

Article 10 – Procedures and Permits

Sec. 10-1. - Definitions Referenced.....	10-1
DIVISION I – ANNEXATION AND ZONING POLICY	10-1
Sec. 10-2. - Purpose.	10-1
Sec. 10-3. - Annexation and Zoning Process.....	10-1
Sec. 10-4. - Notice to County.	10-2
Sec. 10-5. - Building Permits.	10-3
DIVISION II – AMENDMENTS TO ZONING ORDINANCE AND MAP	10-3
Sec. 10-6. - Purpose and Intent.....	10-3
Sec. 10-7. - Authority.	10-3
Sec. 10-8. - Applicability.	10-3
Sec. 10-9. - Initiation of Amendment.....	10-3
Sec. 10-10. - Application Submittal Requirements.....	10-4
Sec. 10-11. - Review of Application.	10-9
Sec. 10-12. - Staff Review of Application.	10-10
Sec. 10-13. - Amendment to Application.....	10-11
Sec. 10-14. - Withdrawal of Application.	10-11
Sec. 10-15. - Limitation on Application after Denial.....	10-11
Sec. 10-16. - Conditional Zoning.	10-12
Sec. 10-17. - Proffered Conditions.....	10-13
Sec. 10-18. - Implementation of Conditions of Zoning Approval.	10-13
Sec. 10-19. - Hearing before Planning Commission.....	10-14
Sec. 10-20. - Report by Planning Commission.	10-15
Sec. 10-21. - Hearing before City Council.....	10-15
Sec. 10-22. - Action by City Council.....	10-16
Sec. 10-23. - Evidentiary Matters before City Council.....	10-16
Sec. 10-24. - Public Hearings.	10-17
Sec. 10-25. - Standards of Review.....	10-19
DIVISION III – SPECIAL EXCEPTIONS.....	10-20
Sec. 10-26. - Purpose and Intent.....	10-20

Sec. 10-27. - Applicability.....	10-20
Sec. 10-28. - Authorized Special Exception Uses.....	10-21
Sec. 10-29. - Special Exception Application Submittal Requirements.....	10-21
Sec. 10-30. - Review of Application.	10-21
Sec. 10-31. - Staff Review of Application.....	10-22
Sec. 10-32. - Amendment to Application.....	10-22
Sec. 10-33. - Withdrawal of Application.....	10-23
Sec. 10-34. - Limitation on Application after Denial.....	10-23
Sec. 10-35. - Conditional Approval.	10-23
Sec. 10-36. - Proffered Conditions.....	10-24
Sec. 10-37. - Implementation of Conditions of Special Exception Approval.....	10-24
Sec. 10-38. - Public Hearing.	10-24
Sec. 10-39. - Issues for Consideration.....	10-24
Sec. 10-40. - Effect of Issuance of a Permit for a Special Exception.....	10-26
Sec. 10-41. - Period of Validity.....	10-26
DIVISION IV – SITE DEVELOPMENT PLANS.....	10-27
Sec. 10-42. - Purpose and Intent.....	10-27
Sec. 10-43. - Applicability.....	10-27
Sec. 10-44. - Site Development Plan Requirements.	10-27
Sec. 10-45. - Amendments to Site Development Plans.	10-29
Sec. 10-46. - Content of Site Development Plans.....	10-29

Sec. 10-1. - Definitions Referenced.

The definitions of certain terms referenced in this Article are set forth in the Interpretation and Definitions Article of this Ordinance.

DIVISION I – ANNEXATION AND ZONING POLICY

Sec. 10-2. - Purpose.

The purpose of this Division is to provide a mechanism whereby land, which is subject to annexation by the City of Newnan, shall be evaluated and a zoning district be decided upon to apply to said land upon the annexation becoming final.

Sec. 10-3. - Annexation and Zoning Process.

Upon receipt of an application for annexation of property to the City, such application shall be placed on an agenda of City Council meeting within 60 days of the filing of such application. The City Council shall evaluate the application, and if it is decided that the City will pursue annexation, the zoning request for the property is forwarded to the Planning Commission for a zoning recommendation.

(a) Procedure for Annexation, Application.

Petitioners for annexation must present to the City Manager the following:

- (1) A petition for annexation into the City of Newnan, Georgia (which shall be in the form of a letter and include the petitioners name, mailing address, contact telephone number, and the address or tax map number of the property proposed for annexation).
- (2) A legal description of the property.
- (3) A survey by a licensed and registered land surveyor (which shall show, at a minimum, the extents of the property, size in acres, adjacent property owners, and the existing city limits line).
- (4) An annexation application for zoning approval prepared in accordance with the requirements of Division II of this Article regarding zoning map amendments.

(b) Procedure for Annexation, Process.

- (1) The City Council may reject the application or refer it to the Planning Commission to consider zoning and other relevant planning issues including whether the proposed annexation meets the intent of the Comprehensive Plan and whether the property should be annexed. The procedure for rezoning of the property is identical to that of a conventional rezoning except that the hearing before the Council shall be conducted prior to the annexation of the subject property into the City.

- a. Consideration of the proposed zoning is to follow all procedural requirements of Division II of this Article regarding zoning map amendments, including public notice and public hearings.
 - b. If the annexation is to be passed to the Planning Commission, the City shall notify Coweta County of intent to annex within the time frame specified in Sec. 10-4.
- (2) Upon receiving a recommendation from the Planning Commission, the City Council may choose to proceed with annexation of the property as follows:
- a. A public hearing on the proposed zoning is held by the City Council, but no final action is taken.
 - b. The annexation application is considered by the City Council and either tabled or action is taken to approve or deny the application.
 - c. If the annexation application is approved, the City Council can then take action to approve or deny the proposed zoning. If the annexation application is denied, the proposed zoning is null and void, and no further action by the City Council is to be taken.
- (c) Procedure for Annexation, Effective Date.
- (1) Upon approval of annexation of the property and placing a zoning designation with the property, the City shall submit a report identifying the annexed property with the Department of Community Affairs and with the county in accordance with O.C.G.A. 36-36-3. Such report shall be filed, at a minimum, not more than 30 days following the last day of the quarter in which the annexation becomes effective.
- (2) The zoning classification approved by the City following the hearing shall become effective on the later of:
- a. the date the annexation becomes effective pursuant to O.C.G.A. §36-36; or
 - b. the date the zoning is approved by the Council.

Sec. 10-4. - Notice to County.

- (a) All Annexations into the City of Newnan shall further be subject to the provisions of state law regarding the procedures for resolving annexation disputes.
- (b) Upon receipt by the City of Newnan of a petition for annexation, notice shall be given to the Coweta County Commission in accordance with the provisions of O.C.G.A. §36-36-3. Upon timely receipt of an objection to the annexation by the Coweta County Commission, the applicant shall be notified of the County's objection and proposed action to be taken by the City Council with regard to the objection.

Sec. 10-5. - Building Permits.

No permits shall be issued for construction of a building or any land development activities on newly annexed property until the annexation has become effective under state law.

DIVISION II – AMENDMENTS TO ZONING ORDINANCE AND MAP

Sec. 10-6. - Purpose and Intent.

The purpose of this Division is to provide clear and consistent procedures and requirements for amendments to the Zoning Ordinance and Official Zoning Map.

Sec. 10-7. - Authority.

The City Council may, by ordinance, amend, supplement, change or repeal the provisions of this Ordinance or the boundaries of zoning classifications established in the Official Zoning Map.

Sec. 10-8. - Applicability.

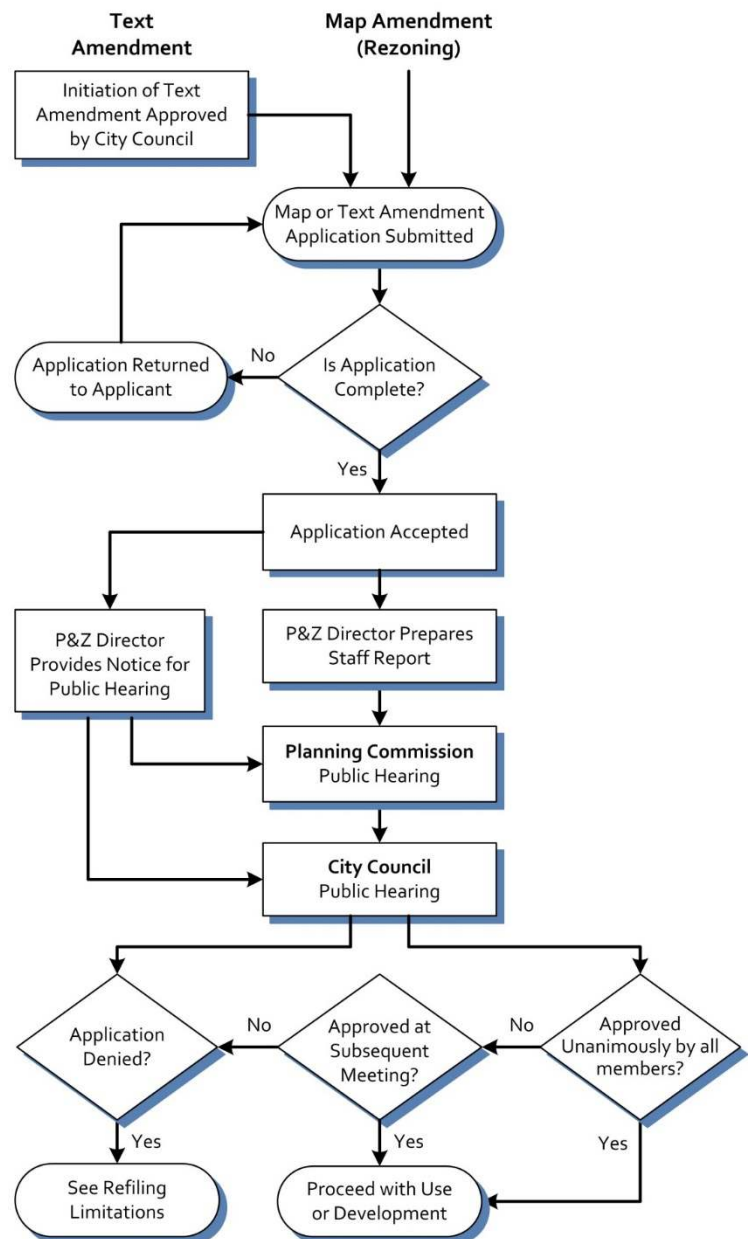
The provisions of this Division apply to any and all amendments to the Zoning Ordinance and Official Zoning Map of the City of Newnan, Georgia subsequent to the date of adoption of this Ordinance.

Sec. 10-9. - Initiation of Amendment.

Either a zoning map or text amendment may be initiated by majority vote of the City Council upon the Council’s own determination, the recommendation of the Planning and Zoning Director, or the Planning Commission. This includes the power of the City Council to adopt an Official Zoning Map of citywide application or to amend the Official Zoning Map in whole or in part.

- (a) In the case of a zoning map amendment, an application may be filed by a person who owns a majority interest in a

Zoning Map or Text Amendment Approval Process



property or is a duly authorized representative of the owner.

- (b) In the case of a zoning text amendment, a landowner may file a request for initiation for consideration by the City Council. The Council shall either initiate the text amendment requested, or deny such request. If initiated, the landowner shall submit a complete application to proceed with the amendment process, as described below.

Sec. 10-10. - Application Submittal Requirements.

A request for an amendment to the Zoning Ordinance text or Official Zoning Map filed by a landowner, or a duly authorized representative, must provide the following information:

(a) Text Amendments.

- (1) An amendment to the Zoning Ordinance text made by a landowner must provide a completed application for a text amendment. The application requires that the applicant be able to satisfactorily answer the following questions:

- a. How has/have the current Zoning Ordinance section(s) that is/are the subject of this application become outdated or no longer in the best interest of the City of Newnan?
- b. How does the proposed change to the text of the Zoning Ordinance better serve the City of Newnan in promoting and protecting the health, safety, morals, convenience, order, prosperity, or general welfare of the City and its citizenry?
- c. How does the proposed text amendment fit with the goals, objectives, and policies of the City of Newnan's Comprehensive Plan, as amended?

- (2) In addition, the following information must be provided along with the completed application:

- a. A letter of intent giving the details of the proposed text change which should include, at a minimum, the following information:
 - 1. What is the purpose of the proposed text change?
 - 2. What is the anticipated benefit of the text change to the petitioner?
 - 3. How may the text change affect other sections of the Zoning Ordinance?
- b. A narrative explaining the benefit to the City anticipated from the text change including expected impact on public services as well as the amount of City land that is expected to be affected by the proposed change.
- c. Completed Disclosure of Campaign Contributions and Gifts form.
- d. Filing fee as specified in the City of Newnan Fee Schedule.

- (3) The petition must be signed by the applicant and duly notarized.

(b) Map Amendments.

- (1) Amendments to the Official Zoning Map requested by a landowner must provide a completed application for a map amendment (rezoning). The application requires that the applicant be able to satisfactorily answer the following questions:
 - a. If different than that needed for this application, please explain how conditions have changed that renders the future land use map designation invalid and no longer applicable?
 - b. If the proposed Zoning Map change is an extension to an existing adjacent zoning district to include this property, please provide an explanation below why the proposed extension should be made?
 - c. If the requested change is not designed to extend an adjacent zoning district, please explain below why this property should be placed in a different zoning district than all adjoining property. In other words, how does this property differ from adjoining property and why should it be subject to different restrictions and use than those applying to adjoining property?
- (2) In addition, the following information must be provided along with the completed application:
 - a. A letter of intent giving the details of the proposed use of the property which should include, at a minimum, the following information:
 1. What the property is to be used for.
 2. The size (in acres if 1 acre or more and in square feet if less than 1 acre) of the parcel or tract.
 3. The zoning classification requested and that which exists at the time of the filing of the application.
 4. The number of lots expected (if subsequent subdivision is planned) and/or the number of dwelling units proposed.
 5. Dwelling unit size, if applicable (if a range, please provide such range).
 6. For nonresidential projects, please provide the density of development in terms of gross square footage per acre.
 7. The number of parking spaces to be provided.
 8. The height of buildings.
 9. Any proposed buffers and modification to existing buffers.
 10. Availability of water and sewer facilities including existing distance to property.
 11. Names and mailing addresses of all owners of all property within 250 feet of the subject property (from County Tax Assessor records). This is encouraged to be submitted in a mail merge data file format.

- b. Legal description of property with a metes and bounds description. This description must establish a point of beginning and from the point of beginning give each dimension bounding the property which the boundary follows around the property returning to the point of beginning. If there are multiple property owners, all properties must be combined into one legal description. If the properties are not contiguous, a separate application and legal description must be submitted for each property. For requests for multiple zoning districts, a separate application and legal description must be submitted for each zoning district requested. A copy of the deed may substitute for a separate description.
- c. One paper copy and one digital file of a certified plat (stamped and dated) drawn to scale by a registered engineer, architect, land planner, land surveyor, or landscape architect, registered in the State of Georgia, shall be submitted. The plat shall include the following information, as applicable:
 1. Boundary survey showing property lines with lengths and bearings.
 2. Adjoining streets, existing and proposed, showing right-of-way.
 3. Locations of existing buildings (dimensioned and to scale), paved areas, dedicated parking spaces, and other improvements on the property.
 4. North arrow and scale.
 5. Adjacent land ownership, zoning and current land use.
 6. Total and net acreage of property.
 7. Proposed building locations.
 8. Existing and proposed driveways.
 9. Lakes, ponds, streams, and other watercourses.
 10. Floodplain, wetlands, and slopes equal to or greater than 20%.
 11. Cemeteries, burial grounds, and other historic or culturally significant features.
 12. Required and/or proposed setbacks and buffers.
 13. Other elements as may be requested by the Planning and Zoning Department staff to explain or clarify the application.
- d. Completed Disclosure of Campaign Contributions and Gifts form. When any applicant or legal representative for a rezoning action has made, within 2 years immediately preceding the filing of an application, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report as an attachment to said application with the City that shows:
 1. The name and official position of the local government official to whom the campaign contribution was made.

2. The dollar amount and description of each campaign contribution made by the applicant to the local government official during the 2 years immediately preceding the filing of the application and the date of each contribution.
- e. Completed Property Owner's Authorization form or Attorney's Authorization form if the applicant and the property owner are not the same.
 - f. An attached sheet with signatures duly notarized when there are multiple owners.
 - g. A community impact study must be submitted if the development meets any of the criteria in this Subsection g. This study shall provide a narrative and include tabular data on the proposed developments impact on schools, roads and streets, and public services including police, fire protection, sanitation, and taxes. The study is required if the development meets any of the following criteria:
 1. Office proposals in excess of 200,000 gross square feet.
 2. Commercial proposals in excess of 250,000 gross square feet.
 3. Industrial proposals which would employ over 500 persons.
 4. Multifamily proposals in excess of 150 units.
 - h. A completed Development of Regional Impact (DRI) form shall be submitted by the applicant to the City of Newnan if the development meets any of the criteria in this Subsection h. The City may provide comment on the proposed project and shall submit the document to the Three Rivers Regional Commission for review and comment. The City may not take final action on any application related to the DRI until the DRI review process has been completed in accordance with the procedures adopted by the Georgia Department of Community Affairs. A DRI form is required if the development meets any of the following criteria:
 1. Office—Greater than 400,000 gross square feet.
 2. Commercial—Greater than 300,000 gross square feet.
 3. Whole & Distribution—Greater than 500,000 gross square feet.
 4. Hospitals and Health Care Facilities—Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day.
 5. Housing—Greater than 400 new lots or units.
 6. Industrial—Greater than 500,000 gross square feet; or employing more than 1,600 workers; or covering more than 400 acres.
 7. Hotels—Greater than 400 rooms.

8. Mixed Use—Total gross square feet greater than 400,000 (with residential units calculated at either 1800 square feet per unit or, if applicable, the minimum square footage allowed by this Zoning Ordinance); or covering more than 120 acres; or if any of the individual uses meets or exceeds a threshold as identified herein.
 9. Airports—All new airports, runways, and runway extensions.
 10. Attractions & Recreational Facilities—Greater than 1,500 parking spaces or a seating capacity of more than 6,000.
 11. Post-Secondary Schools—New school with a capacity of more than 2,400 students, or expansion by at least 25% of capacity.
 12. Waste Handling Facilities—New facility or expansion of use of an existing facility by 50% or more.
 13. Quarries, Asphalt & Cement Plants—New facility or expansion of existing facility by more than 50%.
 14. Wastewater Treatment Facilities—New major conventional treatment facility or expansion of existing facility by more than 50%; or community septic treatment facilities exceeding 150,000 gallons per day or serving a development project that meets or exceeds an applicable threshold as identified herein.
 15. Petroleum Storage Facilities—Storage greater than 50,000 barrels if within 1,000 feet of any water supply; otherwise, storage capacity greater than 200,000 barrels.
 16. Water Supply Intakes/Reservoirs—New facilities.
 17. Intermodal Terminals—New Facilities.
 18. Truck Stops—A new facility with more than 3 diesel fuel pumps; or containing a half-acre of truck parking or 10 truck parking spaces.
 19. Correctional/Detention Facilities—Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day.
 20. Any Other Development Types Not Identified Above (Including Parking Facilities)—1,000 Parking Spaces or, if available, more than 5,000 daily trips generated.
- i. Filing fee payable to the City of Newnan according to the fees as established by City Council.
- (3) The application must be signed by the applicant and duly notarized. It shall be submitted in accordance with a schedule as provided in the application packet.

Sec. 10-11. - Review of Application.

A complete application for a text or zoning map amendment (rezoning), containing all of the applicable information specified in Sec. 10-10, shall be filed and be reviewed pursuant to the following:

(a) Pre-Application Conference.

- (1) Prior to filing a text or rezoning application, an applicant shall meet with the Planning and Zoning Director or designee and discuss his/her intentions with regard to a given application and questions regarding the procedures or substantive requirements of this Ordinance. In connection with all such conferences, the Planning and Zoning Director shall be consulted as appropriate.
- (2) A request for a pre-application conference shall be made to the Planning and Zoning Director. If applicable, the request shall be accompanied by a sketch map of the site, a description of the proposed project or use, and a list of the issues to be discussed at the conference. The Planning and Zoning Director shall respond to each request for a pre-application conference within 15 calendar days.
- (3) No matters discussed at said meeting shall be binding on either the applicant or the City.

(b) Review of Application for Completeness.

No text or rezoning application shall be accepted and reviewed unless determined by the Planning and Zoning Director, or designee, to be complete. A complete application is one which meets such minimum submission requirements as required by Sec. 10-10 within this Ordinance. Within 7 calendar days of filing, each application shall be reviewed to determine if it includes the minimum submission requirements. The City shall maintain a current log of all pending applications. Upon receipt of an application and after a review for completeness, the request for the text or rezoning amendment shall be forwarded to the City Manager's office for inclusion on the next City Council agenda as a referral request to the Planning Commission.

(c) Acceptance of Complete Application.

Within 7 calendar days of receipt of an initial application, the Planning and Zoning Director shall either accept the application, if it is complete, and forward to the applicant a notice of acceptance, or reject the application, if it is incomplete, and forward to the applicant a notice of incompleteness specifying those areas of additional information necessary for review.

- (1) If neither a notice of acceptance nor incompleteness is sent, the application shall be deemed accepted for the purposes of beginning the time limits of this Ordinance on the 21st calendar day after the filing of the application.
- (2) If notice of incompleteness is sent, the applicant may resubmit the application with the additional data required, in which event the Planning and Zoning Director shall

review the resubmitted application in the manner provided in this Section for the application.

- (3) If the application is not resubmitted, the Planning and Zoning Director shall notify the applicant that the original application has been rejected as incomplete.

Sec. 10-12. - Staff Review of Application.

- (a) Referrals.

Upon acceptance of the application for text or zoning map amendment and within the 7-day review period, the Planning and Zoning Director shall forward a copy of the application to any City or state agencies whose comments are necessary or desirable for full and appropriate review of the merits of the application.

- (b) Referral Responsibilities.

Each reviewing agency should, within 7 calendar days of the receipt of a referral, prepare a staff report which sets out in writing its comments and recommendations regarding the application and shall forward such staff report to the Planning and Zoning Director.

- (c) Review of Referrals.

Referral comments shall be obtained and reviewed by the Planning and Zoning Director 14 calendar days after a final application has been accepted. The Planning and Zoning Director shall forward to the applicant a written review of the issues raised by the application.

- (d) Applicant Response.

Upon receipt of the written review, an applicant may request a meeting with the Planning and Zoning Director to discuss the matters contained in the written review and the application generally. Such request shall be in writing and shall include a response to the matters raised in the written review received. If the applicant's response and/or such a meeting results in an amended application, the provisions of Sec. 10-13 of this Article shall apply.

- (e) Required Action By Other Board.

In the event this Ordinance requires that an application not be granted until acted upon by some government board or agency other than the Planning Commission or City Council, then the Planning and Zoning Director shall forward the application for map or text amendment to such board or agency for appropriate action prior to the notification to an applicant that an application is ready to be presented to the City Council or Planning Commission. If they deem it appropriate, the Planning Commission may recommend, and the City Council may approve, an application contingent on required action by the other board or agency.

- (f) Report and Notice to Applicant.

The Planning and Zoning Director shall compile the referrals and any other necessary information, prepare a written staff report with proposed findings and a recommendation, and notify the applicant that the report is complete and the application is ready to be presented to the City Council or Planning Commission, as appropriate, for hearing. The Planning and Zoning Director or designee shall be required to conduct a site visit of the property and the surrounding area.

Sec. 10-13. - Amendment to Application.

A text or rezoning application may be amended by the submittal of additional information or proposed changes in accordance with the following:

- (a) If the additional information or proposed changes to the application are submitted to conform with recommendations made by City staff, then it shall not be deemed an amendment and the application shall continue on its original timeline.
- (b) However, if the additional information or proposed changes to the application are submitted at the applicant's discretion or in response to recommendations made by the Planning Commission, then the Planning and Zoning Director shall review the information and render a finding as to whether the amendment requires re-advertising of the public notice or additional review time by City staff.
- (c) If the Planning and Zoning Director determines re-advertising or additional review time is necessary, the application shall be delayed until the next regularly scheduled Planning Commission meeting and the applicant shall pay an additional rezoning application fee.

Sec. 10-14. - Withdrawal of Application.

- (a) A text or rezoning application may be withdrawn upon written request by the applicant any time prior to the deadline for publication of the notice of public hearing before the City Council; provided that if the request for withdrawal is made after such deadline, such withdrawal shall be only with the consent of the City Council.
- (b) If the City Council consents to the withdrawal of a rezoning application, no new rezoning application concerning any or all of the same property shall be filed within 12 months of the date of withdrawal, unless the City Council specifies at the time it consents to withdrawal that said time limitation shall not apply.
- (c) In the event that a text or rezoning application is withdrawn under any circumstances, the application fee shall not be refunded.

Sec. 10-15. - Limitation on Application after Denial.

After the denial of a rezoning application by the City Council, a rezoning application concerning any or all of the same property shall not be filed within 12 months of the date of denial; provided, however, that the City Council may move to rezone any or all of the same property provided such action occurs not less than 6 months after the date of denial.

Sec. 10-16. - Conditional Zoning.

In adopting a map amendment, the Planning Commission may recommend, and the City Council may impose, special conditions which they deem necessary in order to make the requested action acceptable and consistent with the proposed uses of the district(s) involved and to further the goals and objectives of the Comprehensive Plan. Conditional uses should not be confused with conditions of zoning, which are conditions specific to a development proposal that may be applied by City Council regarding such proposal.

(a) Such conditions may consist of:

- (1) Setback requirements from any lot line.
- (2) Specified or prohibited locations for buildings, parking, loading or storage areas or other land uses.
- (3) Driveway curb cut restrictions.
- (4) Landscaping or planted area which may include berms, or other buffering provisions or protective measures.
- (5) Measures to alleviate undesirable views, light, glare, noise, dust or odor.
- (6) Permitted hours of operation.
- (7) Architectural style.
- (8) A requirement that developers must build according to site plans as adopted.
- (9) A limitation on exterior modifications of existing buildings.
- (10) Acceleration/deceleration lanes and off-street traffic improvements necessary to carry traffic generated by the proposed development.
- (11) Other conditions of approval deemed necessary by the City Council to reduce or avoid potential adverse effects of the development, use or operation of the subject property on the health, safety or general welfare of the public.

(b) Such conditions:

- (1) Shall only be valid if they are included in the motion approving the map amendment.
- (2) Shall be permanent conditions of approval unless a lesser period of time is specified in the approval.
- (3) Shall be required of the property owner and subsequent owners as a condition of their use of the property.
- (4) Shall be permitted and continuously enforced by the City in the same manner as any other provision of this Ordinance.

(c) Change in Conditions of Approval.

Any application that proposes a change in the conditions of approval previously established by the City Council through action on a rezoning shall be considered a new

application and therefore subject to all procedures and provisions of this Ordinance regarding the approval of a map amendment.

Sec. 10-17. - Proffered Conditions.

- (a) As part of an application for a rezoning, the applicant may proffer in writing the provision of reasonable proposed conditions to apply and be part of the rezoning sought to be approved by said application. Proffered conditions may include written statements, development plans, profiles, elevations, or other demonstrative materials.
- (b) Proffered conditions may be included as a condition of zoning approval by the City Council, modified by the City Council, or not included by the City Council in their rezoning approval. Proffered conditions are not binding on the City Council and become effective, in whole, part or as modified, only through inclusion or reference in the motion for approval by the City Council at the time of rezoning approval.

Sec. 10-18. - Implementation of Conditions of Zoning Approval.

- (a) Zoning Conditions Govern Development.

Zoning conditions shall become a part of the zoning regulations applicable to the property unless subsequently changed by an amendment to the Official Zoning Map, which amendment is not part of a comprehensive implementation of a new or substantially revised zoning ordinance, and such conditions shall be in addition to the specific regulations set forth in this Ordinance for the zoning district in question.

- (b) Substantial Conformance Required.

Upon approval of a rezoning with conditions, any site plan, subdivision plat, development plan or other application for development thereafter submitted shall be in substantial conformance with all approved conditions. No development shall be approved by any City official in the absence of said substantial conformance.

- (c) Substantial Conformance Defined.

For the purpose of this Section, substantial conformance shall be determined by the Planning and Zoning Director and shall mean that conformance which leaves a reasonable margin for adjustment due to final design or engineering data but conforms with the general nature of the development, the specific uses, and the general layout depicted by the plans, profiles, elevations, and other demonstrative materials proffered by the applicant.

- (d) Enforcement of Zoning Conditions.

The Building Official, or the Building Official's designee, shall be vested with all necessary authority on behalf of the City Council to administer and enforce zoning conditions. Such authority shall include the ability to order, in writing, the remedy of any nonconformity with a zoning condition and the ability to bring legal action to ensure compliance including injunction, abatement, or other appropriate action or proceedings, as provided for in the

Administration and Enforcement Article of this Ordinance. Any person, group, company, or organization aggrieved by an interpretation of a zoning condition by the Building Official, or the Building Official's designee, may appeal such interpretation as provided by Sec. 10-18(g).

(e) Guarantee for Construction of Improvements.

A guarantee, satisfactory to the City Council, may be required in an amount sufficient for and conditioned upon, the construction of any public improvements required by the approved zoning conditions. This guarantee may be reduced or released by the City Council, or the City Manager on the Council's behalf, upon the submission of satisfactory evidence that the construction of such improvements has been completed in whole or in part. Said guarantee shall be required no later than final site plan approval or subdivision approval.

(f) No Permits Shall Be Issued Not In Compliance With Zoning Conditions.

Failure to meet or comply with any zoning conditions shall be sufficient cause to deny the issuance of any site plan or subdivision approvals, grading permits, zoning permits, building permits, or certificates of occupancy as may be determined appropriate by the Building Official or the Planning and Zoning Director. In addition to the other penalties appropriate for violations of this Ordinance, failure to meet or comply with any zoning conditions shall be sufficient cause to deny the issuance of any development approvals or permits relating to the land area which was the subject of the conditional zoning. To this end, each application for a development approval or permit shall include an affidavit by the applicant that all applicable zoning conditions have or will be complied with as approved by the City Council at the time of rezoning. The burden shall be on the applicant to verify that proposed development complies with any and all approved zoning conditions.

(g) Appeal of Zoning Condition Decision.

Any person aggrieved by a decision of the Building Official or the Planning and Zoning Director regarding any zoning condition may appeal such decision to the City Council. Such appeal shall be filed within 30 calendar days from the date of the decision appealed by filing a notice of appeal with the Planning and Zoning Director. Such notice shall be a written statement specifying the grounds on which aggrieved and the basis for the appeal. Upon receipt of the appeal notice, the City Council shall take such testimony as it deems appropriate and shall render its decision within 60 calendar days after receipt of the appeal notice. The City Council may reverse or affirm wholly or partly, or may modify the decision of the Building Official, or the Planning and Zoning Director, as applicable.

Sec. 10-19. - Hearing before Planning Commission.

No later than 60 calendar days after an application for a text or map amendment has been accepted, the Planning Commission shall hold a public hearing on the application following the procedural requirements of Sec. 10-24(b), provided that adequate legal notice and the posting of signs has been accomplished in accordance with the requirements of Sec. 10-24(a).

Sec. 10-20. - Report by Planning Commission.

- (a) The Planning Commission shall report to the City Council its recommendation with respect to the proposed text or map amendment. With respect to each application, the Planning Commission shall make a recommendation for approval, approval with conditions, denial, continuance, tabling, withdrawal, or no recommendation.
- (b) The Planning Commission need not confine its recommendation to the proposed amendment as set forth in the application, as follows:
 - (1) If the proposed amendment consists of a change in the text of this Ordinance, the Planning Commission may recommend a revision to the proposal.
 - (2) If the proposed amendment consists of a change in zoning district boundaries, the Planning Commission may reduce or enlarge the extent of land that it recommends be rezoned; or it may recommend that the land be rezoned to a different zoning district classification than that requested if, in either case, the Planning Commission is of the opinion that such revision is in accordance with sound zoning practice and the adopted Comprehensive Plan, and is in furtherance of the purposes of this Ordinance. Before recommending a larger extent of land or a rezoning to a more intensive classification than was set forth in the application, the Commission shall hold an additional duly noticed public hearing on the matter.
- (c) In making a recommendation on any proposed text or map amendment, the Planning Commission shall state its reason for such recommendation, describing any changes in conditions, if any, that it believes make the proposed amendment advisable or unadvisable and specifically setting forth the manner in which, in its opinion, the proposed amendment would or would not be in harmony with the adopted Comprehensive Plan and would or would not be in furtherance of the purpose of this Ordinance.
- (d) In formulating its recommendation, the Planning Commission shall give reasonable consideration to the applicable standards of review specified under Sec. 10-25.
- (e) Failure of the Planning Commission to provide a recommendation to the City Council within 60 calendar days after the first meeting of the Commission following the date the proposed amendment has been referred to the Commission or such shorter period as the City Council may direct shall be deemed a recommendation of approval by the Commission.

Sec. 10-21. - Hearing before City Council.

No later than 150 calendar days after an application for a text or map amendment has been accepted, a duly advertised and noticed public hearing shall be held by the City Council regarding an application in accordance with Sec. 10-24. Subsequent to the Planning Commission's review, the City Clerk shall arrange a suitable hearing date for the City Council to consider the application.

Sec. 10-22. - Action by City Council.

After the conclusion of its public hearing, the City Council shall act on the application.

- (a) The City Council need not confine its action to the proposed amendment as set forth in the application.
 - (1) If the proposed amendment consists of a change in the text of this Ordinance, it may act on a revision to the application.
 - (2) If the proposed amendment consists of a change in zoning district boundaries, it may reduce or enlarge the extent of land that it rezones or it may rezone the land to a different zoning district classification than that requested if, in either case, it is of the opinion that such revision is in accordance with sound zoning practice and the adopted Comprehensive Plan and is in furtherance of the purposes of this Ordinance. Before rezoning a larger extent of land or rezoning the land to a more intensive classification than was set forth in the application, the City Council shall hold a further duly noticed public hearing on the matter.
- (b) The City Council shall take action on the proposed amendment as follows:
 - (1) The City Council may deny the amendment by the affirmative vote of 4 of its members.
 - (2) On the same day the public hearing is held, the City Council may approve the amendment, or approve the amendment with conditions, by the unanimous vote of all of its members, except that when a vacancy in the office of the mayor or a councilmember exists, the amendment may be approved by the unanimous vote of all members then holding office.
 - (3) If the amendment is not approved by a unanimous vote on the same day the public hearing is held, the amendment shall be automatically tabled to the City Council's next regular or called meeting, at which time the amendment may be approved, approved with conditions, or denied by the affirmative vote of 4 of its members.
 - (4) If the amendment is not approved, approved with conditions, or denied by the affirmative vote of four of its members at the second meeting, the amendment shall be automatically tabled to the City Council's next regular or called special meeting for further consideration.

Sec. 10-23. - Evidentiary Matters before City Council.

All information, testimony or other evidence presented by an applicant for a text or map amendment shall be presented to the Planning Commission in conjunction with its review and hearing on the application. If the City Council determines that an applicant is presenting evidence which is substantially or materially different from that presented to the Commission, the Council may refer the application back to the Commission for such additional consideration and action as the Council may deem appropriate.

Sec. 10-24. - Public Hearings.

Public hearings shall be conducted for all zoning decisions (as defined in O.C.G.A. §36-66-3), including all text and map amendments. Public hearings shall require public notification that meets the minimum requirements of the Georgia Zoning Procedures Act and the Georgia Open Meetings Act as follows:

(a) Legal Notice.

- (1) Due notice of a public hearing shall be published in a newspaper of general circulation for the City of Newnan in which is carried the legal advertisements of the City of Newnan by advertising the date, time, place, and purpose of the public hearing at least 15 and not more than 45 days prior to the date of each hearing, in accordance with O.C.G.A. §36-66-4.
- (2) If the application is for an amendment to the Official Zoning Map initiated by a party other than the City Council, or initiated by the City Council at the request of a particular property owner, then:
 - a. The published notice, in addition to the foregoing, shall also include the location of the property (address or tax map reference), the present zoning classification of the property, and the proposed zoning classification of the property.
 - b. The Planning and Zoning Director, or his/her designee, shall post a sign at least 15 and not more than 45 days in advance of the hearing. Such sign shall be placed in a conspicuous place on the property for which an application has been submitted. Such sign or signs shall contain information as to the application including the present zoning classification of the property, the proposed zoning classification of the property, and the date, time, and place of the public hearing.
 - c. As a courtesy, letters may be sent by the Planning and Zoning Director to each owner or their designee, as identified from County Tax Assessor records, of any property within 250 feet of the subject property.
 1. The letters shall be sent by regular first class mail and shall include the location of the subject property (address or tax map reference), the present zoning classification of the property, the proposed zoning classification of the property, and the date, time, place, and purpose of the scheduled public hearing.
 2. This notification shall be deemed made to each owner or their designee, as identified from County Tax Assessor records, upon the mailing of the letter, regardless of whether the notice is actually received and regardless of whether ownership of abutting property has changed.
 - d. Appearance of a person at a public hearing shall constitute a waiver of any claims by such person based upon improper publication of the legal notice or posting on the property of the sign required by this Sec. 10-24(a).

(b) Procedures.

The following rules of procedure shall govern public hearings on zoning decisions (as defined in O.C.G.A. §36-66-3), including all text and map amendments and special exception uses before the Planning Commission, Board of Zoning Appeals and/or the City Council. These rules apply to all such public hearing items appearing on any agenda.

- (1) Procedures relating to application, notice, and advertisement of items on the public hearing agenda shall conform to the requirements of state law and this Ordinance.
- (2) Exercise of the zoning power shall address and give due weight to the applicable standards of review contained in this Ordinance.
- (3) The Planning and Zoning Director shall provide copies of the public hearing policies and procedures and the standards for exercise of the zoning power required by O.C.G.A. §36-66-5, which copies shall be available to interested members of the public.
- (4) Applicants or proponents of an item on the public hearing agenda shall be heard first and shall have a minimum of 10 minutes and a maximum of 15 minutes in which to present any information pertinent to the issue to be decided. Such time shall be divided among those wishing to speak in favor of the issue.
- (5) Opponents of the issue may respond and shall also have a minimum of 10 minutes and a maximum of 15 minutes in which to present any information pertinent to the issue to be decided or speak against the application or issue. Such time shall be divided among those wishing to speak.
- (6) Applicants, proponents, and opponents may use any remaining portion of their 10 minutes for rebuttal.
- (7) In the event there is more than one speaker per side, speakers must divide their time in order to complete their full presentation within the allotted time.
- (8) Following the presentation of positions by members of the public, the public hearing shall be closed and no member of the public shall speak without first being addressed by the Commission, Board or Council.
- (9) At the close of the public hearing, time for a recommendation from the Planning and Zoning Director or his/her designee and any other presentation from a member of the administrative staff with information pertinent to the issue to be decided shall be afforded.
- (10) Following the recommendations and presentations by staff, Commission, Board or Council members may ask anyone present to answer specific questions.
- (11) Following questions and/or comments by Planning Commission, Board of Zoning Appeals or Council members, a motion for action on the issue shall be in order.
- (12) Authorized recommendation or action by the Planning Commission, Board of Zoning Appeals or City Council with respect to any motion pending before it shall consist of

one of the following: approval, approval with conditions, denial, tabling, withdrawal, or continuance to a time and date specified in the minutes of the meeting.

- (13) No official action shall be taken except upon the affirmative vote of a majority of the City Council, or a majority of the quorum present of the Board of Zoning Appeals or Planning Commission.

Sec. 10-25. - Standards of Review.

In making a Zoning Decision, the Planning Commission and the City Council shall give reasonable consideration to the following matters:

(a) Text Amendments.

If the request is for an amendment of the text of this Ordinance, the Planning Commission and the City Council shall consider, at a minimum, the following matters:

- (1) Whether the proposed text amendment is consistent with the Comprehensive Plan.
- (2) Whether the proposed text amendment is consistent with the intent and purpose of this Ordinance.

(b) Official Zoning Map Amendments.

If the application is for a reclassification of property to a different zoning district classification on the Official Zoning Map, the Planning Commission and the City Council shall give reasonable consideration to the following matters, at a minimum:

- (1) Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?
- (2) Will the proposed use adversely affect the existing use or usability of adjacent or nearby property?
- (3) Are there substantial reasons why the property cannot or should not be used as currently zoned?
- (4) Will the proposed use cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?
- (5) Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?
- (6) Will the use be consistent with the purpose and intent of the proposed zoning district?
- (7) Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan?
- (8) Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

DIVISION III – SPECIAL EXCEPTIONS

Sec. 10-26. - Purpose and Intent.

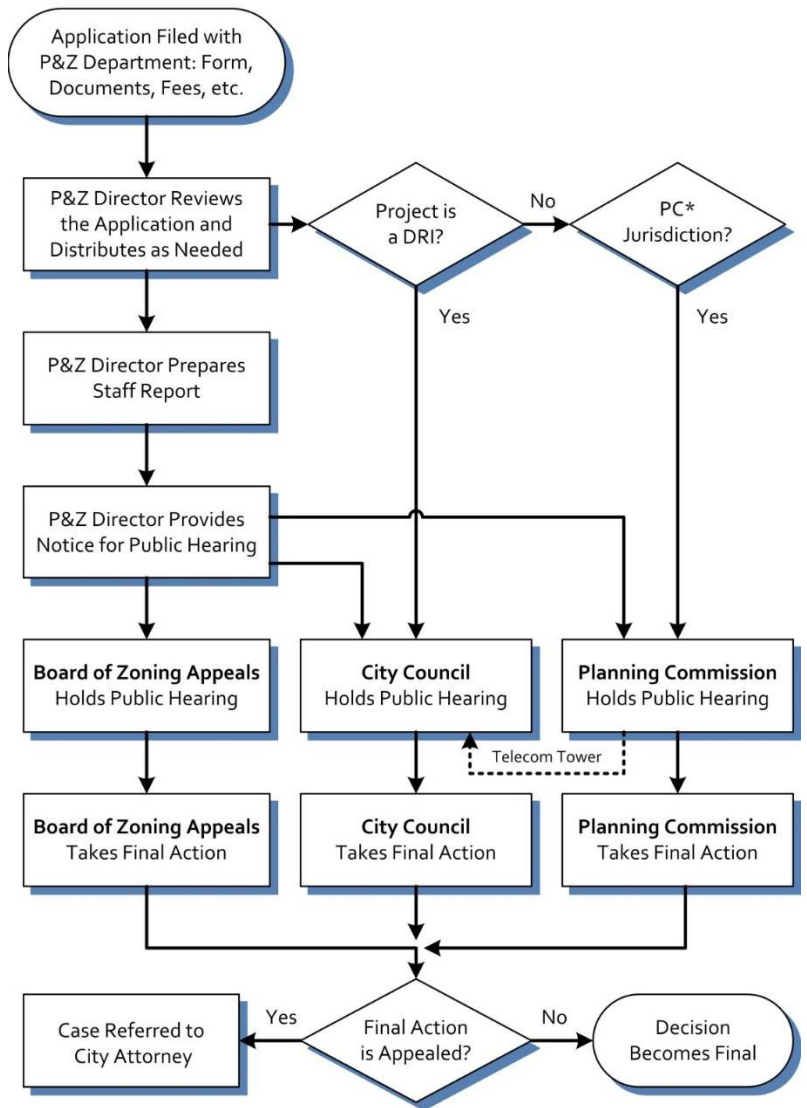
The special exception procedure is designed to provide an opportunity for discretionary review of requests to establish or construct uses or structures which have the potential for a deleterious impact upon the health, safety, and welfare of the public or where the impact of the use on the immediate area or the city in general related to traffic, utilities, or other factors requires additional review criteria or requirements; and, in the event such uses or structures are approved, the authority to impose such conditions that are designed to avoid, minimize, or mitigate potentially adverse effects upon the community or other properties in the vicinity of the proposed use or structure.

Sec. 10-27. - Applicability.

The requirements herein established shall apply to all special exception uses or structures identified in this Ordinance.

- (a) A public hearing shall be held and action shall be taken by the Board of Zoning Appeals on any special exception application in accordance with Sec. 10-38 and Sec. 10-39, except as provided hereunder.
- (b) Under the following circumstances, in lieu of the BZA, special exceptions shall be determined by the Planning Commission or the City Council as follows:
 - (1) The Planning Commission shall review and decide upon special exceptions for properties or projects zoned for planned developments and mixed use projects, and for ground floor residential requests and townhouse developments in the Central Business District (CBD), unless such requests that relate to a property or project that

Special Exception Process



* The Planning Commission has jurisdiction over special exceptions for planned developments, and for ground floor residential requests and townhouse developments in the CBD, and makes recommendations to the City Council regarding telecommunication tower requests.

qualifies as a Development of Regional Impact (DRI) under the criteria contained in Sec. 10-10(b)(2)h.

- (2) The Planning Commission shall hear and make recommendations on special exceptions for telecommunications towers as provided in the Restrictions on Particular Uses Article, for a final decision by the City Council.
- (3) The City Council shall review and decide upon special exceptions for any property or project that qualifies as a Development of Regional Impact (DRI) under the criteria contained in Sec. 10-10(b)(2)h.
- (4) The City Council shall review and decide upon special exceptions for any bed and breakfast inn. See also the Bed and Breakfast Inn section in the Restrictions on Particular Uses Article of this Ordinance.
- (5) All other provisions of this Division shall apply to any such planned development or mixed-use project, CBD request, or DRI, including the provisions for a public hearing under Sec. 10-38 and the issues for consideration under Sec. 10-39.

Sec. 10-28. - Authorized Special Exception Uses.

Only those special exceptions that are expressly authorized as such in a particular zoning district, or elsewhere in this Ordinance, may be approved.

Sec. 10-29. - Special Exception Application Submittal Requirements.

Applications for special exceptions must provide the following information:

- (a) Applications for special exceptions must provide a completed application. The application requests that the applicant be able to satisfactorily answer the following questions:
 - (1) Why is the use proposed as a special exception appropriate for the district and area for which it is being applied for?
 - (2) How is the proposed special exception a benefit to the surrounding neighborhood and city in general rather than a special privilege to an individual property owner?
 - (3) What is the proposed period of time the special exception is requested for?
 - (4) What additional criteria will you proffer to minimize the impact of the special exception on surrounding properties?
- (b) In addition, the same information required for an application for a zoning map amendment under Sec. 10-10(b)(2) must be provided along with the completed application.

Sec. 10-30. - Review of Application.

A complete application for a special exception shall be filed with the Planning and Zoning Director. The application review shall follow the same process as for a text or zoning map amendment described in Sec. 10-11.

Sec. 10-31. - Staff Review of Application.

(a) General Review/Referral.

- (1) Upon acceptance of the application for special exception, the Planning and Zoning Department shall follow the same process for staff review as required for a text or zoning map amendment under Sections Sec. 10-12 (a) Referrals, (b) Referral Responsibilities, (c) Review of Referrals, and (d) Applicant Response.

(b) Required Action by Other Board.

- (1) In the event this Ordinance requires that an application not be granted until acted upon by some government board or agency other than the Board of Zoning Appeals, Planning Commission or City Council, then the Planning and Zoning Director shall forward the application for special exception to such board or agency for appropriate action prior to the notification to an applicant that the application is ready to be presented to the hearing authority (i.e., Board of Zoning Appeals, the Planning Commission or City Council). If they deem it appropriate, the hearing authority may approve an application contingent on required action by the other board or agency.

(c) Special Exception Report and Notice to Applicant.

The Planning and Zoning Department shall compile the referrals and any other necessary information, prepare a written staff report with proposed findings and a recommendation, and notify the applicant that the report is complete and the application is ready to be presented for public hearing by the hearing authority.

Sec. 10-32. - Amendment to Application.

An application for a special exception may be amended by the submittal of additional information or proposed changes to the application after it has been accepted.

- (a) If the additional information or proposed changes submitted are to conform to recommendations made by City staff or by the hearing authority at their public hearing, then it shall not be deemed an amendment and the application shall continue to be processed on its original timeline.
- (b) However, if the additional information or proposed changes submitted by the applicant are at the applicant's request, then the Planning and Zoning Director shall review the information within 15-calendar days of receipt and render a finding as to whether the submitted information necessitates repeating any portion of the review process (including the public hearing).
- (c) If any portion must be repeated, the Planning and Zoning Director will notify the applicant in writing within the 15-calendar day period that the additional information or proposed changes will require an extension of the time limits prescribed in this Section and such notice shall specify the required extension.
- (d) The applicant will then have 15 calendar days to provide the Planning and Zoning Director with a written response either granting the necessary extension or withdrawing the

additional information or proposed changes which necessitated the extension. If the applicant chooses to withdraw the information, then the application will proceed based on its original timeline.

Sec. 10-33. - Withdrawal of Application.

- (a) A special exception application may be withdrawn upon written request by the applicant any time prior to the deadline for publication of the notice of its public hearing; provided that if the request for withdrawal is made after such deadline, such withdrawal shall be only with the consent of the hearing authority.
- (b) If the hearing authority consents to the withdrawal of a special exception application, no new special exception application concerning any or all of the same property shall be filed within 12 months of the date of withdrawal, unless the hearing authority specifies at the time it consents to withdrawal that said time limitation shall not apply.
- (c) In the event that a special exception application is withdrawn under any circumstances, the application fee shall not be refunded.

Sec. 10-34. - Limitation on Application after Denial.

After the official denial of a special exception application, substantially the same application concerning any or all of the same property shall not be filed within 12 months of the date of denial; provided, however, that only the City Council may allow a special exception application to be resubmitted on the same property provided final action on the request will occur not less than 6 months after the date of denial.

Sec. 10-35. - Conditional Approval.

- (a) As part of approving a special exception, the hearing authority may impose such conditions, safeguards and restrictions upon the premises benefited by the special exception as may be necessary to avoid, minimize or mitigate any potentially adverse or injurious effect of such special exceptions upon other surrounding or nearby properties, to carry out the general purpose and intent of this Ordinance, or to further the goals and objectives of the Comprehensive Plan. Conditional uses should not be confused with conditions of approval, which are conditions specific to a special exception request that may be applied by the hearing authority in approving such application.
- (b) Such conditions may consist of any of the same conditions that can be applied to a zoning map amendment under Sec. 10-16(a), and shall be treated in the same manner as required for a zoning map amendment under Sec. 10-16(b).
- (c) Change in Conditions of Approval.

Any application that proposes a change in the conditions of approval previously established by the hearing authority through action on a special exception shall be considered a new application and therefore subject to all procedures and provisions of this Ordinance regarding the approval of a special exception.

Sec. 10-36. - Proffered Conditions.

- (a) As part of an application for a special exception, the applicant may proffer in writing the provision of reasonable proposed conditions to apply and be part of the special exception sought to be approved by said application. Proffered conditions may include written statements, development plans, profiles, elevations, or other demonstrative materials.
- (b) Proffered conditions may be included as a condition of approval by the hearing authority, modified by such applicable body, or not included in their approval of the special exception. Proffered conditions are not binding on the City and become effective, in whole, part or as modified, only through inclusion or reference in the motion for approval at the time the special exception is approved.

Sec. 10-37. - Implementation of Conditions of Special Exception Approval.

Conditions of approval for a special exception shall be implemented in the same manner as for a zoning map amendment under Sec. 10-18.

Sec. 10-38. - Public Hearing.

- (a) No later than one-hundred 120 calendar days after a special exception application has been accepted, a duly noticed public hearing shall be held by the hearing authority (i.e., the Board of Zoning Appeals, the Planning Commission or the City Council, as appropriate), regarding the application.
- (b) Legal Notice of the public hearing shall be given in the same manner as for a zoning decision under Sec. 10-24(a).
- (c) Procedures for holding the public hearing shall be the same as for a zoning decision under Sec. 10-24(b).

Sec. 10-39. - Issues for Consideration.

In considering a special exception application, the following factors shall be given reasonable consideration by the hearing authority. The applicant shall address all the following in its statement of justification or special exception plat unless not applicable, in addition to any other standards imposed by this Ordinance:

- (a) Whether the proposed special exception is consistent with the Comprehensive Plan.
- (b) Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control.
- (c) The level and impact of any noise emanating from the site, including that generated by the proposed use, in relation to the uses in the immediate area.
- (d) The glare or light that may be generated by the proposed use in relation to uses in the immediate area.

- (e) The proposed location, lighting and type of signs in relation to the proposed use, uses in the area, and the sign requirements of this Ordinance.
- (f) The compatibility of the proposed use with other existing or proposed uses in the neighborhood, and adjacent parcels.
- (g) The location and area footprint with dimensions (all drawn to scale), nature and height of existing or proposed buildings, structures, walls, and fences on the site and in the neighborhood.
- (h) The nature and extent of existing or proposed landscaping, screening and buffering on the site and in the neighborhood.
- (i) The timing and phasing of the proposed development and the duration of the proposed use.
- (j) Whether the proposed special exception will result in the preservation or destruction, loss or damage of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance.
- (k) Whether the proposed special exception at the specified location will contribute to or promote the welfare or convenience of the public.
- (l) The traffic expected to be generated by the proposed use, the adequacy of access roads and the vehicular and pedestrian circulation elements (on and off-site) of the proposed use, all in relation to the public's interest in pedestrian and vehicular safety and efficient traffic movement.
- (m) Whether, in the case of existing structures proposed to be converted to uses requiring a special exception, the structures meet all code requirements of the City of Newnan.
- (n) Whether the proposed special exception will be served adequately by essential public facilities and services.
- (o) The effect of the proposed special exception on groundwater supply.
- (p) The effect of the proposed special exception on the structural capacity of the soils.
- (q) Whether the proposed use will facilitate orderly and safe road development and transportation.
- (r) The effect of the proposed special exception on environmentally sensitive land or natural features, wildlife habitat and vegetation, water quality and air quality.
- (s) Whether the proposed special exception use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.
- (t) Whether the proposed special exception considers the needs of agriculture, industry, and businesses in future growth.
- (u) The effect of the proposed special exception use in enhancing affordable shelter opportunities for residents of the City.

- (v) The location, character, and size of any outdoor storage.
- (w) The proposed use of open space.
- (x) The location of any major floodplain and steep slopes.
- (y) The location and use of any existing nonconforming uses and structures.
- (z) The location and type of any fuel and fuel storage.
- (aa) The location and use of any anticipated accessory uses and structures.
- (bb) The area of each use; if appropriate.
- (cc) The proposed days/hours of operation.
- (dd) The location and screening of parking and loading spaces and/or areas.
- (ee) The location and nature of any proposed security features and provisions.
- (ff) A description of any features above the roof line of any structures.
- (gg) The number of employees.
- (hh) The location of any existing and/or proposed adequate on and off-site infrastructure.
- (ii) Any anticipated odors which may be generated by the uses on site.
- (jj) Whether the proposed special exception uses sufficient measures to mitigate the impact of construction traffic on existing neighborhoods and school areas.

Sec. 10-40. - Effect of Issuance of a Permit for a Special Exception.

The issuance of a permit for a special exception shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals which may be required by the codes and ordinances of the City, including, but not limited to, a building permit, a certificate of occupancy, site plan and subdivision approval.

Sec. 10-41. - Period of Validity.

As a condition of approval, a special exception may be granted by a hearing authority for a specific period of time, with expiration of the approval to occur at the termination of said period. In such case, an extension may be granted by the original approving body, upon written application in accordance with the requirements for an initial application for a special exception.

DIVISION IV – SITE DEVELOPMENT PLANS

Sec. 10-42. - Purpose and Intent.

The purpose of this Division is to protect the public health, safety, and general welfare by reviewing elements of site development plans and:

- (a) To prevent or minimize traffic and transportation conflicts and hazards.
- (b) To ensure that sufficient parking and other facilities are present.
- (c) To insure that adequate light and air are available.
- (d) To prevent or minimize overcrowding.
- (e) To allow for cost-saving efficiencies.
- (f) To prevent or minimize environmental damage resulting from the development.
- (g) To provide for efficiencies and coordination with adjacent properties and the right-of-way.
- (h) To prevent or minimize flooding and flood damage.

Sec. 10-43. - Applicability.

Any developer of any tract of land situated within the corporate limits of the City of Newnan shall submit site development plans for the following:

- (a) All applications for a building permit.
- (b) All applications for a land disturbance permit.
- (c) When an existing residential use is proposed for a change to a commercial, industrial, institutional, or multifamily use.
- (d) When an alteration is proposed to the site improvements or design of a previously approved development plan.
- (e) Other times as may be required by city ordinance.

Sec. 10-44. - Site Development Plan Requirements.

- (a) The developer shall submit 4 full sets of site development plans no larger than 30" x 42" along with a completed application form to the Planning and Zoning Department for staff review along with all other documents specified in this and other applicable ordinances of the City of Newnan. The Department may require more or fewer copies of the site development plans as is deemed necessary for staff to carry out a substantive review.
- (b) Determination of Minimum Requirements.
 - (1) Upon receipt of the site development plans and completed application, the Planning and Zoning Department shall determine, within 10 working days, if the site development plans contain all of the information required by all applicable rules and regulations. If all plans and related documents are determined to be complete, the

Department shall forward said plans to all applicable review agencies. Upon making a determination that all documents are complete, the site development plan application shall be deemed to be officially received and the date of such official receipt shall establish the filing date. The determination that submission of site development plans qualifies to be officially received shall not be deemed a determination that the plans meet the requirements for plan approval.

- (2) Once an application for review of site development plans has been submitted for a particular site, any plan application submitted thereafter for the same property while the initial application is still pending shall be deemed a withdrawal of the initial application.
- (c) Limitation on Review Period; Approval; Disapproval.
- (1) Within 60 days after the receipt of the site development plans, the Planning and Zoning Director shall be authorized to approve such plans, after approval of the City Engineer and the City Landscape Architect, provided that the requirements and provisions of this Ordinance and other applicable codes and ordinances have been met.
 - (2) If such requirements are not met, the Planning and Zoning Director shall not approve such site development plans. Specific reasons for disapproval shall be set forth in writing and shall identify deficiencies in the plans which cause disapproval by reference to specific duly adopted codes, ordinances, regulations, or policies, and shall generally identify such modifications or corrections as will permit approval of the plans. A disapproval may be appealed to the Board of Zoning Appeals in accordance with the provisions of the Appeals Article of this Ordinance. Nothing herein shall be interpreted so as to preclude the filing of new site development plans for the same development or property if no such appeal is pending.
- (d) Commencement of Construction.
- (1) Upon approval of the site development plans, the applicant shall submit a digital set of the approved plans to the Planning and Zoning Department. Such digital file shall be compatible with the City's digital mapping system, and shall be a required precedent to issuance of any building or development permit or any other authorization to proceed with development of or construction on the property.
 - (2) After approval of site development plans, construction shall commence within 1 year of the date of approval or the plans shall be deemed void. Construction for the purpose of this Division shall be defined as to include the placing of construction materials in permanent position and fastened in a permanent manner and work carried on to complete construction in a diligent manner. Where excavation or demolition or removal of an existing building has been substantially begun prior to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.
- (e) Extensions.

An extension of the validity of the site development plans may be made on an annual basis by the Planning and Zoning Director upon written request by the owner or developer. The reasons for this request must be clearly stated. The Director may deny the request if the reasons submitted with the request do not demonstrate that development, in accordance with the approved site development plans, has been diligently pursued. In conjunction with the request for any extension, the site development plans shall be reviewed for conformance with all the requirements and provisions of this Ordinance and other applicable codes and ordinances, at the time such review is undertaken. No extension shall be granted until any nonconformance is corrected.

(f) Assignment of Addresses.

Prior to approval of the site development plans and any related performance agreements and surety, the developer shall submit a request for assignment of addresses as required by the City. Building permits shall be issued in accordance with the approved site development plans and other applicable building permit criteria following the assignment of addresses.

(g) Review Fees for Site Development Plans.

Review fees for site development plans shall be as established by the City Council through adoption from time to time of the City of Newnan Fee Schedule.

(h) Upon approval, a digital copy of the site development plans, as approved, must be provided in a format acceptable by the City of Newnan.

Sec. 10-45. - Amendments to Site Development Plans.

Amendments to site development plans may be submitted at any time and shall be considered a replacement to the original or pending plans. Amendments shall have the same requirements as initial submittals and shall follow the same procedures as provided in Sec. 10-44.

Sec. 10-46. - Content of Site Development Plans.

(a) A site development application shall include a completed and signed application form and the applicable review fee. All site development plans must be stamped and signed by a professional engineer registered in the State of Georgia, and shall include 4 full sets, at a minimum, the following:

- (1) A Site Plan containing the following information:
 - a. Developer name, address and phone number.
 - b. Vicinity map of the site showing location.
 - c. North arrow and scale.
 - d. 24-hour contact.
 - e. Width and location of any adjoining street right-of-way.

- f. Lengths and bearings of property lines.
 - g. Area of property (square feet and acres).
 - h. Area of open space (square feet and acres).
 - i. Outlines of existing and proposed buildings and structures on the site indicating ground floor area (footprint) and total floor area of each.
 - j. Setbacks from property lines indicated by labeled setback lines or dimensioned arrows (drawn square to the lot lines) from the lot lines to the nearest point of building(s).
 - k. Distance between buildings (on-site only).
 - l. Number of dwelling units in existing and proposed buildings.
 - m. Number of off-street parking spaces (including required handicapped spaces) and loading spaces. Applicant must also submit the calculations performed using the parking requirements contained in the Ordinance. The size and distribution of proposed parking spaces shall also be provided.
 - n. Any buffer strips or tree save areas.
 - o. Proposed location and size of freestanding signs.
 - p. Flood plain boundaries or disclaimer statement. Disclaimer statement must include the panel number of the Flood Insurance Rate Map (FIRM).
 - q. Zoning of the subject and adjacent lands.
 - r. A description of the ownership of adjacent lands (name, plat book and page number or deed book and page number).
 - s. Dimensions and spacing of driveway entrances.
 - t. Acceleration/Deceleration lanes (if required).
 - u. Curb and gutter shown.
 - v. Sidewalk shown.
 - w. Date parcel was subdivided into present configuration.
- (2) A Grading Plan prepared in accordance with city standards and acceptable engineering practices. Checklists for Grading Plans are available from the Engineering Department.
- (3) An Erosion Control Plan prepared in accordance with city standards and the regulations of the Georgia Environmental Protection Division. Checklists for Erosion Control Plans are available from the Engineering Department.
- (4) A Tree Protection Plan prepared in accordance with the City of Newnan Tree Preservation and Landscape Ordinance. Checklists for Tree Protection Plans are available from the Beautification and Parks Department.

- (5) A Landscaping Plan prepared in accordance with the City of Newnan Tree Preservation and Landscape Ordinance. Checklists for Landscaping Plans are available from the Beautification and Parks Department.
 - (6) Street profiles with cross sections at 50-foot intervals, if applicable.
 - (7) Stormwater Hydrology Calculations prepared in accordance with the City of Newnan Stormwater Detention Regulations, if applicable.
 - (8) Any other applicable information as may be required by the City Engineer, City Landscape Architect, or Planning and Zoning Director.
- (b) Site development plans submitted as part of a building permit application for construction of a single family residence, or other minor construction as determined by the Building Official, only requires the stamp and signature of a Registered Land Surveyor. Such plans shall be exempt from elements (2), (3), (4), (5), (6) and (7) of this Section, above.