terminals, classification yards or intermodal freight terminals;
    - k. Auto and truck rental and repair shops;
    - l. Auto and truck washes.
- E. Development standards.
- Within the watershed disturbance of any of the following types of lands is prohibited, except for perpendicular crossings of roadways, drainageways, trails, paths, and utility easements, as approved

by the building official and city engineer based on a site plan conforming to city standards:

1. Riparian buffers as described in section 16.20.040.F of this chapter;
2. Wetlands as determined from field delineations without a permit authorized by section 404 of the Federal Clean Water Act;
3. Areas within the one hundred (100) year floodplain;
4. Areas which have a natural slope in excess of fifteen (15) percent; and
5. Soils with severe limitations according to the United States Department of Agriculture, Natural Resources Conservation Service "Soil Survey for Newton and Rockdale Counties, Georgia, 1999."

F. Buffers.

1. All development and disturbance of land within the watershed shall preserve a natural and undisturbed buffer one hundred (100) feet in width along the shorelines of lakes and banks of rivers identified on the U.S. Geological Survey 7.5 minute quadrangle map. All structures, septic tanks and septic tank drain fields shall be set back a minimum of one hundred fifty (150) feet from the shorelines of lakes and banks of rivers identified in the U.S. Geological Survey 7.5 minute quadrangle map. Roadways, drainageways, paths, trails, and utility easements, shall be allowed to cross riparian buffers in a perpendicular manner, subject to the approval of the building official and city engineer.
2. A natural and undisturbed buffer shall be maintained for a distance of one hundred fifty (150) feet from the boundary of any water supply reservoir.

G. Impervious surface.

The total impervious surface areas, including all public or private structures, utilities or facilities, of the entire water supply watershed shall be limited to twenty-five (25) percent, or existing impervious surface, whichever is greater.

H. Street standards.

Within this district, new collector and local streets may be designed using ten (10) foot travel lanes without curb and gutter, subject to approval by the building official and city engineer. Drainage may be provided through open swale and natural filtration systems unless otherwise required by the city engineer because of topographical or engineering conditions, or in order to ensure compatibility with publicly funded improvements.

I. Required parking areas.

Within this district, minimum parking requirements shall be reduced by ten (10) percent for all nonresidential uses. Parking spaces in excess of the minimum number required by this section shall be constructed of porous or pervious block surfaces, gravel, grass, or other materials approved by the building official and city engineer.

J. Exemptions.

The following uses are exempt from the riparian buffer and setback requirements for this district if they meet the stipulated conditions:

1. Legally established land uses existing prior to the establishment of the district;
2. Mining activities are subject to prior approval by the Department of Natural Resources under the Surface Mining Act;

3. Utilities.
    - a. Utilities must be located as far from any stream bank as reasonably possible.
    - b. Utilities must be installed and maintained to protect the integrity of any buffer area.
    - c. Utilities may not degrade the quality of any drinking water stream;
  4. Forestry and agricultural activities must be consistent with best management practices established by Georgia Forestry Commission or the Georgia Department of Agriculture and shall not impair the quality of drinking water;
  5. Perpetual conservation easements on land within this district must be at least as restrictive as the provisions of this article.
- K. Watershed Protection Overlay for Large Watersheds, Alcovy River/Little River Watershed Protection District.

The provisions of this article are adopted for the purpose of protecting the vital resources of river water in the city, preserving the quality of the water for future use, protecting the wildlife living in the area, and preserving the aesthetic beauty of any river corridor.

1. All land within the Alcovy River watershed and all land within the Little River watershed (excepting land otherwise protected under the provisions of sections 16.20.040.A through J, is contained within the Alcovy River/Little River watershed protection district. The respective watersheds are defined by the ridgelines of the watersheds (excepting the areas protected by sections 16.20.040.A through J of this chapter), and the boundaries of this district are indicated on the Newton watershed protection overlay map which is available for inspection during office hours in the city of Covington planning and zoning department, 2116 Stallings Street, Covington, Georgia.
2. Use restrictions. Underground fuel or chemical storage tanks located within permitted areas of this district shall meet all applicable requirements set by the Georgia Department of Natural Resources, Environmental Protection Division.
3. Development standards.

Within this district, disturbance of any property is prohibited, except for perpendicular crossing of roadways, drainageways, trails, paths and utility easements, as approved by the building official and city engineer.
4. Riparian buffers.
  - a. All development and disturbance of land located within this district shall preserve a natural and undisturbed riparian buffer of one hundred (100) feet in width along the shorelines of lakes and banks of rivers identified on the U.S. Geological Survey 7.5 minute quadrangle map. An additional fifty (50) feet shall be required as a buffer that may be minimally disturbed by natural trails, or naturally landscaped and replanted areas (no sod or grass permitted).
  - b. All impervious surfaces, structures, septic tanks, and septic tank drain fields shall be set back a minimum of seventy-five (75) feet from the shorelines of lakes and banks of rivers identified on the U.S. Geological Survey 7.5 minutes quadrangle map.
  - c. Roadways, drainageways, paths, trails, and utility easements shall be allowed to cross riparian buffers in a perpendicular manner, subject to the approval of the city

engineer, and the natural vegetative buffer shall be restored as quickly as possible following any land-disturbing activity within the buffer area.

5. Street and parking standards.

- a. Within this district, new collector and local streets may be designed using ten (10) foot travel lanes without curb and gutter, subject to approval by the planning and zoning department. Drainage may be provided through open swale and natural filtration systems unless required otherwise by the city engineer because of topographic or engineering conditions, or in order to insure compatibility with publicly funded improvements.
- b. Within this district, minimum parking requirements shall be reduced by ten (10) percent for all nonresidential uses.

6. Exemptions.

The following uses are exempt from the riparian buffer and setback requirements for this district if they meet the stipulated conditions:

- a. Legally established land uses existing prior to the establishment of this district, which shall become nonconforming and shall not be expanded, provided they do not impair or degrade the water quality;
- b. Mining activities are permitted only if authorized by the Department of Natural Resources under the Surface Mining Act and shall not impair or degrade the water quality;
- c. Utilities must be located as far from any stream bank as reasonably possible, installed and maintained to protect the integrity of the buffer and setback areas as best as reasonably possible, and shall not impair or degrade the water quality. Sanitary sewer lines may be installed pursuant to best engineering practices within a buffer, but after such installation the natural vegetative buffer shall be restored as quickly as possible following any land-disturbing activity within the buffer area;
- d. Forestry and agricultural activities that are consistent with best management practices established by the Georgia Forestry Commission or the Georgia Department of Agriculture shall be permitted, provided such activity does not impair or degrade the water quality;
- e. Perpetual conservation easements on land within this district must be at least as restrictive as the provisions of this article.

L. Yellow River Watershed Protection District.

The provisions of this article are adopted for the purpose of protecting the vital resources of river water in the city, preserving the quality of the water for future use, protecting the wildlife living in the area, and preserving the aesthetic beauty of any river corridor.

1. Scope.

All land within the Yellow River watershed, is contained within the Yellow River watershed protection district. This watershed is defined by the ridgelines of the watershed, and the boundaries of the Yellow River watershed protection district are indicated on the Newton County/city of Covington watershed protection overlay map which is available for inspection during office hours in the city of Covington planning and zoning department, 2116 Stallings Street, Covington, Georgia.

2. Riparian buffers.

- a. All development and disturbance of land within this district shall preserve a natural and undisturbed riparian buffer of one hundred (100) feet in width along the shorelines of lakes and banks of rivers identified on the U.S. Geological Survey 7.5 minute quadrangle map.
  - b. All impervious surfaces, structures, septic tanks, and septic tank drain fields shall be set back a minimum of one hundred fifty (150) feet from the shorelines of lakes and banks of rivers identified on the U.S. Geological Survey 7.5 minute quadrangle map.
  - c. Roadways, drainageways, paths, trails, and utility easements shall be allowed to cross riparian buffers in a perpendicular manner, subject to the approval of the city engineer, and the natural vegetative buffer shall be restored as quickly as possible following any land-disturbing activity within the buffer area.
3. Exemptions.
- The uses listed in section 16.20.040.K.6 of this chapter are exempt from the riparian buffer and setback requirements for this district if they meet the stipulated conditions set forth in section 16.20.040.K.6 of this chapter.