

AN ORDINANCE TO AMEND THE NEWTON COUNTY DEVELOPMENT REGULATIONS; TO REPEAL CONFLICTING PROVISIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR FURTHER PURPOSES.

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

SECTION 1

Sec. 200-020 of the Newton County Development Regulations is hereby amended by adding the following new definitions:

SEC. 200-020 DEFINITIONS

Amenity / Amenity Area

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

Cluster Mailbox Units (CBU)

A structure or shelter housing multiple mailbox units to serve each residential dwelling of the development for the expressed purpose of regular mail delivery provided by the United States Post office (USPS)

Enhanced Common Area

An area designed and improved for use by people both for passive and active recreation. Improvements may range from gentle grading and grassing for leisure activities, playing of games or holding an event, up to provision of active amenities like swimming pools and tennis courts.

SECTION 2

Sec. 410-020 of the Newton County Development Regulations is hereby amended by deleting the section in its entirety and replacing it with the following:

Sec. 410-020 MINOR RESIDENTIAL SUBDIVISION PROCEDURES

Minor Residential Plat Review

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

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

I. General

- a. Name, address, and phone number of designer of subdivision plat.
- b. Name, address, and phone number of developer of subdivision.
- c. Name of subdivision or address of project location.
- d. Date of plat preparation with space for revision dates.
- e. North point, identified as magnetic, true or grid.
- f. Sheet size shall be no larger than Fourteen (14) inches wide and sixteen (16) inches long leaving a margin two (2) inches in width on left end for binding purposes, and a one-half (1/2) inch margin on the other three sides. If the complete plat cannot be shown on one sheet of this size, it may be shown on more than one sheet with an index map on a separate sheet of the same size.
- g. Minimum Graphic scale of one (1) inch equals 400 feet.
- h. Appropriate legend of symbols used on plat.
- i. List any conditions of zoning, rezoning, variance and date of approval, if applicable.
- j. Street address as assigned by the Tax Assessor.
- k. Certificates of Review of the Environmental Health Dept. and/or Water and Sewer Authority.

2. Existing Conditions

- a. Zoning district of land to be subdivided and zoning classification of adjoining properties.
- b. Exact boundary lines of the tract indicated by a heavy line giving lengths and bearings. The boundary lines should include the entire tract to be developed. Provide date and source of survey.

- c. Location map showing the parent parcel in relation to the surrounding area at a minimum scale of one inch to 2,000 feet. Include well-known landmarks such as railroads, highways, bridges, creeks, etc. and city and/or county jurisdictional boundaries and land lot lines, if applicable.
 - d. Location of natural features including streams and watercourses with direction of flow on the proposed project.
 - e. Location and/or size of existing cultural features on or adjacent to the proposed subdivision.
 - f. Limits of 100-year floodplain. If none, note indicating such with data source and date.
 - g. Location and square footage of wetland areas.
 - h. Note as to provision of water supply and sewer disposal.
 - i. Existing sewers, water mains, drains, culverts, and other underground facilities or utilities within easements or rights-of-way on or within 300 feet of the tract to be subdivided, as relevant.
 - j. Adjoining property information, lot arrangement and/or adjoining property owners' names, rights-of-way and easements within 300 feet of subdivision.
 - k. Total acreage, minimum dwelling size and minimum lot size of project.
- B. Minor Subdivisions on State Routes require GDOT comments to be submitted to the Planning Department of Development Services along with the Final Plat.
- C. Approval of a Final Plat shall be deemed an expression of approval of the layout submitted, pending fulfillment of the requirements of these Regulations and the conditions of the Final Plat, if any.
- D. If the Final Plat is not recorded within 24 months of approval, the approval shall expire, unless a request for an extension of time has been submitted to and is subsequently approved by the Planning Commission in a public hearing.

SECTION 3

Current Sec. 410-030 of the Newton County Development Regulations is hereby amended by renumbering the section as new Sec. 410-040 as follows:

Sec. 410-040 ADDITIONAL REQUIRED APPROVALS

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

SECTION 4

The Newton County Development Regulations are hereby amended by adding a new Sec. 410-030 as follows:

Sec. 410 -030 NON-RESIDENTIAL SUBDIVISION PROCEDURES

Prior to making any street improvements or clearing or grading a site planned for development, installing any utilities or selling any; parcels the developer shall submit to the Director of Development Services for approval, a plat, showing any combination or subdivision of the proposed lot/s prepared in accordance with these Regulations.

Nonresidential Plat Review

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

1. General

- a. Name, address, and phone number of designer of subdivision plat.
- b. Name, address, and phone number of developer of parcel.
- c. Date of plat preparation with space for revision dates.
- d. North point, identified as magnetic, true or grid.
- e. Sheet size shall be no larger than Fourteen (14) inches wide and sixteen (16) inches long leaving a margin two (2) inches in width on left end for binding purposes, and a one-half (1/2) inch margin on the other three sides. If the complete plat cannot be shown on one sheet of this size, it may be shown on more than one sheet with an index map on a separate sheet of the same size.
- f. Minimum Graphic scale of one (1) inch equals 400 feet.
- g. Appropriate legend of symbols used on plat.
- h. List any conditions of zoning, rezoning, variance and date of approval, if applicable.

- i. Street address as assigned by the Tax Assessor.
- j. Certificates of Review of the Environmental Health Dept. and/or Water and Sewer Authority.

2. Existing Conditions

- a. Zoning district of land to be subdivided and zoning classification of adjoining properties.
- b. Exact boundary lines of the tract indicated by a heavy line giving lengths and bearings. The boundary lines should include the entire tract to be developed. Provide date and source of survey.
- c. Location map showing the parent parcel in relation to the surrounding area at a minimum scale of one inch to 2,000 feet. Include well-known landmarks such as railroads, highways, bridges, creeks, etc. and city and/or county jurisdictional boundaries and land lot lines, if applicable.
- d. Location of natural features including streams and watercourses with direction of flow on the proposed project.
- e. Location and/or size of existing cultural features on or adjacent to the proposed subdivision.
- f. Limits of 100-year floodplain. If none, note indicating such with data source and date.
- g. Location and square footage of wetland areas.
- h. Note as to provision of water supply and sewer disposal.
- i. Existing sewers, water mains, drains, culverts, and other underground facilities or utilities within easements or rights-of-way on or within 300 feet of the tract to be subdivided, as relevant.
- j. Adjoining property information, lot arrangement and/or adjoining property owners' names, rights-of-way and easements within 300 feet of subdivision.
- k. Total acreage, minimum dwelling size and minimum lot size of project.

SECTION 5

Section 415-030 of the Newton County Development Regulations is hereby amended so as to replace the word "Planning Director" with "Director of Development Services" in Subsection A.;

replace the word "Planning Department" with "Department of Development Services" in Subsection B.; amend the number of copies in Subsections B.1. & E.1 from nine (9) to seven (7); and amend the number of days for the Planning Commission to act on a Preliminary Plat in Subsections F. & G. from 45 days to 60 days, as follows:

Sec. 415-030 PRELIMINARY PLAT REVIEW

- A. Prior to making any street improvements or clearing or grading a site planned for development, installing any utilities or selling any lots, the developer shall submit to the Director of Development Services for approval, a Preliminary Plat of the proposed subdivision or development prepared in accordance with these Regulations. All preliminary plat and other engineering data shall be prepared and sealed by a Professional Engineer, Land Surveyor registered in the State of Georgia. The developer shall also provide copies of the Preliminary Plat to all utility companies. A space for Preliminary Plat approval by the Planning Commission shall be provided on the face of the Preliminary Plat.
- B. The deadline for submission of a complete application for preliminary plat review shall be the last Friday of the month previous to the month during which the developer desires Planning Commission action. The application shall include the following:
1. Seven (7) copies of the Preliminary Plat and supporting data.
 2. Signatures of the Environmental Health Department and Water and Sewer Authority.
- E. Preliminary Plat Review
The Department of Development Services shall review the Preliminary Plat for conformance to these and other relevant regulations and shall prepare a report including their comments and recommendations.
1. Preliminary Plat Information
The applicant shall submit seven (7) copies of the Preliminary Plat. The plat shall meet the minimum standards for plat preparation including, but not limited, to:
- F. Action on the Preliminary Plat
No more than 60 days after the official date of submission of the Preliminary Plat, the Planning Commission shall either issue a Preliminary Plat Approval approving the plat; issue a conditional Preliminary Plat Approval, with the conditions of approval noted on the plat or attached; or disapproves the plat or any portion thereof. The action of the Planning Commission shall be noted on two (2) copies of the Preliminary Plat. One copy shall be returned to the applicant and the other copy retained and made a part of the Planning Commission's records. Disapproved plans may be resubmitted or appealed.
- G. Failure to Take Action
Failure of the Planning Commission to act within 60 days of the official date of submission of the Preliminary Plat shall be deemed approval of the plat and a certificate to that effect shall be issued at the developer's request, provided the plat was submitted for approval at least fifteen (15) days prior to the regularly scheduled Planning Commission meeting date on

which action was requested, or the developer does not consent verbally or in writing to an extension of time, if requested by the Planning Commission for further study of the plat.

SECTION 6

Section 415-035 of the Newton County Development Regulations is hereby amended so as to replace the words "Planning Director" with "Director of Development Services"; and replace the words "Planning Department" with "Department of Development Services", as follows:

Sec. 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 Director of Development Services to determine if the revision is a minor or major revision. Revisions of approved plats shall be submitted with a fee in the amount established by the Board of Commissioners per plat for approval.

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

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

SECTION 7

Subsections 415-040 D. & E. of the Newton County Development Regulations are hereby amended to provide consistency of language and clarification as follows:

Sec. 415-040 EFFECT OF PRELIMINARY PLAT APPROVAL

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

of the filing of the notice of appeal. The Board of Zoning Appeals shall review the plat for conformance with zoning conditions, these Development Regulations and other applicable Newton County regulations.

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

SECTION 8

Subsections 415-050 E., G., & K. of the Newton County Development Regulations are hereby amended to give clarification to requirements and add subsections G. 21. & G.22. as follows:

Sec. 415-050 REVIEW OF CONSTRUCTION AND DEVELOPMENT PLANS

- E. The Development Plans shall be clearly and legibly drawn at an engineering scale convenient to illustrate the details of the project. Sheet size shall not exceed 48 inches by 36 inches. Plan and Profile sheets shall have a horizontal scale of no less than 100 feet to 1 inch and a vertical scale of no less than 10 feet to one inch.

G.

- 5. Location (land district and land lot), acreage or area in square feet, Number of lots, square footage of lots, unit density, zone district.
- 6. Location sketch placing the development in relation to the surrounding area with regard to well-known landmarks such as major thoroughfares or railroads. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required but not less than 1 inch equal to 2,000 feet. U.S. Geological Survey maps may be used as a reference guide for the location sketch.
- 11. Natural features within the proposed development, including drainage channels, bodies of water, and other known significant features such as extensive exposed rock. The direction of flow shall be indicated on all water courses leaving the tract. The 100-year floodplain shall be outlined and the source of the depicted floodplain information shall be indicated. The acreage or area in square feet within the floodplain shall be indicated.
- 21. Location of Cluster Box Units. (CBU's)
- 22. Location of street lights.

K. Action on Construction and Development Plans

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

SECTION 9

Section 415-060 of the Newton County Development Regulations is hereby amended so as to replace the word "Planning Director" with "Director of Development Services" in Subsections A.3. & G.; replace the word "Planning Department" with "Department of Development Services" in Subsections E. & G.; amend the number of copies in Subsections A.1. from nine (9) to seven (7); amend the graphic scale in Subsection B.1. from 100 feet to 400 feet; replace the word "Planning Department" with "Tax Assessor" in Subsection B.2.f.; add Subsections B.2.x. & y.; add the word "Provide" to Subsection D.2.g.; correct the number of years from two to three in Subsection F.; and provide clearer language in Subsection F. as follows:

Sec. 415-060 FINAL PLAT APPROVAL

After completion of the physical development, and before selling any lots, a Final Plat together with the required certificates shall be submitted to the Department of Development Services for approval.

A. Final Plat Submission

1. The Planning Director or his/her designee shall approve the Final Plat provided that it conforms to the Preliminary Plat and the Development Plans and after securing signatures of the Tax Assessors Office, Environmental Health Dept. and Water and Sewer Authority. The developer of a major subdivision shall submit: Seven 7 copies of the Final Plat and other documents as needed.

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

B. Final Plat Specifications

The Final Plat must conform to the Preliminary Plat unless reviewed and approved by the Planning Commission. Significant deviation from the Preliminary Plat without approval is grounds for denial of approval of the Final Plat. Non-compliance with the terms of the zoning ordinance, these regulations, or other regulations of Newton County, are also grounds for denial.

- 1.

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

2.

f. Street addresses as assigned by the Tax Assessor.

x. Location of Cluster Box Units (CBU's)

y. Location of Street lights

D.

2.

g. Provide documentation that the Subdivision has been properly registered according to Section 820-020.

E. Action on the Final Plat

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

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

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

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

SECTION 10

Section 415-062 of the Newton County Development Regulations is hereby amended to provide consistency in language as follows:

Sec. 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 Director of Development Services to determine if the revision is a minor or major revision. Revisions of approved plats shall be submitted with a fee in the amount established by the Board of Commissioners per plat for approval.

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

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

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

SECTION 11

Division 420 B. of the Newton County Development Regulations is hereby amended to provide consistency in language as follows:

DIVISION 420: COMMERCIAL, INDUSTRIAL, MULTI-FAMILY AND OTHER DEVELOPMENTS

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

- B. Any manufactured housing rental community, camper/mobile home park/Tiny House Village, or other multi-family residential development.

SECTION 12

Subsection 430-010 B.3. of the Newton County Development Regulations is hereby amended to provide clarity in language as follows:

Sec. 430-010 STATEMENT OF PURPOSE AND INTENT

B.

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

SECTION 13

Division 495 of the Newton County Development Regulations is hereby amended by deleting the Division in its entirety and replacing it with the following:

DIVISION 495: FEES

A. Permit Fees

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

B. Application Fees

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

1. Following the approval of development plans and prior to authorization to begin construction, the developer shall pay into the Treasury of Newton County required inspection, sanitary sewer permit charges, curb cut or other fees as may be established by the Board of Commissioners. Such fees shall not be refundable following issuance of a Development Permit, except upon approval of the Board of Commissioners.
2. Prior to approval of a Final Plat or Certificate of Occupancy, the developer shall provide to the Department of Development Services such recording fees and performance and/or maintenance bonds as shall be required by these regulations and established by the Board of Commissioners.
3. Multiple Reviews: The fee for Plats and Plans includes a total of three (3) reviews per submitted plat or plan. An additional fee of ½ the original submittal fee will be assessed for each additional review.

SECTION 14

Division 460 of the Newton County Development Regulations is hereby amended by adding a new subsection 460-040 to provide regulations for Street Lights as follows:

DIVISION 460: LIGHTING STANDARDS

Section 460-040 Street Lights

- A. Where ever one or more of the following applies, Street lights shall be installed.
 - 1) If the width of the lot at the building line is less than or equal to 100ft.
 - 2) Wherever sidewalks have been installed in subdivisions.
 - 3) Wherever there are sewer lines.
- B. All streetlight locations must be included on the construction and final plats.
- C. New subdivisions may follow the process as set forth in The Newton County Board of Commissioners Code of Ordinances, Streetlight Ordinance Chapter 4, Article 1 Section 4-109 (Division II). (See appendix D)
- D. New Subdivisions may also set up private arrangements with the utility provider but must provide proof of this transaction to the Development Services Department. It will be the responsibility of the HOA to follow up with streetlight provision once the developer/builder leaves.
- E. For existing Subdivisions any streetlight installations shall follow as set forth in the Newton County Board of Commissioners, Code of Ordinances, Streetlight Ordinance Chapter 4, Article 1 Section 4-109 (Division II)

SECTION 15

Division 525 of the Newton County Development Regulations is hereby amended by adding a new subsection 525-050 to provide regulations for when an existing cemetery or grave is found in non-residential developments as follows:

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

Sec. 525-050 CEMETERY, NON-RESIDENTIAL

- A. An existing Cemetery/grave shall be identified in a survey or on the Preliminary plat, Site Development Plan and Final plat.
- B. The site shall be designed to preserve and protect any identified cemetery.

1. The boundaries of the cemetery/grave shall be delineated by a qualified archeologist except where the boundaries are clear and unambiguous.
2. The identified cemetery/grave shall be surrounded by a four-foot high fence, with gate, made of black or green clad chain link or of wrought iron or similar material, fences. A 10-foot no-disturbance area shall be located between the cemetery/grave limits and the fence.
3. Said fence shall meet the following criteria:
 - a. Wire Gauge: 11 ½ to 9 gauge
 - b. Mesh Size: 2-3/8, 2 ¼ or 2-inch
 - c. 2-ounce zinc coating, galvanized after weaving (GAW)
 - d. Color: Polyvinyl chloride coating.
 - 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. A 15-foot wide access easement shall be provided from a public road to the cemetery/grave, and made passable by vehicles, prior to site plan approval. Access to the cemetery shall be improved to allow access by visitor's vehicles, and may include gravel and piping.
6. Significant trees or vegetation that are identified by the archeologist as features of the cemetery/grave shall be preserved and protected. Trees shall have their entire critical root zone, plus an additional 6 feet, protected. If significant trees or vegetation are located outside of no-disturbance area and fence, they shall be protected with orange fencing as required in item B.3.

SECTION 16

Division 615 of the Newton County Development Regulations is hereby amended by deleting the Division in its entirety and replacing it with the following:

DIVISION 615: WALLS, FENCES, MAILBOXES, AND IRRIGATION SYSTEMS

Sec. 615-010 FENCES AND WALLS

- A. No fence or wall (other than subdivision entrance walls, noise abatement walls or tennis court fences) shall be more than eight (8) feet in height or be constructed on public right-of-way or future street right-of-way. If a fence is located in the front yard of a property within a residential district, it shall be no more than six (6) feet in height.
- B. When permanent grades are proposed with a resulting slope steeper than one foot vertical for every two feet of horizontal displacement (2:1), an appropriate retaining structure shall be designed by a registered professional engineer.
- C. When the necessity for an earth retaining structure is required for a vertical displacement of thirty (30) inches or less, appropriate landscaping timbers, or approved equal, may be employed if no permanent structure is supported by the soil retained by the retaining wall.
- D. All wall designs must demonstrate complete dimensions for line and grade. Wall design will consider foundation drainage and select backfill material for the proposed conditions.
- E. Walls shall be located in such a fashion as to not encroach upon existing or proposed drainage easements or drainage courses or floodplains to encumber the natural flow of surface run-off of stormwater. Walls shall be located at a distance from such water courses to allow for anticipated future maintenance of the easement to prevent a safety hazard to maintenance workers or to jeopardize the structural integrity of the wall.
- F. Walls that are not attached to the permitted structure and require a foundation shall be permitted as a free standing structure and shall be inspected as prescribed by the permitting procedure. Walls will be inspected for conformance with the approved design. Any deviation from the approved design will require the engineer of record to submit a certification of the non-conforming structure along with supporting calculations to indicate that the construction is consistent with the initial design parameters. In the event the inspector has not been provided ample opportunity to inspect the structure, the contractor must provide a certification of the construction by the engineer of record and geotechnical reports for concrete testing for strength, reinforcing steel specifications. Failure to comply with the requirements of this Section will require that the remaining work cease and/or removal for non-conformance until the adequacy of structural integrity is demonstrated to the satisfaction of the County Engineer.
- G. Retaining walls that are proposed for the purpose of stormwater retention must be designed in such a way that the walls are capable of a hydro-static load as measured from the top of the foundation footing to the highest elevation along the top of the wall. The hydrological design must allow for a free board dimension of one foot and an emergency overflow capacity equal to the designed peak inflow for the 100-year storm event. The routing calculations should not take into account the existence of the emergency overflow. Place the overflow device above the projected 100-year flood elevation within the detention area.
- H. Retaining walls without foundations that are in excess of 5 feet in height require an engineer-approved design.

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

SECTION 615-020 MAILBOXES

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

A. Cluster Mailbox units (CBU)

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

1. In situations where the U.S.P.S. determines that individual mail delivery will not be available to a new development, the following requirements shall apply:
 - a. Installation of the mailbox *unit(s)*, as well as any associated shelters, lighting, parking, and other related amenities shall be the responsibility of the developer.
 - b. A letter, email or other correspondence from the USPS indicating the type of mail delivery that will be available to the proposed development provided. The correspondence should also indicate either by description or drawing that the proposed location for the cluster Mailbox Unit station(s) if applicable is acceptable to the postal service.
 - c. Maintenance of the mailbox *unit(s)*, as well as any associated shelters, lighting, parking, and other related amenities shall be the responsibility of the homeowners. The establishment of a homeowners' association is strongly encouraged in developments where individual mail delivery will be unavailable.
 - d. Cluster mailbox units shall be prohibited within the public right-of-way.
 - e. Cluster mailbox units, and any associated structures, shall not adversely impact sight distance to any driveway or road intersection, as determined by the Newton County transportation and engineering department. Whenever feasible, the mailbox *unit* should be located within an amenity center.
 - f. Cluster mailbox *unit(s)* shall be located in area(s) that will best allow for vehicle stacking or parking without creating pedestrian safety or vehicle

safety issues, as determined by the Newton County transportation and engineering department.

- g. A paved area with adequate ingress/egress, designed to meet the requirements of the Newton County transportation and engineering department, shall be provided to allow vehicles to pull off the county roadway safely while retrieving mail.
- h. All access to *cluster* mailbox *unit(s)* shall comply with current Americans with Disabilities Act and the Georgia Accessibility Code. Any sidewalks required by other provisions of this Ordinance shall be incorporated into the mailbox area(s).
- i. The mailbox *unit(s)* must be installed according to the manufacturer's standards.
- j. The mailbox *unit(s)* and shelter shall be exempt from the normal setback requirements; however, shelters or other structures must be submitted to the building official for review and must meet all applicable building codes.
- k. Any required *cluster* mailbox station and related improvements shall be installed and approved prior to the recording of the final plat.

SECTION 615-030 IRRIGATION SYSTEMS

Irrigation systems shall be constructed outside the right-of-way. Any damage by Newton County to systems improperly located within the right-of-way shall be the sole responsibility of the owner.

SECTION 17

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

SECTION 18

This Ordinance shall be in force and take effect on March 22, 2017.

Adopted and approved by the Board of Commissioners on the 21st day of March, 2017, after a public hearing on said date.



NEWTON COUNTY BOARD OF COMMISSIONERS

By: Marcello Banes
Marcello Banes, Chairman

Attest: Jackie Smith
Jackie Smith, Clerk

Recommended for approval and adopted by the Newton County Planning Commission on the 28th day of February, 2017, after a public hearing on said date.

NEWTON COUNTY PLANNING COMMISSION

By: Landis Stephens
Landis Stephens, Chairman

Attest: Crystal Dooley
Crystal Dooley, Secretary