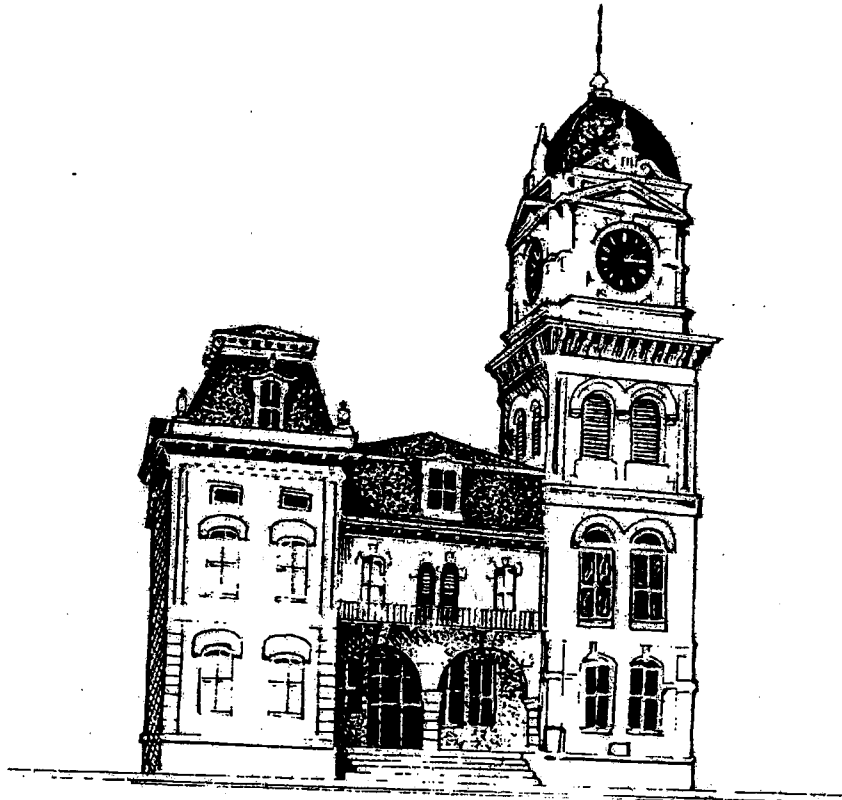


Jackie Smith



**2003 DEVELOPMENT REGULATIONS
NEWTON COUNTY, GEORGIA**

NEWTON COUNTY PLANNING AND ZONING DEPARTMENT
ADOPTED 4 MARCH 2003

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

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

Section 1

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

Section 2

All ordinances or regulations or parts thereof in conflict herewith are hereby repealed.

Section 3

This Ordinance shall be in force and take effect on March 10, 2003. Notwithstanding the foregoing effective date of this Ordinance, the existing Subdivisions Regulations of Newton County, Georgia, adopted May 13, 1985, as amended, shall control any development for which a qualifying Preliminary Plat is filed on or before May 9, 2003. A qualifying Preliminary Plat shall be defined as a plat which substantially complies with the 1985 Subdivision Regulations of Newton County, Georgia, as amended.

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

NEWTON COUNTY BOARD OF COMMISSIONERS

By: *Aaron Varner*
Aaron Varner, Chairman

Attest: *Jackie Smith*
Jackie Smith, Clerk

Seal)

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

Richard Coleman
Richard Coleman, Chairman
Newton County Planning Commission

DIVISION 430: TREE PROTECTION AND LANDSCAPING

Sec. 430-010 STATEMENT OF PURPOSE AND INTENT

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

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

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

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

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

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

Sec. 430-020 GENERAL APPLICABILITY

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

A. On lots one (1) acre or more, a permit shall be required for cutting any tree greater than 36" DBH. A permit shall be granted if the tree is posing a threat to property or safety. A permit shall be granted if the tree removal is necessitated by construction, and there is no possible way to save the tree; under this circumstance, the tree-owner shall be required to plant, either on his property or -- if that is not desired by the owner, or is not feasible -- on County property as determined by the County Arborist, one two (2) inch caliper tree for each four inches of DBH tree cut down, rounded down. (e.g., if a 37" DBH tree is cut down, nine 2" caliper trees must be planted; if a 63" DBH tree is cut down, fifteen 2" caliper trees must be planted).

B. Approval or denial of a permit to cut a tree may be appealed to the Planning Commission by the owner or any adjoining landowner. Appeal may be initiated by filing a notice of appeal with the Planning Commission within thirty days of the date of decision specifying the grounds for appeal. The secretary of the Planning Commission shall transmit the record to the Board within fifteen days, and the Board shall hear the appeal de novo within forty five days of the filing of the notice of appeal.

Sec. 430-030 EXEMPTIONS

The following activities are exempt from the provisions of this Division:

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

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

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

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

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

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

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

B. Definition of spatial limits:

1. Boundaries of property indicating each phase of construction for which a permit authorizing land disturbance is requested;
2. Limits of land disturbance, clearing, grading, and trenching;
3. Utility easements;
4. Limits of 100-year floodplain, delineated wetland, and riparian buffers;

5. Survey of all existing trees over 12"DBH, and trees that are to be counted in the required tree density for the site, indicating their size, location, and species;
6. Tree protection zones;
7. Specimen trees and/or stands of trees; and
8. Areas of re-vegetation, including description of the number, species, and approximate size of trees and shrubbery proposed as (refer to Appendix A for list of tree species and their recommended uses):
 - a. landscaping in parking lots;
 - b. landscaping in transitional buffers;
 - c. street trees; and
 - d. any other landscaping.
9. Location of all proposed or existing buildings, structures, parking areas, driveways, roadways, walkways etc.

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

D. Detail drawings of tree protection measures (where applicable):

1. Tree fences;
2. Erosion control fences;
3. Tree protection signs;
4. Tree wells;
5. Aeration systems;
6. Transplanting specifications;
7. Staking specifications; and
8. Other applicable drawings.

E. Procedures and schedules for the implementation, installation, and maintenance of tree protection measures. Refer to Appendix C for tree protection guidelines during construction).

F. The name, address, and telephone number of the Registered Landscape Architect, Urban Forester, Arborist or Civil Engineer responsible for preparation of the plan along with the seal or statement of professional qualifications.

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

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

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

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

K. Final Inspection

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

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

A. Residential Requirements

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

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

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

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

5. Recommended areas for additional tree preservation and planning include subdivision entrances, contiguous rear/side setbacks outside required drainage easements, external road frontage, streamside buffers, and storm water detention facilities.

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

1. Each lot or development shall contain a minimum of 20 Tree Density Units per acre proportional to the lot size. Each item listed below is inclusive to the 20 tree density units per acre.

a. Each lot or development must contain a minimum of one 2.5" caliper hardwood tree per 50' of roadway, located adjacent to the ROW, and not closer than fifteen (15) feet from any structure.

b. The required tree density shall be accomplished with the preservation of trees, tree planting, or a combination of preservation and planting.

2. All parcels requiring off-street parking spaces shall contain landscaping and planting as follows (these items listed below are inclusive to the 20 tree density units per acre):

a. One (1) shade tree for each seven (7) spaces around the perimeter of The parking lot. Landscaped area shall be a minimum of 10 ft. wide.

b. One (1) shade tree for each seven (7) spaces in the interior of the parking lot. No parking space shall be more than seventy (70) feet from any shade tree. Size of tree islands will be at least ten (10) feet in width, which can be reduced, as determined by the County Arborist and Engineer, if permeable surfacing is employed.

c. Each tree shall be at least 2" caliper and six (6) feet in height at time of planting.

d. The minimum planting area or pervious area around each tree shall be 100 square feet.

e. Trees shall be planted in landscaped strips surrounding the perimeter of the parking lot and shall be planted in planting areas or islands internal to the parking lot. Perimeter planting strips shall be a minimum of ten (10) ft wide.

f. Ground areas shall be sodded, seeded or hydroseeded with grass and/or planted with shrubs and/or groundcover species, and/or provided with other landscaping material or any combination thereof.

g. Planting areas may be recessed below the grade of parking surfaces with curb breaks on upgrade side of planting areas in order to allow natural irrigation of landscape material and percolation of runoff.

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

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

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

C. Tree Credits

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

D. Protection of Trees during Construction

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

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

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

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

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

E. Tree Density Conversion

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

Sec. 430-060 TREE REPLACEMENT STANDARDS

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

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

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

Sec. 430-070 TREE PRESERVATION

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

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

1. Specimen. Any hardwood tree in fair or better condition which equals or exceeds 36 inches DBH and meeting the following standards:
 - a. A life expectancy of greater than 15 years
 - b. A relatively sound and solid trunk with no extensive decay or hollow, and less than 20 percent radial trunk die-back.
 - c. No more than one major dead limb.
 - d. No major insect or pathological problem.

Sec. 430-080 PARKING LOT LANDSCAPING

Parking lots shall be landscaped as required in this Section.

Sec. 430-090 MAINTENANCE

Trees which are used to meet the density requirements for this Division shall be maintained for two (2) years after the date that the Certificate of Occupancy is issued. Landscaping and trees shall be included with other site improvements that are subject to performance bonds. One (1) and two (2) family residential construction is exempt from this section.

Sec. 430- 100 ALTERNATIVE COMPLIANCE

Where the Zoning Administrator has determined that special constraints of a site result in an absolute inability to provide the required tree density, the number of trees will be determined based on site review. The remaining balance of trees may be provided for plantings in common open spaces or on public grounds as determined by the Parks and Recreation Department.

Sec. 430-110 SPECIAL EXCEPTIONS

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

Sec. 430-120 ADMINISTRATIVE VARIANCES

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

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

Sec. 430-130: TIMBER HARVESTING

A. Timber Harvesting shall be exempt from the requirements of this Section, except as follows subject to the following restrictions:

1. In the A-Agriculture, RE 1 & 2 and A-R Agricultural-Residential Zoning Districts, selective tree harvesting is exempt from the requirements of this section.
2. Authorized tree harvesting shall be conducted in compliance with recommended Best Management Practices (BMPs) as established by the Georgia Forestry Commission and shall not be permitted on property that has been subdivided in the past two (2) years.