

# Article 9 – Environmental Protection

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## **DIVISION I – OPEN SPACE, CONSERVATION, AND RECREATION (OCR) DISTRICT**

### **Sec. 9-1. - Purpose and Intent.**

The Open Space, Conservation, and Recreation (OCR) district is intended to preserve public and private open space and natural areas as identified on the future land use map and/or future development map of the Comprehensive Plan and/or on the Official Zoning Map of the City of Newnan. These areas serve a number of functions including:

- (a) Providing opportunities for outdoor recreation;
- (b) Providing contrasts to the built environment;
- (c) Preserving scenic qualities;
- (d) Protecting sensitive or fragile environmental areas;
- (e) Preserving the capacity and water quality of the stormwater drainage system; and
- (f) Ensuring that critical water supply reservoirs and watersheds are protected.

### **Sec. 9-2. - Allowed Uses.**

- (a) Sustainable agriculture and forestry, subject to the following site restriction:
  - (1) Buildings shall be set back from all property lines 3 feet for each foot of building height.

- (b) Undeveloped and protected open space;
- (c) Passive recreational uses such as nature preserves, interpretive centers, walking and bicycling trails, picnic areas, community gardens and other low-impact outdoor recreation, subject to the following site restrictions:
  - (1) Such uses shall not exceed an impervious surface of 5% of the entire project area.
  - (2) Buildings shall be set back from all property lines 2 feet for each foot of building height.
- (d) Active recreation uses and outdoor activity facilities such as playgrounds, public or private parks, sports fields and courts, swimming pools, and golf courses, but specifically excluding amusement and water parks, golf driving ranges and miniature golf courses, go-kart facilities, sports and/or entertainment complexes, BMX or motocross facilities, or other uses inconsistent with the purpose and intent of the OCR District. The following site restrictions shall apply:
  - (1) Such uses shall not exceed an impervious surface of 10% of the entire project area.
  - (2) Buildings shall be set back from all property lines 2 feet for each foot of building height.
  - (3) Outdoor activity facilities, such as swimming pools, basketball courts, tennis courts, or baseball diamonds shall be set back a minimum of 50 feet from abutting residentially zoned or used properties and 25 feet from all other properties.
  - (4) Playground facilities shall be set back a minimum of 25 feet from all residentially zoned or used properties if not illuminated and 50 feet if illuminated.
- (e) Cemeteries, subject to the following site restrictions:
  - (1) Cemeteries shall be between 10 and 25 acres in size;
  - (2) Such uses shall not exceed an impervious surface of 5% of the entire project area; and
  - (3) Buildings shall be set back from all property lines 2 feet for each foot of building height.
- (f) Boat ramps, subject to the following site restriction:
  - (1) Such uses shall not exceed an impervious surface of 5% of the entire project area.

**Sec. 9-3. - Prohibited Uses.**

Any use not specifically listed in Sec. 9-2 above as an allowed use shall be prohibited.

**Sec. 9-4. - Additional Standards.**

- (a) Parking and Loading.

All uses must meet the applicable parking and loading standards as provided in the Parking and Loading Requirements Article.

- (b) Signs.

Signage shall be limited to one monument sign not to exceed 6 feet in height and constructed of natural materials such as a brick or stone base, a cedar or redwood face, and shall be limited to one building sign per façade not to exceed 50 square feet. Miscellaneous freestanding signs no greater than 4 square feet in sign face area nor more than 6 feet in height may be provided in

accordance with the requirements and definition for miscellaneous freestanding signs in the Sign Regulations Article.

## **DIVISION II – FLOOD HAZARD REGULATIONS**

### **Sec. 9-5. - Applicable Regulations.**

Uses and development shall be subject to the requirements of the City of Newnan Code of Ordinances, Floodplain Management and Flood Damage Prevention Ordinance, as may be amended from time to time.

## **DIVISION III – WATER RESOURCE PROTECTION DISTRICTS ESTABLISHED**

### **Sec. 9-6. - Purpose.**

The establishment of Water Resource Protection Districts is to define minimum development standards and criteria, which will afford reasonable protection of environmentally sensitive natural resources found throughout the city. Based on the findings of the City of Newnan Comprehensive Plan, it has been determined the wise management of these resources is essential to maintaining the health, safety, general welfare and economic well-being of the public.

### **Sec. 9-7. - Definitions Referenced.**

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

### **Sec. 9-8. - Types of Water Resource Protection Districts.**

- (a) The Water Resource Protection Districts shall include the following:
  - (1) Groundwater Recharge Area Protection District.
  - (2) Wetlands Protection District.
  - (3) Water Supply Watershed District.
- (b) The boundaries of these Water Resource Protection Districts are shown on a set of maps designed as “Overlay District” and are included as part of the Official Zoning Map, which is on file with the City Clerk's office.

### **Sec. 9-9. - Groundwater Recharge Area Protection District.**

- (a) Description.

Recharge areas are vulnerable to urban development activities as well as agricultural activities. Pesticides, herbicides sprayed on crops, animal waste, and septic tank effluents contribute to a deterioration in the groundwater quality and can threaten the health of residents relying on well water. Development usually means an increase in the amount of land covered with impervious surfaces. Paving land in recharge areas can alter or impair their recharge characteristics thereby decreasing groundwater supplies.
- (b) Purpose.

The purpose of the Groundwater Recharge Area Protection District is to establish criteria to protect significant groundwater recharge areas from pollution by spills, discharges, leaks, impoundments, application of chemicals, injections and other development pressures.

(c) District Limits.

The groundwater recharge area protection map is delineated according to the Georgia Department of Natural Resources' "Significant Recharge Areas, Hydrological Atlas 18 (1989 Edition)" and the Georgia Department of Natural Resources' "Pollution Susceptibility Map Hydrological Atlas 20, 1992 Edition." Standards for this district shall comply with the DNR Rule 391-3-16-.02 Criteria for Protection of Groundwater Recharge Areas.

(d) Criteria in Significant Recharge Areas.

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

(2) New Agricultural Waste Impoundment Sites.

a. All new agricultural waste impoundment sites shall be lined if they are within:

1. A high pollution susceptibility area; or
2. A medium pollution susceptibility area and exceed 15 acre-feet; or
3. A low pollution susceptibility area and exceed 50 acre-feet.

b. Construction Standards.

As a minimum, the liner shall be constructed of compacted clay having a thickness of one-foot and a vertical hydraulic conductivity of less than  $5 \times 10^{-7}$  cm/sec or other criteria established by the U. S. Soil Conservation Service. (The average size of existing agricultural waste impoundments in Georgia is about 15 acre-feet; sheep-foot rollers or pans with heavy rubber tires, which are normal equipment for most Georgia earth-moving contractors, should be able to compact clay to the recommended vertical hydraulic conductivity.)

(3) Minimum Lot Sizes for New Homes Served by Septic Tank/Drain Field Systems.

a. New homes served by septic tank/drain field systems shall be on lots having the following minimum size limitations as identified on Table MT-1 on the Department of Human Resources' Manual for On-Site Sewage Management Systems (hereinafter "DHR Table MT 1"):

1. One hundred fifty percent (150%) of the subdivision minimum lot size of DHR Table MT-1 if they are within a high pollution susceptibility area; and
2. One hundred twenty-five percent (125%) of the subdivision minimum lot size of DHR Table MT-1 if they are within a medium pollution susceptibility area; and
3. One hundred ten percent (110%) of the subdivision minimum lot size of DHR Table MT-1 if they are within a low pollution susceptibility area.

(4) Minimum Land Requirements for Septic Tank/Drain Field Systems Servicing New Mobile Home Parks.

- a. New mobile home parks served by septic tank/drain field systems shall have lots or spaces having the following size limitations as identified on Table MT-2 of the Department of Human Resources' Manual for On-Site Sewage Management Systems (hereinafter referred to as "DHR Table MT-2"):
1. One hundred fifty percent (150%) of the subdivision lot size of DHR Table MT-2 if they are within a high pollution susceptibility area;
  2. One hundred twenty-five percent (125%) of the subdivision minimum lot size of DHR Table MT-2 if they are within a medium pollution susceptibility area; and
  3. One hundred ten percent (110%) of the subdivision minimum lot size of DHR Table MT-2 if they are within a low pollution susceptibility area.

(5) Minimum Lot Sizes for Multi-Family Developments Located within a High Pollution Susceptibility Groundwater Recharge Area.

- a. All multifamily development located within a high pollution susceptibility groundwater recharge area shall be required to have the following minimum lot sizes:
1. Ten thousand eight hundred ninety (10,890) square feet per unit for multifamily structures where individual on-site sewerage systems are installed in conjunction with public water systems; and
  2. Twenty-one thousand seven hundred eighty (21,780) square feet per unit where individual on-site sewerage systems are installed in conjunction with an individual water system.
- b. The Coweta County Health Department shall approve all multifamily developments. If there are conflicts between provisions of these regulations, the stricter shall apply.

(6) Minimum Lot Size for On-Site Sewerage Systems.

Notwithstanding any lot to be serviced by an on-site sewerage system that is not within a high, medium, or low pollution susceptibility area as identified on Hydrological Atlas 20, lots shall have a minimum lot size of 21,780 square feet. Any lot of record approved prior to the adoption of this Ordinance shall be exempted from the minimum lot size requirements established in this Ordinance.

(7) Approval Required from Coweta County Health Department for Septic Tank Installation.

No construction shall proceed on a building or mobile home to be served by a septic tank unless the Coweta County Health Department first approves the proposed septic tank installation as meeting the minimum lot requirements set forth in paragraphs (3), (4), and (5) above.

(8) Spill Prevention Requirements for New Facilities Handling Hazardous Materials.

New facilities which handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976, excluding underground storage tanks, in amounts of 10,000 pounds or more on any one day, shall perform their operations on

impervious surfaces and in conformance with any applicable federal spill prevention requirements and any local fire code requirements.

(9) Prohibited Uses in Groundwater Recharge Areas.

In the groundwater recharge areas the following uses shall be prohibited:

- a. New sanitary landfills not having synthetic liners and leachate collection systems; and
- b. New land disposal of hazardous wastes; and
- c. Any new facilities permitted or to be permitted to treat, store or dispose of hazardous waste to perform such operations on an impermeable pad having a spill and leak collection system.

(10) Land Disposal of Hazardous Waste Prohibited.

- a. No new wastewater treatment basins without an impermeable liner shall be constructed in areas having high pollution susceptibility; and
- b. No permanent stormwater infiltration basins shall be constructed in areas having high pollution susceptibility.

**Sec. 9-10. - Wetlands Protection District.**

(a) Description.

The wetlands within the City of Newnan are indispensable and fragile natural resources with significant development constraints due to flooding, erosion and soil limitations. In their natural state, wetlands serve man and nature. They provide habitat areas for fish, wildlife and vegetation; water quality maintenance and pollution control; flood control; natural resource education; scientific study, and recreational opportunities.

(b) Purpose.

The purpose of this district is to promote the wise use of wetlands and protect them from alterations which will significantly affect or reduce the primary functions for water quality, flood plain and erosion control, groundwater recharge, aesthetic natural areas, and wildlife habitat areas.

(c) District Limits.

These regulations shall apply to all lands within wetlands located within the city. The adopted Wetland Protection District Overlay Map shows the general location of wetlands, according to the 1987 National Wetlands Inventory and should be consulted by persons considering activities in or near wetlands before engaging in a regulated activity. The standards for this district shall comply with Department of Natural Resources Rule 391-3-16-.03 Criteria for Wetlands Protection.

(d) Development Permit Required.

No regulated activity will be permitted within the Wetlands Protection District without written permission or a permit from the City of Newnan. If the project is of a type that may result in a disturbance of wetlands and is located within 50 feet of a Wetlands Protection District boundary, as determined by the City of Newnan using the Generalized Wetlands Map, a U.S. Army Corps of Engineers determination shall be required. If the Corps determines that wetlands

are present on the proposed development site, the local permit or permission will not be granted until a Section 404 Permit or Letter of Permission is issued.

(e) Allowed Uses.

The following uses are allowed by right within the Wetlands Protection District to the extent they are not prohibited by any other ordinance or law and provided they do not require structures, grading, fill draining or dredging:

(1) Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission. Section 404 does not require permits for normal, ongoing silvicultural activities. However, Section 404 does list some required road construction best management practices that must be followed in order to qualify for such an exemption. Exemptions include the following:

- a. Conservation or preservation of soil, water, vegetation, fish or other wildlife, provided the conservation or preservation does not affect waters of the State of Georgia or of the United States in such a way that would require an individual 404 permit;
- b. Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding and canoeing;
- c. Natural water quality treatment or purification; and
- d. Normal agriculture activities including the planting and harvesting of crops and pasturing of livestock. Such activities shall be subject to best management practices approved by the Georgia Department of Agriculture.

(f) Prohibited Uses.

The following uses are prohibited in a Wetlands Protection District:

- (1) Receiving areas for toxic or hazardous waste or other contaminants, and
- (2) Hazardous or sanitary landfills.

**Sec. 9-11. - Water Supply Watershed Protection District.**

(a) Description.

In order to provide for the health, safety, and welfare of the public and a healthy economic climate within the city and surrounding communities, it is essential that the quality of public drinking water be assured. The ability of natural systems to filter stormwater runoff can be threatened by unrestricted urban and suburban development. Land disturbing activities associated with development can increase erosion and sedimentation that threatens the storage capacity of reservoirs. In addition, stormwater runoff, particularly from impervious surfaces, can introduce toxicants, nutrients, and sediment into drinking water supplies, making water treatment more complicated and expensive, and rendering water resources unusable. Industrial land uses that involve the manufacture, use, transport and storage of hazardous or toxic waste materials result in the potential risk of contamination of nearby drinking water supplies.

(b) Purpose.

The purpose of the Water Supply Watershed Protection District is to establish measures to protect the quality and quantity of the present and future water supply for the city which will

minimize the transport of pollutants and sediment to the water supply, and maintain the yield of the water supply watersheds.

(c) District Limits.

The Water Supply Watershed Protection District is hereby designated and shall comprise the land areas which drain to the water supply intake and the public water supply reservoirs. The boundary of the district is defined by the ridge lines of the respective watersheds and the boundary of a radius 7 miles upstream of the respective public water supply and water supply reservoirs. The district shall be further delineated and defined on the Water Supply Watershed Protection District Overlay Map of the Official Zoning Map, which is hereby incorporated by reference. The standards of this district shall comply with Department of Natural Resources 391-3-16-.01 Criteria for Water Supply Watersheds and the Reservoir Management Plan adopted by Newnan Water, Sewerage and Light Commission and the City of Newnan.

(d) Allowed Uses.

Uses which were lawful at the time of adoption of this Section shall be allowed to continue as lawful land uses until such time as the use is abandoned. All uses, except those uses set forth in herein, allowed in the underlying zoning districts as established by this Zoning Ordinance are permitted in the Water Supply Watershed District, subject to the Natural Buffer and Impervious Surface Requirements in this Section.

(e) Exempted Uses.

The following uses are exempt from the stream corridor buffer and setback requirements of this section if they meet the stipulated conditions:

(1) Utilities.

- a. Utilities shall be located as far as reasonably possible from the stream bank and shall not impair the quality of the drinking water system; and
- b. Utilities shall be installed and maintained without changing the integrity of the buffer and setback areas as much as possible.

(2) Forestry and Agricultural Activities.

- a. Agricultural activities involving the planting and harvesting of crops are exempted if they conform to the best management practices established by the Georgia Department of Agriculture and USDA; and
- b. Silviculture activities must conform to the best management practices established by the Georgia Forestry Commission.

(f) Prohibited Uses within the Water Supply Watershed Protection District.

- (1) All sanitary landfills with or without synthetic liners and leachate collection systems.
- (2) All hazardous waste, treatment or disposal facilities.

(g) Natural Buffer Requirements.

- (1) Within a 7-mile radius upstream of all public water intakes and water supply reservoirs a 100-foot wide natural buffer shall be maintained on both sides of all perennial stream corridors as measured from the stream banks. Similarly, within the water supply



watershed but outside the 7-mile radius, a natural buffer of 50 feet shall be maintained on both sides of all perennial stream corridors as measured from the stream banks.

- (2) A natural buffer shall be maintained for a distance of 150 feet from the boundary of any existing or future water supply reservoir.

(h) Impervious Surface Requirements.

- (1) No more than 25% of the total land area within a designated Water Supply Watershed Protection District may be covered by impervious surface.
- (2) Within a 7-mile radius upstream of all public water intakes, no impervious surface shall be constructed within a 150-foot setback area on both sides of all perennial stream corridors as measured from the stream banks; and
- (3) Outside a 7-mile radius upstream of all public water intakes and water supply reservoirs, no impervious surface shall be constructed within a 75-foot setback area on both sides of all perennial stream corridors as measured from the stream banks.
- (4) New facilities, located within 7 miles of a water supply intake or water supply reservoir, which handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and amounts of 10,000 pounds on any one day or more, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements or the requirements of the Standard Fire Prevention Code.

(i) Alternate Minimum Criteria for Water Supply Watersheds.

(1) Applicability.

- a. Alternative minimum criteria for the stream buffer requirements in paragraph (g) above may apply, upon certification by the Director of the Georgia Environmental Protection Division (EPD) that the City of Newnan has a program in place that is adequate to implement and enforce these alternative minimum criteria in accordance with EPD Rule 391-3-16-.01 Criteria for Water Supply Watersheds.
- b. After the effective date of EPD certification, the creation of lots on which there is not sufficient area for construction is prohibited.
- c. A copy of the EPD certification shall be kept on file in the offices of the City of Newnan Engineering Department.

(2) Alternative Minimum Criteria.

Upon receiving said EPD certification, the following alternative shall apply, as described in paragraphs a below and b below:

- a. For a 1-mile radius upstream of a public water supply intake, there is a 100-foot critical area with an undisturbed buffer on both sides of the stream; for the balance of the watershed, there is a 50-foot undisturbed buffer on both sides of the stream.
- b. Beyond the adopted 50-foot and 100-foot riparian buffers, development or redevelopment is allowed but is limited to an effective impervious cover of 10% of a parcel for either lots immediately adjacent to a perennial stream or for the area of land within 150 feet of a perennial stream, whichever is larger. On single, individual

lots this requirement shall be triggered for projects with greater than 5,000 square feet of impervious surfaces.

(3) Approvals.

All approvals for the subdivision or development of parcels shall include a determination that the subject parcel or parcels within a development are consistent with the buffers required hereunder and that all plats of survey and approvals provide clear notice of the alternative minimum criteria and requirements adopted by the City of Newnan.