

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

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

**SECTION 1**

The 2003 Development Regulations, Newton County, Georgia, are hereby amended as provided in Exhibit "A", attached and incorporated herein by reference thereto.

**SECTION 2**

All ordinances or regulations or parts thereof in conflict herewith are hereby repealed.

**SECTION 3**

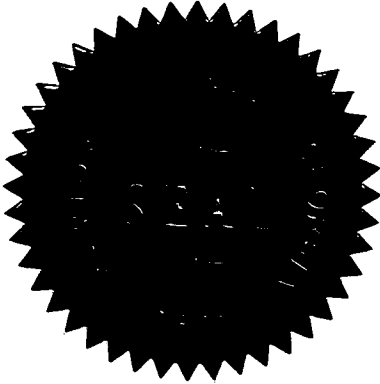
This Ordinance shall be in force and take effect on February 22, 2006. Notwithstanding the effective date of this Ordinance, the following shall apply:

The Amendments to Sections 425-010, 505-050, 605-090, 605-110 F, and 655-060, shall not apply to any development with approved construction plans or for which qualifying construction plans are filed on or before March 6, 2006. Qualifying construction plans shall be defined as plans which substantially comply with the 2003 Development Regulations, as amended through February 21, 2006.

The Amendments to Section 425-020 shall not apply to any development with an approved Land Disturbance Permit or for which a qualifying Land Disturbance Permit application is filed on or before March 6, 2006. A qualifying Land Disturbance Permit application shall be defined as an application which substantially complies with the 2003 Development Regulations, as amended through February 21, 2006.

The Amendments to Section 425-030 and 605-110A shall not apply to any development with an approved Building Permit or for which a qualifying Building Permit application is filed on or before March 6, 2006. A qualifying Building Permit application shall be defined as an application which substantially complies with the 2003 Development Regulations, as amended through February 21, 2006.

Adopted and approved by the Board of Commissioners on the 21st day of February, 2006, after a public hearing on said date.



Newton County Board of Commissioners

By: Aaron Varner  
Aaron Varner, Chairman

Attest: Jackie Smith  
Jackie Smith, Clerk

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Recommended for approval and adoption by the Newton County Planning Commission on January 24, 2006 after a public hearing on said date.

Glover Anderson  
Glover Anderson, Chairman  
Newton County Planning Commission

## **EXHIBIT "A"**

### **AN ORDINANCE TO ADOPT AMENDMENTS TO THE 2003 DEVELOPMENT REGULATIONS, NEWTON COUNTY, GEORGIA**

#### **ARTICLE 1: GENERAL PROVISIONS**

##### **SECTION 110-020 Exemptions**

Amend Section 110-020 by deleting subsection 110-020 E in its entirety and adding in lieu thereof the following:

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

#### **ARTICLE 2: DEFINITIONS**

##### **Section 200-020 Definitions**

Amend Section 200-020 by deleting the definition of Lot, Flag (Panhandle Lot) and inserting and lieu thereof the following:

Lot, Flag (Panhandle Lot)

A lot, whose unusual configuration or placement is necessary due to geometric, topographic, and other physical features that make it impractical to extend a publicly dedicated street to serve lots located in the area, that abuts a publicly dedicated street that has been accepted for maintenance by the county. The "access portion" of a flag lot is the flag stem or panhandle area. Flag lots shall be regulated by Section 505-030 E. of the Newton County Development Regulations.

Amend Section 200-020 by adding the following:

Resubdividing

A change in an approved or recorded subdivision plat, if such change increases the number of lots.

#### **ARTICLE 4: PROCEDURES and DOCUMENT SPECIFICATIONS**

##### **Section 410-010 Minor Residential Subdivision Classification**

Amend Section 410-010 by deleting said section in its entirety and adding in lieu thereof the following:

A proposed development involving the division of a buildable lot of record into two (2) to five (5) lots shall be classified as a minor subdivision, provided that:

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

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

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

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

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

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

#### **Section 415-035 Revisions to Preliminary Plat**

Add Section 415-035 to read as follows:

#### **Section 415-035 Revisions to Preliminary Plat**

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

1. A minor change is one that corrects a drafting or scrivener's error or is otherwise administrative in nature and does not affect how the subdivision will be developed or built. If the Planning Director determines the change is minor, then the Planning Director may review and accept the revised plat.
2. A major change is any other change, including changes that alter how the subdivision will be developed or built, which may include, but is not limited to, the following:
  - a. Increasing the number of lots;
  - b. Decreasing or relocating open space;
  - c. Decreasing or relocating buffers; and
  - d. Opening and/or closing of proposed streets.

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

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

### **Section 415-060 Final Plat Approval**

Amend subsection 415-060 F by deleting said subsection in its entirety and inserting in lieu thereof the following:

F. Final Plat approval shall not be deemed acceptance of any dedications to the public. After Final Plat approval, the developer shall prepare appropriate documents and plans as constructed, if required, and request the County and other appropriate authorities to accept dedicated streets, other public spaces, and utilities. The developer shall be responsible for maintenance of all subdivision Construction Improvements for two years from the date of issuance of the Final Plat. The developer shall provide a maintenance bond in an amount approved by the Board of Commissioners per linear foot of road as required in Division 670.

### **Section 415-062 Revisions to Final Plat**

Add Section 415-062 to read as follows:

#### **Section 415-062 Revisions to Final Plat**

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

1. A minor change is one that corrects a drafting or scrivener's error or is otherwise administrative in nature and does not affect how the subdivision will be developed or built. If the Planning Director determines the change is minor, then the Planning Director may review and accept the revised plat.
2. A major change is any other change, including changes that alter how the subdivision will be developed or built, which may include, but is not limited to, the following:
  - a. Increasing the number of lots;
  - b. Decreasing or relocating open space;
  - c. Decreasing or relocating buffers;
  - d. Opening and/or closing of proposed streets; and
  - e. Relocating major public facilities or utilities

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

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

**Section 415-065 Resubdivision of Land**

Add Section 415-065 to read as follows:

**Sec.415-065 Resubdivision of Land**

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

In addition to the procedures, rules and requirements for a subdivision, any petition for resubdivision shall include the following:

1. The name and address of all owners of record of the land contained in the entire plat;
2. The name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered, or amended;
3. The signature of each of these owners who consents to the petition. A petition that lacks the consent of all owners must first give notice before scheduling for consideration at a public hearing before the Planning Commission. Notice shall be by mail to each owner of property identified in the petition, and shall include the date, place, and time when a hearing will be held to consider the petition. The petitioner shall pay the cost of the notice.

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

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

**Section 420-020 Preliminary Site Plan Review**

Amend subsection 420-020 A as follows:

A. Prior to clearing, grubbing or grading of a site ~~planned~~ for subdivision development, installing any utilities or constructing any buildings, the developer shall submit to the Planning Commission for approval a Preliminary Site Plan of the proposed development prepared in accordance with these Regulations.

## **Section 425-010 Site Development Land Disturbance Permits**

Amend Section 425-010 by deleting said Section in its entirety and inserting in lieu thereof, the following:

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

### **B. Expiration of Site Development Land Disturbance Permits**

#### **1. Expiration of Site Development Land Disturbance Permits**

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

#### **2. Lapse in Construction Activity**

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

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

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

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

D. Issuance of a Site Development Land Disturbance Permit, with regard to single family residential development, does not authorize the grading of an entire area. All land disturbance activities must be in accordance with Best Management Practices (BMPs) and comply with all regulations regarding protected zones or buffer areas.

Limitations are as follows:

1. For single family residential subdivisions requiring septic systems, clearing and grading shall be limited to streets/roads, utility easements and detention. Grading necessary for cut and fill must have approval from the Health Department, and shall be limited to 30% or 30 acres at a time as specified in item 2.

2. For single family residential subdivisions requiring sewer systems, grading shall be limited to 30%, not to exceed 30 acres, at a time. Ponds and other required soil sedimentation measures and facilities are not included in the 30%, or 30 acres. In an Open Space Conservation Residential Overlay subdivision, the 30%, or 30 acres shall apply to the acres outside of the designated open space. Clearing of each 30% or 30 acres shall be designated on the approved plans. The first 30%, or 30 acres, must be stabilized with vegetation, temporary sediment ponds and all BMP's, prior to the clearing of the next 30%, or 30 acres. Residential subdivisions less than 10 acres are exempt from these limitations.

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

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

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

#### **Section 425-020 Land Disturbance Permit**

Amend Section 425-020 by deleting said Section in its entirety and inserting in lieu thereof, the following:

Except as otherwise authorized in Sections 425-010 and 425-020



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

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

1. Required erosion control measures must be installed by the developer and inspected and approved by the Department prior to actual grading or removal of vegetation except for vegetation removal incidental to the installation of required erosion control measures. All control measures shall be in place as soon after the initiation of activities as possible and in coordination with the progress of the project. The applicant shall schedule an inspection. Failure to obtain an inspection may subject applicant to penalties stipulated in this ordinance up to and including issuance of citations.
2. Soil sedimentation facilities must be installed and operational prior to major grading operations.

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

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

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

#### **Section 425-025 Clearing and Grubbing Permit**

Add Section 425-025 to read as follows:

##### Section 425-025 Clearing and Grubbing Permit

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

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

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

### **Section 425-030 Building Permits**

Amend Section 425-020 by deleting said Section in its entirety and inserting in lieu thereof, the following:

Except as otherwise authorized in Sections 425-010 and 425-020

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

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

1. A building permit for a single or two-family residence may be issued after the recording of a Final Plat, or after the lot upon which the building is to be located has otherwise become a buildable lot of record.
2. The approval by the Department of a House Location and Drainage Plan (HLDP), or a Site Plan (SP) may be required before issuance of a Building Permit. Such lots shall be noted during final inspection and indicated on the final plat. For such lots a Certificate of Occupancy shall not be issued until conformance to the SP has been field verified by the Department, or for an HLDP certified by a registered Land Surveyor, Engineer, or Landscape Architect as specified in Sec.415-080. Significant deviations from the approved HLDP plan may require a foundation survey.

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

1. Issuance of a building permit for any principal building shall first require issuance of a Site Development Land Disturbance Permit for the building site. The building permit shall be consistent with the Site Development Land Disturbance Permit, Sec. 425-010.
- B. Unless otherwise permitted under sections 425-020 or 425-010, no Grading or Land Disturbance may commence until an applicable Building Permit has been issued and shall be limited to those activities specifically authorized by permit. A building permit must remain valid, or will expire, as outlined in the Newton County Permit Administrative Procedures Control Ordinance.
- C. Required erosion control measures for residential lots must be installed and inspected and approved by the Department prior to the first building inspection. All erosion control measures shall be in place as soon after the initiation of activities as possible and in coordination with the progress of the project. The NPDES inspector must sign off on the erosion control measures, before the building inspector arrives. Failure to comply may result in a turndown by the building inspector and a re-inspection fee.
- D. Areas outside the limits of disturbance, protected zones or buffer areas as required by a Tree Protection ordinance, conditions of zoning or any other applicable ordinances or regulations shall be designated on the site plan. On the property they shall be designated by survey stakes, flags or other appropriate markings and shall be inspected and approved by the Department prior to commencement of any clearing or grading activities.
- E. If for any reason a building permit expires after land disturbance activities have begun, the applicant shall be responsible for stabilizing the site for erosion control, under the direction of the Department.
- F. A building permit for a single or two-family residence may be issued after the recording of a Final Plat and after the lot upon which the building is to be located has otherwise become a buildable lot of record. See section L. for special exceptions.
- G. Building plans must be reviewed and approved by the Building Official or that person's designee prior to issuance of any permit for any structure, except for single and two-family residences or accessory structures.
- H. **Applicable Codes**  
Building permits for all structures or interior finishes are issued after meeting the applicable requirements of the various health, water, sewer, fire and building codes of Newton County.
- I. **On-Site Sewage Disposal**  
For any structure for which on-site sewage disposal will be provided, a permit issued by the Health Department shall be required prior to issuance of a building permit. The permit may first require approval by the Health Department of a plan

showing the location of the sewage disposal system and other site improvements, in accordance with their regulations.

J. **Swimming Pools.** Issuance of a building permit for a swimming pool as an accessory use to a single or two-family residence, whether to be issued at the same time as or subsequent to the permitting or construction of the house or duplex, shall first require conformance with Section 510-020 of the Newton County Zoning Ordinance, all other applicable Ordinances, and the safety standards of the Newton County Health Department. An approved HLDP may also be required pursuant to Sec. 415-080.

K. **Special Exceptions**

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

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

**Section 450-010 Stormwater Management Plan**

Amend subsection 450-010 H.3 by deleting said subsection in its entirety and inserting in lieu thereof the following:

H. **Proposed conditions:**

3. Proposed storm sewer system with grade, pipe size and location of outlet, both in plan and profile. Storm pipes between residential lots must discharge at least seventy-five feet from the front building line of the residential lot.

Amend subsections 450-010 I and J by deleting said subsections in their entirety and inserting in lieu thereof the following:

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

1. Analysis of drainage areas twenty (20) acres and less in size may be performed using the Rational Method.

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

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

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

1. The composite runoff curve number or runoff coefficient for the site.
2. The peak runoff rate at the point, or points, of discharge for the two (2), five (5), ten (10), twenty-five (25), fifty (50), and one hundred (100) year, design frequency storm event.
3. The capacity of storm sewers, ditches, and other hydraulic structures.
4. For wooded land that has been timbered for less than three years use curve number 55 if using the SCS Method and use  $C=0.25$  if using the Rational Method.

## **ARTICLE 5: SITE DESIGN STANDARDS**

### **Section 505-030 Lots**

Amend subsection 505-030 E. by deleting said subsection in its entirety and inserting in lieu thereof the following:

#### **E. Panhandle or Flag Lots**

1. A lot is considered a flag lot if the access portion length is greater than twice the road frontage, with the following exception: In the AR district a lot with (1) road frontage of greater than 40 feet but less than the district standard and (2) an access portion length of less than twice the road frontage shall be considered a flag lot.
2. Flag lots shall have a minimum road frontage of 40 feet and the access portion must maintain a minimum width equal to the road frontage along its entire length. The maximum length of the access portion shall be 300 feet.
3. Flag lots are allowed only in the following zoning districts: A (Agricultural), RE (Rural Estate) and AR (Agricultural Residential).
4. Flag lots shall not be permitted when their effect would be to increase the number of properties requiring direct and individual access connection to the State Highway System or collector or arterial streets as defined by the Newton County Comprehensive Plan.
5. In no instance shall flag lots constitute more than 10 percent of the total number of building sites, or three building sites, whichever is greater.

6. Shared driveways serving flag lots shall be encouraged. All driveways shall meet or exceed the standards of Section 605-100 D. (Separation of Access Points).
7. The lot area occupied by the access portion shall not be counted as part of the required minimum lot area of that zoning district.
8. Driveways must meet or exceed the standards of Section 605-110, Driveway Design Standards (Newton County Development Regulations).

**Flag Lot Table for A & RE Districts**

<b>Frontage</b>	<b>Length of Access Portion</b>	<b>Type of Lot</b>
Less than 40'	N/A	Not Allowed (no variance)
Equal to or more than 40'	Less than twice the frontage	Standard Lot
Equal to or more than 40'	More than twice the frontage but less than 300'	Flag Lot
Equal to or more than 40'	More than 300'	Not Allowed (variance)

**Flag Lot Table for AR District**

<b>Frontage</b>	<b>Length of Access Portion</b>	<b>Type of Lot</b>
Less than 40'	N/A	Not Allowed (no variance)
Equal to or more than 40' but less than 75'	Less than twice the frontage	Flag Lot
Equal to or more than 40' but less than 75'	More than twice the frontage but less than 300'	Flag Lot
Equal to or more than 40' but less than 75'	More than 300'	Not Allowed (variance)
Equal to or more than 75'	Less than twice the frontage	Standard Lot
Equal to or more than 75'	More than twice the frontage but less than 300'	Flag Lot
Equal to or more than 75'	More than 300'	Not Allowed (variance)

**Section 505-050 Cemeteries**

Amend Section 505-050 by deleting said section in its entirety and inserting in lieu thereof the following:

- A. Cemeteries shall be identified on the Preliminary Plat or Site Development Plans.
- B. Site shall be designed to preserve and protect any identified cemetery through the following minimum means:
  - 1. The boundaries of the cemetery shall be delineated by a qualified archeologist except where the boundaries are clear and unambiguous.
  - 2. The identified cemetery shall be surrounded by a four-foot high fence, with gate, made of black or green clad chain link. Wrought iron fences are also allowed. A 10-foot no-disturbance area shall be located between the cemetery limits and the fence. These shall be included in common area on the Preliminary and Final Plats.
  - 3. Said fence shall meet the following criteria:
    - a. Wire Gauge: 11 ½ to 9 gauge
    - b. Mesh Size: 2-3/8, 2 ¼ or 2-inch
    - c. 2-ounce zinc coating, galvanized after weaving (GAW)
    - d. Color: Polyvinyl chloride coating.
    - e. Toprail: 1-3/8-inch, 16 ga.; line posts: 1-5/8-inch, 16 ga.; terminal posts 1-7/8 inch 16 ga.
    - f. Framework: ASTM specs for strength requirements of steel posts and rails for residential chain link fence 1992 (F761-82) and for stand colors for polymer-coated chain-link fence (F934-96)
    - g. Fittings: ASTM specification F629-96)
    - h. Gate: ASTM specification (F654-91)
    - i. As industry standards change, or for other fencing of comparable quality or longevity, the Director may consider alternatives.
  - 4. The cemetery boundary shall be clearly marked and shall be protected during construction by a four-(4) foot orange fencing installed prior to the commencement of any land disturbance activity.
  - 5. Cemeteries shall not be included in any portion of a lot other than those areas identified as common areas or open space.
  - 6. A 15-foot wide access easement shall be provided from a public road to the cemetery, and made passable, by vehicles, prior to Final Plat approval. Access to the cemetery shall be improved to allow access by visitor's vehicles, and may include gravel and piping.
  - 7. Significant trees or vegetation that are identified by the archeologist as features of the cemetery shall be preserved and protected. Trees shall

have their entire critical root zone, plus an additional 6 feet, protected. If significant trees or vegetation are located outside of no-disturbance area and fence, they shall be protected with orange fencing as required in item B.3.

## **ARTICLE 6: SITE IMPROVEMENTS**

### **Section 605-090 Pavement Standards**

Amend subsection 605-090 G by deleting said subsection in its entirety and inserting in lieu thereof the following:

#### **G. Subgrade**

1. Subgrade preparation on all non-local streets shall be in accordance with Georgia Department of Transportation specifications and these Development Regulations.
2. If any section of the subgrade is composed of topsoil, organic, or other unsuitable or unstable material, such material shall be removed and replaced with suitable material and then thoroughly compacted as specified for fill or stabilized with stone or a geotextile or geo-grid.
3. Fill shall be placed in uniform, horizontal layers not more than 12 inch thick (loose measurement). Moisture content shall be adjusted as necessary to compact material to 95% standard Proctor maximum dry density, except for top 12 inch shall be compacted to 100% standard Proctor.
4. In conjunction with the earthwork within the right-of-way as appropriate, the back-fill shall be thoroughly compacted, a compaction test shall be performed every 2-feet of fill depth every 150 linear feet. The subgrade shall be brought to the lines, grades, and typical roadway section shown on the plans.
5. Utility trenches, including all storm drainage, water and sanitary sewer utilities cut in the right of way shall be back-filled as specified herein, to a 95% compaction test at a rate of one per 150 feet of trench.
6. The subgrade must pass roll testing prior to placement of the base material. Geotextile or grid may be used to stabilize if subgrade does not pass proof rolling.

Amend subsection 605-090 H.1.a. by deleting said subsection in its entirety and inserting in lieu thereof the following:

#### **H. Local and Minor Collector Streets within a Residential Subdivision**

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



a. Crushed Stone Base:

- i. The base shall consist of at least 6 inches of graded aggregate base. After being thoroughly compacted and brought to proper section, the base shall be primed with 0.25 gallon of R.C. 70 per square yard according to Georgia DOT standards the same day it is compacted. After curing properly, two (2) inches of modified "B" binder shall be applied. Prior to applying wearing course, a tack coat shall be applied to the binder course at a rate of no less than 0.05 gallons per square yard. Type of tack shall be approved by the Department prior to placement. An additional one- (1) inch of type "F" wearing course shall be applied.
- ii. At the option of the developer, the final wearing course may be deferred until 70 percent of the houses on the street have been built or prior to the end of the maintenance period (but after the 23<sup>rd</sup> month) whichever occurs first.

Amend subsection 605-090 H by adding subsection H.3 to read as follows:

H. Local and Minor Collector Streets within a Residential Subdivision

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

Amend subsection 605-090 I by deleting said subsection in its entirety and inserting in lieu thereof the following:

I. Local Residential-Rural Roads

1. Certain local residential roads may be constructed without curb and gutter as provided in Section 605-080. The road base shall be extended one (1) foot beyond the edge of the pavement to a standard ditch section on each side. Otherwise the roadway shall comply with the standard for new residential subdivision streets.
2. Newton County may require paving work to pass coring and compaction tests prior to final acceptance. A geo-technical engineer must perform any required testing.

Amend subsection 605-090 J.3. by deleting said subsection in its entirety and inserting in lieu thereof the following:

J. Non-Residential Subdivision or Development Streets

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

### **Section 605-110 Driveway Design Standards**

Amend subsections 605-110 A and F by deleting said subsections in their entirety and inserting in lieu thereof the following:

#### **A. Permits Required**

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

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

1. Storm water may not discharge directly on to County Roads.
2. Driveways that tie into non-curb roads must drain into ditches in the right-of-way.
3. Driveways shall be designed with either a crown, with minimum 2% cross slope, and a swale system on both sides of the driveway, or super-elevated with minimum 2% cross slope, and a single swale on one side.
4. Driveways must meet the separation requirements of Sec. 605-100.D.
5. A Registered Professional Engineer or Registered Landscape Architect must size all pipes under the driveways.
6. Pipes shall be reinforced concrete pipe (R.C.P.) or fully coated (inside and out) corrugated metal pipe (C.M.P). Pipes shall have a flared end section, or a headwall must be used. No crushed ends.
7. Additional grading may be required if roadside ditch is not defined.
8. Erosion control devices must be in place during construction.
9. Maximum slope for driveways must not exceed 20%.
10. Unpaved driveways must have an asphalt or concrete apron. The driveway must be paved from the apron to the right-of-way. This shall not apply to driveways on unpaved roads.

11. Shared driveways must be centered on property line, a maximum width of 18 feet and must extend 50 feet from edge of pavement before separating.
12. Driveways within a developed subdivision served by interior subdivision streets must meet these standards, but shall not require permits.
13. For driveways requiring permits submit one copy of a site plan indicating compliance to the above items with an application for a building permit. Site plan may be County's standard plan, or a plan prepared by a professional. A permit fee shall be submitted based on a schedule approved by the Board of Commissioners.

F. Auxiliary Lanes

2. A deceleration lane, left turn lane, acceleration lane, larger turning radius, traffic islands or other devices or designs may be required to avoid specific traffic hazards which would otherwise be created by the proposed driveway location.
2. Deceleration lanes shall be required for subdivision entrances and non-residential developments along any road. Minimum deceleration lengths are specified below. The Director may vary length requirements based upon a consideration of available sight distance.

Operating Speed	Deceleration Lanes
Subdivision Streets	Not Required
below 55 mph	150' + 50' taper
55 mph and above	200' + 150' taper

3. Left turn lanes shall be required for subdivision entrances and non-residential developments along any road with a speed limit exceeding 35 miles per hour, and meeting the following criteria.
  - a. Left turn lanes shall be required for subdivisions serving 75 or more lots. A waiver may be considered if the applicant can provide documentation, such as a traffic study, signed by a Registered Engineer, and pursuant to Div. 440.
  - b. Left turn lanes shall be required for a non-residential development that generates more than 800 daily vehicle trips per day. A waiver may be considered if an applicant can demonstrate that the use does not generate more than 800 daily vehicle trips. The applicant must provide documentation, such as a traffic study, signed by a Registered Engineer, and pursuant to Div. 440.
  - c. Left turn lanes, storage and tapers geometry shall be designed to GDOT standards.

4. The Director may exercise authority to require additional lanes or traffic studies where physical conditions are such that an additional lane is needed to provide safety.
5. If the applicant fails to acquire the necessary right-of-way needed to provide the improvements, the applicant may apply for a waiver to the Board of Commissioners based on documentation of a good faith effort to obtain right-of-way.

#### **Section 655-060 Fencing Requirements**

Amend Section 655-060 by deleting said section in its entirety and inserting in lieu thereof the following:

##### **Detention Facilities:**

- a. Detention ponds measuring four feet high from structure invert to water elevation based on 100-year W.S.E. shall be surrounded by a 4-foot high, black or green clad chain link fence, with a 20-foot gate. A fence is not needed if using an existing impoundment.
- b. A staff gauge shall be installed in the bottom of the primary sediment storage area of each pond to indicate depth of sediment accumulation.
- c. In residential developments provide a 20-foot access easement from the street to the pond, and a 10-foot access easement around the pond, inside the fence.
- d. Ponds shall be entirely screened from view. Planting subject to the approval of the County Arborist. Natural vegetation may be used if present and sufficiently screens the pond.
- e. Fence shall meet the following criteria:
  - a. Wire Gauge: 11 ½ to 9 gauge
  - b. Mesh Size: 2-3/8, 2 ¼ or 2-inch
  - c. 2-ounce zinc coating, galvanized after weaving (GAW)
  - d. Color: Polyvinyl chloride coating.
  - e. Toprail: 1-3/8-inch, 16 ga.; line posts: 1-5/8-inch, 16 ga.; terminal posts 1-7/8 inch 16 ga.
  - f. Framework: ASTM specs for strength requirements of steel posts and rails for residential chain link fence 1992 (F761-82) and for stand colors for polymer-coated chain-link fence (F934-96)
  - g. Fittings: ASTM specification F629-96)
  - h. Gate: ASTM specification (F654-91)
  - i. As industry standards change, or for other fencing of comparable quality or longevity, the Director may consider alternatives.