

~~Lights shall be so shielded and directed as to prevent glare into a single-family residential district.~~

§28.090 Water Resource Districts Established

1. Purpose

The establishment of Water Resource Districts define minimum development standards and criteria, which well afford reasonable protection of environmentally sensitive natural resources found throughout the City. Based on the findings of the City 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.

2. Definitions Referenced

A. AQUIFER

Any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well.

B. DRASTIC

The standardized system for evaluating groundwater pollution potential using the hydrogeologic settings described in U.S. Environmental Protection Agency document EPA-600/2-87-035. The DRASTIC methodology is the most widely used technique for evaluating pollution susceptibility.

C. HAZARDOUS WASTE

Any solid waste, by reason of its toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such material or substance. The U. S Environmental Protection Agency has developed a list of hazardous wastes based upon corrosivity, reactivity and toxicity.

D. POLLUTION SUSCEPTIBILITY

The relative vulnerability of an aquifer to being polluted from spills, discharges, leaks, impoundments, applications of chemicals, injections and other human activities in the recharge area.

E. POLLUTION SUSCEPTIBILITY MAPS

Maps of relative vulnerability to pollution prepared by the Department of Natural Resources, using the DRASTIC methodology Pollution susceptibility maps categorize the land areas of the State into areas having high, medium, and low ground water pollution potential.

F. RECHARGE AREA

Any portion of the earth's surface, where water infiltrates into the ground to replenish an aquifer.

G. REGULATED ACTIVITY

Any activity which will, or which may reasonably be expected to result in the discharge of, dredged or fill material into waters of the U.S. excepting those activities exempted in Section 404 of the Federal Clean Water Act.

H. RIVER/STREAM BANK

The rising ground, bordering a river or a stream, which serves to confine the water to the natural channel during the normal course of flow.

I. SIGNIFICANT RECHARGE AREA

Those areas mapped by the Department of Natural Resources in Hydrologic Atlas 18 (1998) edition. Mapping of recharge areas is based on outcrop area, lithology, soil type, thickness, slope, density, of lithologic contacts, geologic structure, presence of karst, and potentiometric surfaces. Significant recharge areas are as follows in the various geologic provinces of Georgia:

In the Piedmont and in the Blue Ridge, rocks have little primary porosity, with most groundwater being stored in the overlying soils. The significant recharge are those with thicker soils. Field mapping indicates thick soils in the Piedmont and Blue Ridge are characterized by a density of two or more geologic contacts per four square miles (source: 1976 1:500,000 Geologic Map of Georgia) and slopes lower than 8%.

J. WATER RESOURCE DISTRICTS

A Water Resource District is a map overlay which imposes a set of requirements in addition to those of the underlying zoning district.

K. UTILITY

Public, private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, stormwater systems and railroads or other utilities identified by a local government.

L. WETLANDS

Those areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. The ecological parameters for designating wetlands include hydric soils, hydrological vegetation and hydrological conditions involving a temporary or permanent source of water to cause soil saturation.

3. Types of Water Resource Districts

a. The Water Resource Districts shall include the following:

- 1) Groundwater Recharge Area District

- 2) Wetlands District
 - 3) Water Supply Watershed District
- b. The boundaries of these Water Resource 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.

§28.100 Groundwater Recharge Area District

1. 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.

2. Purpose

The purpose of the Groundwater Recharge Area 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.

3. 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 the Protection of Groundwater Recharge Areas.

4. Criteria in Significant Recharge Areas

- a. 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.
- b. New Agricultural Waste Impoundment Sites
 - 1) All new agricultural waste impoundment sites shall be lined if they are within:
 - a) A high pollution susceptibility area

- b) A medium pollution susceptibility area and exceed fifteen (15)-acre feet
- c) A low pollution susceptibility area and exceed fifty (50) acre-feet

2) 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 5×10^{-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 fifteen 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

- 1) 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 (herein after "DHR Table MT 1"):
 - a) One hundred fifty percent (150%) of the subdivision lot size of DHR Table MT-1 if they are within a high pollution susceptibility area;
 - b) 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
 - c) 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.

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

- 1) 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"):
 - a) One hundred fifty percent (150%) of the subdivision lot size of DHR Table MT-2 if they are within a high pollution susceptibility area;
 - b) 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

- c) 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.
- e. Minimum Lot Sizes for Multi-Family Developments Located within a High Pollution Susceptibility Ground Water Recharge Area
 - 1) All multi-family development located within a high pollution susceptibility ground water recharge area shall be required to have the following minimum lot sizes:
 - a) Ten thousand eight hundred ninety (10,890) square feet per unit for multi-family structures where individual on-site sewerage systems are installed in conjunction with public water systems; and
 - b) 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.
 - 2) The Coweta County Health Department shall approve all multi-family developments. If there are conflicts between provisions of these regulations, the stricter shall apply.
- f. 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, 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.
- g. 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 paragraph c, d & e above.
- h. 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 ten thousand (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.
- i. Prohibited Uses in Groundwater Recharge Areas

- 1) In the groundwater recharge areas the following shall not be permitted:
 - a) New sanitary landfills not having synthetic liners and leachate collection systems;
 - 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.

- j. Land Disposal of Hazardous Waste Prohibited
 - 1) No new wastewater treatment basins without an impermeable liner shall be constructed in areas having high pollution susceptibility; and
 - 2) No permanent storm water infiltration basins shall be constructed in areas having high pollution susceptibility.

§28.110 Wetland Districts

1. Description

The wetlands within the City 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.

2. 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, ground water recharge, aesthetic natural, areas, and wildlife habitat areas.

3. District Limits

These regulations shall apply to all lands within wetlands located within the City. The Wetland District Overlay Map, adopted as part of Ordinance 2000-10, 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".

4. 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 determine 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.

5. Permitted Uses

The following uses are permitted by right within the Wetland 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:

- a. 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 which include the following:
 - 1) 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;
 - 2) Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding and canoeing;
 - 3) Natural water quality treatment or purification; and
 - 4) 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.

6. Prohibited Uses

- a. The following uses are prohibited in a Wetland District:
 - 1) Receiving areas for toxic or hazardous waste or other contaminants, and
 - 2) Hazardous or sanitary landfills.

§28.120 Water Supply Watershed District

1. Description

In order to provide for the health, safety, 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 storm water 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, storm water runoff, particularly from impervious surfaces, can introduce toxicants, nutrients and sediment into drinking water supplies, making water treatment more complicated,

expensive and rendering water resources unusable. Industrial land uses that involve the manufacturer, use, transport and storage of hazardous or toxic waste materials result in the potential risk of contamination of nearby drinking water supplies.

2. Purpose

The purpose of the water supply watershed protection overlay regulations 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.

3. District Limits

The protected water supply watershed districts are hereby designated, and shall comprise the land areas which drain to the water supply intake and the public water supply reservoirs. The boundaries of these districts are defined by the ridge lines of the respective watersheds and the boundary of a radius seven (7) miles upstream of the respective public water supply and water supply reservoirs. These districts shall be further delineated and defined on the Water Supply Watershed District Overlay Map of the City official Zoning District Map, which is hereby incorporated and made a part of ordinance 2000-10 by reference. The standards of this district shall comply with Department of Natural Resources Rule 391-3-16-.01, Criteria for the Protection of Water Supply Watersheds and the Reservoir Management Plan adopted by Newnan Water, Sewerage and Light Commission and the City of Newnan.

4. Permitted Uses

Uses which were lawful at the time of adoption of this Section (May, 9, 2000) 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 paragraph 6 herein, allowed in the underlying zoning districts as established by this Section are permitted in the Water Supply Watershed District, subject to the following standards:

a. Natural Buffer Requirements

- 1) Within a seven (7) mile radius upstream of all public water intakes and water supply reservoirs a natural buffer, one hundred (100') feet wide 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 seven (7) mile radius, a natural buffer of fifty (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 one hundred and fifty (150) feet from the boundary of any existing or future water supply reservoir.

b. Impervious Surface Requirements

- 1) No more than twenty-five percent (25%) of the total land area within a designated Water Supply Watershed District may be covered by impervious surface.

- 2) Within a seven (7) mile radius upstream of all public water intakes, no impervious surface shall be constructed within a one hundred and fifty (150) foot setback area on both sides of all perennial stream corridors as measured from the stream banks; and
- 3) Outside a seven (7) mile radius upstream of all public water intakes and water supply reservoirs, no impervious surface shall be constructed within a seventy-five (75) foot setback area on both sides of all perennial stream corridors as measured from the stream banks.
- 4) New facilities, located within seven (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.

5. Exemptions

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

a. Utilities

- 1) 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
- 2) Utilities shall be installed and maintained without changing the integrity of the buffer and setback areas as much as possible.

b. Forestry and Agricultural Activities

- 1) 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
- 2) Silviculture activities must conform to the best management practices established by the Georgia Forestry Commission.

6. Prohibited Uses Within the Water Supply Watershed District Overlay

- a. All sanitary landfills with or without synthetic liners and leachate collection systems.
- b. All hazardous waste, treatment or disposal facilities.
- c. Septic tanks and septic tank drainfields are prohibited within the 150 foot setback area on both sides of all perennial streams as measured from the stream banks within a seven (7) mile radius upstream of all public water intakes and water supply reservoirs.
- d. Septic tanks and septic tank drainfields are prohibited within the 75 foot

setback area on both sides of all perennial streams as measured from the stream banks outside of the seven (7) mile radius upstream of all public water intakes and water supply reservoirs.

§28.130

~~BEQ, Building Exterior Quality Design Overlay District~~ (Adopted by City Council on 11/13/2001 & amended by City Council on 05/25/04)

~~1. Purpose and Intent~~

~~The BEQ overlay district is established to promote high quality development along commercial corridors which have been developed haphazardly or have deteriorated and are in need of visual improvements or along major commercial corridors with high visibility which will have a strong influence on the perception of the City of Newnan.~~

~~This district is designed to encourage high quality development by establishing restrictions and standards to promote optimum development and so that investment values will be maximized and will not be endangered by unsightly or undesirable developments.~~

~~The BEQ district shall overlay other zoning districts so that all lands lying within the BEQ district shall also be included within other zoning districts. Each parcel of land with the BEQ district shall be subject to the provisions, regulations, standards, and restrictions of both the BEQ district and of the other zoning districts within which it lies.~~

~~2. Designation of Corridor(s)~~

~~The Building Exterior Quality Design Corridor(s) shall include:~~

~~a. Temple Avenue-Clark Street Corridor: Those properties located on Temple Avenue, Clark Street, Ellis Street, Taylor Street, Bonnell Street, and Fair Street, Hospital Road and Franklin Road West of the point of intersection of Temple Avenue and Clark Street extending to the City limits, said properties being more particularly designated on Exhibit "A" attached hereto and by reference made a part hereof.~~

~~b. Greenville Street Corridor: Those properties located on Greenville Street, Powell Street, Spence Avenue, Martin Luther King Jr. Drive, and Beavers Street lying south of the Alabama-Griffin railroad right of way extending to the City limits, said properties being more particularly shown on Exhibit "B" attached hereto and by reference made a part hereof.~~

~~3. Development Requirements~~

~~Any commercial, office, wholesale, distribution, storage and industrial use within the BEQ district, in addition to meeting all requirements and standards of the district within which it is located, shall also comply with the following minimum standards and restrictions:~~

~~a. Building Design Requirements~~