

R031610

**A RESOLUTION TO ADOPT AMENDMENTS TO THE
2009 ZONING ORDINANCE, NEWTON COUNTY GEORGIA; TO REPEAL
CONFLICTING PROVISIONS; AND FOR OTHER PURPOSES**

WHEREAS, the Board of Commissioners, Newton County, Georgia, adopted the 2009 Zoning Ordinance on February 17, 2009; and

WHEREAS, Newton County desires to amend the Zoning Ordinance to provide for a Almon/Crowell Road Overlay District; and

WHEREAS, Amendments to the Zoning Ordinance were properly advertised and public hearings were held in accordance with the Zoning Procedures Law (O.C.G.A. 36-66-4).

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners, Newton County, Georgia, and it is hereby ordained by the authority of the Constitution of Georgia (1983), Art. IX, Sec. II, Par. I, II and IV, as follows:

Section 1

Newton County does hereby adopt the boundaries of the Almon/Crowell Road Overlay District, Newton County, Georgia as provided in Exhibit "A", attached hereto and incorporated herein by reference thereto.

Section 2

Newton County does hereby amend the 2009 Zoning Ordinance, Newton County, Georgia as provided in Exhibit "B", attached hereto and incorporated herein by reference thereto.

Section 3

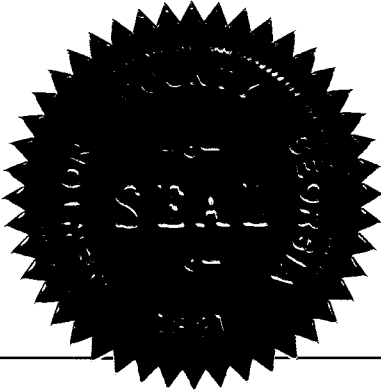
All ordinances or regulations or parts thereof in conflict herewith are hereby repealed.

Section 4

This Ordinance shall be effective on March 16, 2010.

Adopted and approved by the Board of Commissioners on the 16th day of March, 2010, after a public hearing on said date.

NEWTON COUNTY BOARD OF COMMISSIONERS



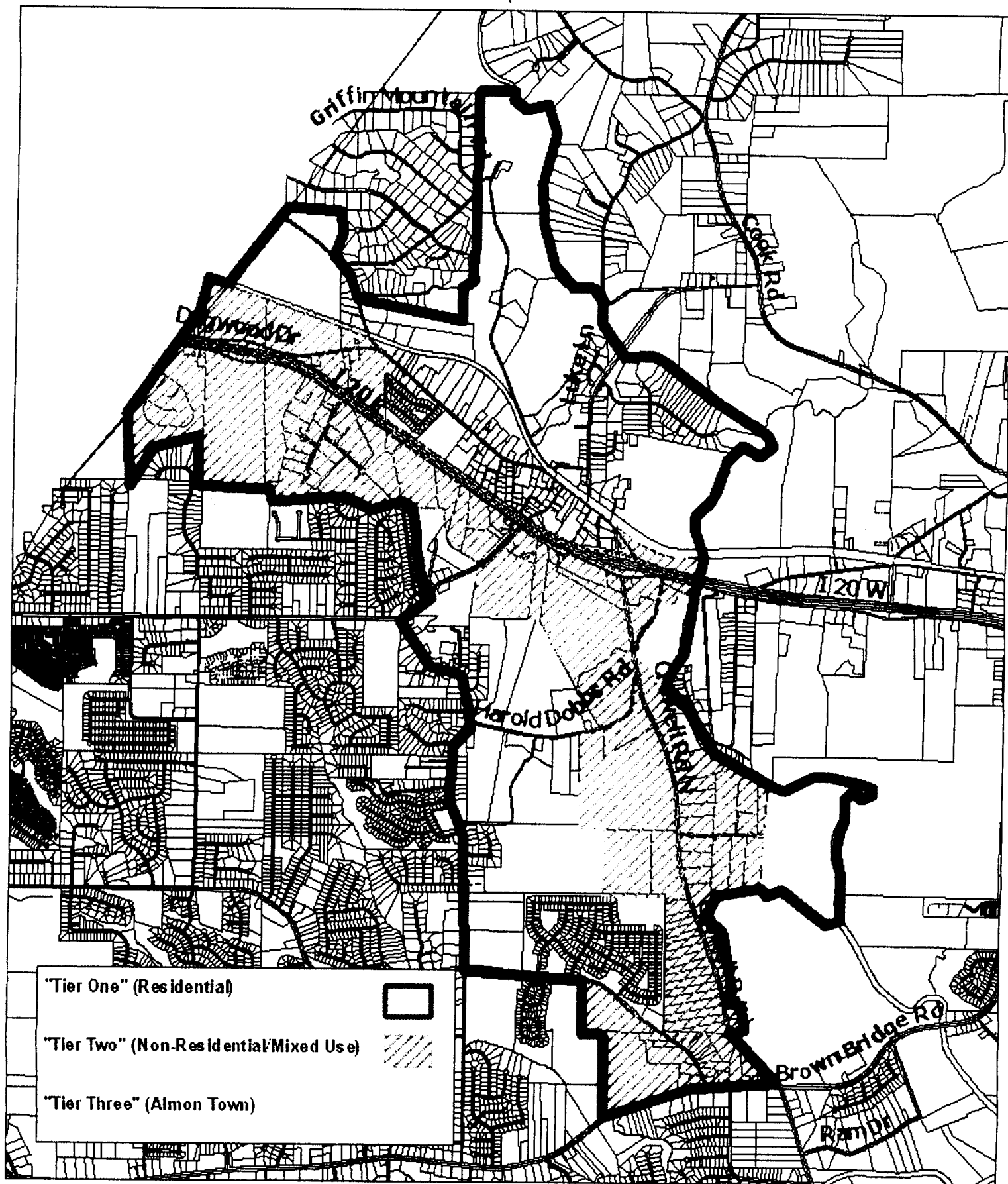
By: Kathryn G. Morgan
Kathryn G. Morgan, Chairman

Attest: Jackie Smith
Jackie Smith, Clerk

Recommended for approval and adoption by the Newton County Planning Commission on February 23, 2010, after a public hearing on said date.

Landis Stephens
Landis Stephens, Chairman
Newton County Planning Commission

Exhibit "A"



"Tier One" (Residential)



"Tier Two" (Non-Residential/Mixed Use)



"Tier Three" (Almon Town)

All data provided by and intended for informational purposes only and may not be relied upon as evidence of the location of property lines, boundaries, features, landmarks, monuments or for any other legal purposes.

Almon/Crowell Road Overlay
Boundaries and Tiers
FINAL (3-11-10)



EXHIBIT "B"

Amendment One

Sec. 105-020 SPECIFIC DEFINITIONS – the following items are added to this section:

Dwelling, attached

A dwelling that is separated from another dwelling by a common party wall, or party floor or ceiling. Attached dwellings include two-family, townhouses, and multi-family.

Enhanced Common Area

An area designed and improved for use by people both for passive and active recreation. Improvements may range from gentle grading and grassing for leisure activities, playing of games or holding an event, up to provision of active amenities like swimming pools and tennis courts. See Sec.450-080 (C.a.)

Fenestration

The facade of a building establishes a wall surface or plane. The degree to which that plane is visually segmented by bays and punctured by entrances and windows is fenestration. Faux entrances and windows are also considered fenestration.

Orientation

The direction a building's primary elevation (aka facade) faces.

Amendment Two

Sec. 610-030 POWERS OF THE PLANNING COMMISSION- the following are added to this section:

- A. Notwithstanding the general authority to hear and decide appeals granted to the Board of Zoning Appeals in Section 605-030 (A), the Planning Commission is authorized to hear and decide appeals regarding particular provisions of this Ordinance and other Ordinances where appeal to the Planning Commission is specified.
- B. The Planning Commission is authorized to receive, review and consider requests for special exceptions, variances or waivers to the design standards of the Almon/Crowell Road Overlay District, and to appeals of decisions of Administrative Officials regarding the Overlay District. The Planning Commission has the authority to approve, approve with conditions, or deny a request.
- C. Any person or persons severally or jointly aggrieved by any decision of the Planning Commission may take an appeal to the Board of Commissioners by filing a notice of appeal within ten days of the date of the decision of the Planning Commission. The secretary of the Planning Commission shall transmit the record to

the Board, and the Board shall hear the appeal de novo within forty five days of the filing of the notice of appeal.

Amendment Three

Sec. 290-000 APPLICATION OF DISTRICT – the following section shall be amended as follows:

B. This district may only be applied to properties as follows:

1. That portion of Newton County bordered to the south by Covington, GA city limits and McGuirt’s Bridge Road and to the north, east and west by Covington, GA city limits as shown in purple outline on the map entitled “Highway 278 Mixed Use District Area”.
2. That portion of Newton County as shown in red outline on the map entitled “Almon/Crowell Road Overlay District”.

Amendment Four

Div. 450 ALMON/CROWELL ROAD OVERLAY DISTRICT – is hereby added as follows:

DIVISION 450: ALMON/CROWELL ROAD OVERLAY DISTRICT

Sec. 450-000 APPLICATION OF DISTRICT

- A. The District only applies to properties located in that portion of Newton County as shown in red outline on the map entitled “Almon/Crowell Road Overlay District.”
- B. In any case where the standards and requirements of the Almon/Crowell Road Overlay District conflict with those of the Zoning Ordinance, the standards and requirements of the Almon/Crowell Road Overlay District shall govern.
- C. Use of the word(s) “the Overlay” “the District”, or “the Overlay District” within this section shall be construed to mean the Almon/Crowell Road Overlay District.

Sec. 450-010 PURPOSE AND INTENT

The purpose and intent of the Almon/Crowell Road Overlay District is to establish a district that promotes high quality development by permitting greater flexibility in site planning and building arrangements, by applying enhanced development standards, as well as promoting the public health, safety and general welfare. The Overlay District is intended to promote the following principles:

- A. Promote the economic, cultural, educational, and general welfare of the public by fostering sustainable growth within the Almon/Crowell Road Overlay District of Newton County;
- B. To create a high quality commercial corridor, by avoiding the emergence of long, linear, commercial strips and by promoting new developments with innovative designs, mixture of uses, consistency of design in order to create a unique character;
- C. To create an Almon Town Center with a small town atmosphere, with the goal of creating a community with a variety of shops and a variety of residential options within a walkable area. Allowed are mixed uses, minimal setbacks and separations, and greater flexibility in site planning and building arrangements.
- D. To promote an attractive and lively streetscape that encourages pedestrian activity.

Sec. 450-020 USES AND STRUCTURES

A. Authorized Uses

The Almon/Crowell Road Overlay District is divided into three tiers, as shown on the map, and shall be referenced below as Tier 1. Residential, Tier 2. Mixed Use, and Tier 3, Almon Town Center. Each tier may consist of any authorized use or combination of principal uses as authorized in the Use Table of Section 505, and the Use Standards of Section 510 of the Newton County Zoning Ordinance, and as limited below.

- 1. Tier 1, Residential: Single Family Detached Residential and accessory uses and structures.
- 2. Tier 2, Mixed Use: Non-Residential (Commercial, Office, Institutional, Industrial) and; any use allowed by the Mixed Use Zoning District (Sec. 290-020) if zoned Mixed Use. Residential uses are prohibited unless approved as part of a Mixed Use Zoning.
- 3. Tier 3, Almon Town Center: Single Family Detached or Attached, Townhouses, Multifamily Residential if part of a mixed use development, Non-Residential and; any use allowed by the Mixed Use Zoning District (Sec. 290-020) if zoned Mixed Use.

B. Conditional Uses

Conditional uses in the Almon/Crowell Road Overlay District shall be permitted in conformity with the Use Table in Sec. 505 and the Use Standards in Sec. 510 of the Newton County Zoning Ordinance, or if zoned Mixed Use, the Use Table in Sec. 290-020 (C.) In either case, approval of conditional uses is governed by the procedures of the Newton County Zoning Ordinance, Division 625.

C. Accessory Structures

Accessory uses and structures shall be permitted in conformity with Sec.510-020, or if zoned Mixed Use, Sec. 290-030 of the Newton County Zoning Ordinance. Accessory structures shall be similar in colors and materials as the principal building. If accessory to a residence, it shall be residential in appearance. Metal buildings shall be screened from view by an opaque fence, wall or vegetative, evergreen screen.

Sec. 450-030 GENERAL REQUIREMENTS

A. Public Streets Required

All streets, except for alleys, shall be public and meet the requirements of the Newton County Development Regulations, and shall meet the following:

New Streets

Design Element	Collector Street	Minor Street	Private Alley
Min. Right-of- Way (feet)	50'	40'	16' with 2' grassed shoulders
Max. Right-of- Way (feet)	74'	59'	20'
No. of Lanes	2-4	2	2-1
Lane Width	11'	10-11'	8-10'
On-Street Parking	Almon Town Center only	No	Prohibited
Design Element	Collector Street	Minor Street	Private Alley
Minimum Width parking lane.	8'	8'	
Bicycle lane allowed ¹	Yes	Yes	
Minimum bicycle lane width	5'	5'	
Planting area (from back of curb)	2'	2'	
Sidewalk Width	5'	5'	
Curb and Gutter	Yes	Yes	
Landscape	10' Residential	10' Residential	

strip	20' Non-Residential ²	20' Non-Residential ²	
Irrigation	Yes	Yes	

¹ On-street parking shall not conflict with bicycle lanes.

² 10' and 20' landscape strips are measured from back of sidewalk not the property line

Street Standards for Almon Road, Crowell Road and Harold Dobbs Road

Design Element	Existing Streets	Almon Road	Harold Dobbs Road	Crowell Road
Max. Right of Way (feet)	60'	100'	100'	140'
Curb and Gutter	Yes	Yes	Yes	Yes
On-Street Parking	Only in Tier 3	Only in Tier 3	No	No
Minimum Width parking lane.	8'	8'		
Bicycle lane allowed ¹	Yes	Yes		
Minimum bicycle lane width	5'	5'	5'	5'
Planting area (from back of curb)	2'	3'	10'	10'
Sidewalk Width	5'	6'	6'	6'
Min. Landscape strip	10' Residential 20' Non-Residential ²	10' Residential 20' Non-Residential ²	10' Residential 20' Non-Residential ²	10' Residential 20' Non-Residential ²
Irrigation	Yes	Yes	Yes	Yes

¹ On-street parking shall not conflict with bicycle lanes.

² 10 and 20' landscape strips are measured from the sidewalk not the property line.

B. Sidewalk Requirements

Sidewalks are required on both sides of new streets and along the entire frontage of existing streets that serve the development. Sidewalk design and circulation shall be established pursuant to an approved development plan.

C. Curb Cuts

The consolidation of curb cuts shall be encouraged and new curb cuts shall be discouraged, whenever appropriate, considering safe traffic flow, the objectives of this Overlay, and access points needed for the proper functioning of the use. More than one curb cut per development must be approved by the Director, with consultation with the County Engineer. Location of curb cuts is subject to the approval of the Director, with consultation with the County Engineer.

D. Access Management

Inter-parcel access, joint driveways, and cross-access easements shall be consistent with Sec.605-100 of the Newton County Development Regulations.

E. Traffic Signals

Traffic signals shall be installed whenever feasible where curb cuts or new roads are connected to Crowell Road, Harold Dobbs Road, or Almon Road, subject to submittal of a Signal Warrant Analysis and a traffic study and review and approval of the County Engineer and Georgia Department of Transportation.

F. Block Standards on New Streets

1. Non-residential developments with more than 600 feet of frontage along a single street shall be divided by streets into blocks having a maximum length of 600 feet as measured from street curb to street curb.
2. Any block exceeding 400 feet in length shall include a dedicated alley or lane providing through access.

Sec.450-040 DEVELOPMENT STANDARDS -RESIDENTIAL

The following standards shall apply to developments within the Almon/Crowell Road Overlay District. Unless otherwise stated, developments zoned Mixed Use within the overlay district shall meet the density standards of Sec. 290-050.

A. Residential Density

Overlay Tier	Dwelling Units per Gross Acre	Minimum Open Space (% of gross acre)	Minimum Enhanced Common Area	Maximum Impervious Surface
Tier 1: Residential	3 units per acre	10%	0.3 acre per 20 lots	40% of gross acreage
	3.5 units per acre	15%	0.3 acre per 20 lots	40% of gross acreage
Tier 2: Non-Residential or Mixed Use	Per Mixed Use District, Sec. 290-050	Per Mixed Use District, Sec. 290-050		Per Mixed Use District, Sec. 290-050

Tier 3: Almon Town Center	Single Family 3.5 up to 5 units per acre ¹	N/A ²	10% of gross acres ³	None
	Townhouses 10 units per acre	N/A ²	10% of gross acres ³	None
	Multifamily 20 units per acre (MF only allowed as part of a Mixed Use)	N/A ³	10% of gross acres ³	None

¹ Density is 3.5 units per acre unless master plan for up to 5 units per acre is approved by the Planning Commission.

² In lieu of open space, developments shall include an enhanced common area.

³ Common area requirement may be reduced to 5% if properties front a public park.

B. Building Standards – Single Family Residential - Tier 1 Residential

Building Height (max in height and floors)	2 stories or 40'
Lot Area (min in sq. ft.)	6,000 (if sewer); 25,300 (if septic)
Dwelling Size (min heated floor area in sq ft)	1,600
Lot Frontage on Public Street (min in ft.)	40'
Lot Width (min in ft.)	50'
Front Yard (min in ft.)	15', 18 foot for garage
Side Yard (min in ft.)	10' separation (8ft maintce. easement)
Rear Yard (min in ft.)	5'
Garage	2 car

C. Building Standards – Single Family Residential - Tier 3 Almon Town Center

Building Height (max in height and floors)	2 stories or 40'
Lot Area (min in sq. ft.)	5,000 (if sewer); 25,300 (if septic)
Dwelling Size (min heated floor area in sq ft)	1,400 ¹
Lot Frontage on Public Street (min in ft.)	20'
Lot Width (min in ft.)	20'
Front Yard (min in ft.)	10', 18' for garage
Side Yard (min in ft.)	10' separation (8ft maintce. easement)
Rear Yard (min in ft.)	5'
Garage	1 car

¹ Minimum Dwelling Size may be reduced to 1,200 square feet if approved by the Planning Commission subject to a master plan

D. Building Standards –Townhouse, Multifamily Residential - Tier 3 Almon Town Center

Building Height (max in height and floors)	2 stories or 40', 3 stories for MF
Lot Area (min in sq. ft.)	None
Dwelling Size (min heated floor area in sq ft)	650
Lot Frontage on Public Street, if subdivided (min in ft.)	20'
Lot Width (min in ft.)	None
Front Yard (min in ft.)	0
Side Yard (min in ft.)	0
Rear Yard (min in ft.)	0
Garage	1 car for Two-family and Townhouse

Sec. 450-050 DESIGN STANDARDS - RESIDENTIAL

A. Residential Buildings- Single Family, Townhouses, Multi-family

Orientation

1. All residential structures shall be oriented toward the road or enhanced common area. All building exteriors with frontage on public streets shall have similar architectural features, building materials and roof lines as the front. Elevations of all four sides shall be part of the building permit application.
2. Garages, attached or detached, if facing front yard (front entry) shall be as follows:
 - a. A minimum setback of 18 feet measured from the sidewalk;
 - b. Recessed behind the front of the house; and
 - c. Decorative door.

Facades

1. If the side of a house faces a public street, the facade must have a minimum 20% fenestration.
2. In townhouse or multifamily developments, limit the number of differing façade materials within a development to four for cohesiveness. No more than 30% of the units may have the same exterior façade.
3. Multifamily building walls exceeding 100 feet shall utilize offsets, such as projections, recesses and changes in floor level to add architectural interest.

Building Materials

1. Brick or Stone skirting shall be required around entire foundation.
2. Chimneys shall be veneered in stone, brick or hardiplank.

3. Provide decorative window shutters.
4. Vinyl or aluminum siding is prohibited.
5. Exterior of all walls shall be brick, stone, hard-coat stucco, or hardiplank (cement-based siding). Wood, wood shake or fiber cement type siding may be used as architectural accents but may in no case make up more than 50% of any elevation.

Roofs and Porches

1. Roofs shall be a minimum of 6:12 roof pitch, except for porches and sheds.
2. Roof materials shall be architectural roof shingles, wood or cedar shakes, architectural asphalt composition, wood shingles, concrete, fiberglass or metal tiles, or slate. Metal standing seam is allowed on individual homes, but not more than 5% of entire development.
3. Porches, if used, shall be a minimum depth of 6 feet, and handrails must be architecturally consistent with the house.

Fencing

1. Fences shall be no more than 4 feet in the front yard, 6 feet in the side and rear yard. Opaque fencing is only allowed in the side and rear yard, not in the front. Chain link fencing must be green or black clad and only used in the rear yard.

Mechanicals

1. All mechanical, HVAC and like systems shall be screened from street level view on all sides by an opaque wall or fence constructed of brick, stucco, split-face block or wood.
2. No mechanical penetration in front of house, including window air conditioners.

Energy Efficiency Standards

1. Energy Star Windows;
2. Foundation insulation rated at R-Values of four to 13;
3. Wall insulation rated at R-values of 11-22;
4. Ceiling Insulation;
5. Where an attic is present and there is no space limitation insulation should have R-values of 19-50. Where space is limited or vaulted ceiling insulation should have R-values of 19-30.

Sec. 450-060 DEVELOPMENT STANDARDS – NON-RESIDENTIAL

A. Non-Residential Density

Overlay Tier	Density: Square Foot per gross acre	Minimum Open Space	Minimum Enhanced Common Area (% of net acres ¹)	Maximum Impervious Surface
Tier 2: Non-Residential or Mixed Use	Must meet parking ratio, or Mixed Use Sec. 290-050	N/A ² , or Mixed Use District, Sec. 290-050	20% ³	75% of Gross acreage, or Mixed Use District, Sec. 290-050
Tier 3: Almon Town Center	Meet parking ratio	N/A ²	10%	None

¹ Net acreage is the gross acreage minus floodplain and wetlands

² In lieu of open space, developments shall include an enhanced common area.

³ 20 % may be reduced to 15% with dedication of floodplain and wetlands to a land trust

B. Building Standards – Non-Residential

Building Height (max in height and floors)	4 stories ¹ or 60'
Building Height (max in height and floors) along I-20 or the Access Road	6 stories ² or 85' ³
Lot Frontage on Public Street (min.in.ft)	100 ft
Lot Area (min in sq. ft.)	N/A
Lot Width (min in ft.)	N/A
Front Yard (min in ft.)	N/A
Side Yard (min in ft.)	3'
Rear Yard (min in ft.)	5' if there is an alley, 10' if no alley

¹ Office buildings and hotels may exceed the height to 6 stories with an Administrative Use Permit.

² If located along I-20 or the Access Road buildings may exceed the height beyond 6 stories with a Conditional Use Permit

³ Buildings in excess of four stories may require fixed fire protection systems that are adequate for the structure in accordance with the International Fire Code.

C. Orientation

1. All buildings shall be oriented to the street with a build-to line no greater than needed to accommodate landscaping and sidewalks. It is desired to have buildings close to the road in order to encourage pedestrian use. Alternative orientation may be allowed with the following stipulations.
 - a. In Tier 2, building may be set back to allow parking as stipulated in Sec. 450-080 (B.).
 - b. Buildings can be set back further if outparcels are planned which shall screen the rear buildings. Outparcel buildings shall meet the orientation requirement.
2. Display windows shall be street facing and at street level.

3. Drive-throughs, service windows, and drive-in facilities shall not be located between the building and the street. If the site fronts two or more streets the drive through, service window may be allowed between the building and the road if screened. Screening requires 100% spatial coverage, with 75% evergreen plant materials which grow to six feet height in two years. The screening location, whether incorporated in the required landscape strip or other location, is subject to the County Landscape Architect. Outside speakers must be located at least 250 feet from any single family residential district, and meet the Newton County Noise Ordinance.
4. Gasoline fuel dispenser structures and associated vehicular services such as air pump and car washes shall not be located between a building and the street.

D. Facade Treatments

1. Buildings shall not end abruptly at a street corner. Corner buildings shall demonstrate focal points which anchor the corner. Focal points may include a chamfered corner, display windows, features such as fountains, outdoor gathering area with landscaping and furniture.
2. All building exteriors with frontage on public streets shall have similar architectural features (such as windows, facade offsets, columns and arcades), building materials and roof lines as the front. Screening in the form of fencing, landscaping, or landscaped berms may be required if mechanical features are visible per Sec.450-090 (C.). For the purposes of this section, an alley shall not be considered a street.
3. Primary entrance, and individual tenant space entries, shall be designed to express greater architectural detail than other portions of the building.
4. Building material, architectural details and patterns shall be varied per tenant or every 75 feet, whichever is less. Individual building facades or each facade per tenant shall have at least 25% fenestration.
5. Delineation of building floors (through the third floor) shall be executed through windows, belt courses, cornice lines or similar architectural detailing
6. Buildings involving a gross floor area in excess of 60,000 square feet shall divide the large building mass into heights and sizes that relate to human scale by incorporating changes in building mass or direction, or pitched roofs, or recessed entrances, or a distinct pattern of divisions on surfaces, or varying use of windows and small scale lighting.

E. Roofs

1. A decorative parapet or cornice shall be constructed along all flat roof lines, and varied in height and projection and shall use decorative elements such as crown moldings, dental, brick soldier courses or similar details. Mansard roofs are prohibited. Variation in roofline of building and offsets in pitched roofs and gables shall be required.
2. Roof lines and building offsets shall be varied by a minimum of two feet for every three tenant spaces or 75 feet of building face, whichever is less.
3. Sloped roofs shall be standing seam metal, slate, concrete roof tiles or composition shingles.

F. Building Materials

1. Exterior walls for all new buildings shall consist of one or a combination of the following durable materials: brick; tile; stone with weathered, polished or fluted face; textured traditional cement stucco (real stucco); architectural concrete masonry with fluted, split-face, or broke-face finish; Portland cement plaster and lath systems; architectural (either pre-cast or tilt-up) concrete either fluted or with exposed aggregate finish or fiber cement-board. E.F.I.S is allowed as an accent, no more than 25% of the facade, and at least 10 feet above grade. If the building official finds damage to E.F.I.S., at any time, it must be replaced at the expense of the property owner.
2. Buildings may not be clad in metal siding, plain concrete, or plain concrete walls.
3. Prohibited exterior building components, if facing a public street, include barbed wire, razor wire, chain link fence, and steel roll down curtains. If not visible from any public street such treatments are allowed.
4. Allowed fencing material shall be black or green vinyl clad chain link fence and masonry privacy fence planted with continuous vegetative screening.
5. Elevations of industrial buildings that are not visible from a public road or public parking, are not accessible to customers, or are screened by other buildings may use alternative materials, at the discretion of the Director, with the flexibility to require additional screening.
6. Notwithstanding anything contained Sec.530-010 (D)(2) and 530-020 to the contrary, if an existing business is constructed with prohibited materials and is destroyed by fire or act of God, the building may be rebuilt using same materials.

G. Mechanicals

1. Mechanical structures must be screened from view using landscaping, fencing or berms. Mechanicals, including air conditioner units, may not penetrate the front facade. Screening shall be as required in Sec. 450-090 (C).
2. Mechanical and roof mounted equipment shall be screened from view by a decorative parapet or cornice (point of view shall be across any public street, from edge of right-of-way furthest from the building).
3. Mechanical structures and equipment unique to an industrial operation such as a crane or a water tank is exempted from the screening requirement.

D. Awnings and canopies

1. Awnings, canopies or other type of covered projected entry if used shall be extended a minimum of 5 feet from the face of the building. If colonnades are used the minimum width shall be 6 feet between the inside of the columns to the building, or as approved by the Fire Marshall.

Sec. 450-070 DEVELOPMENT STANDARDS – ALMON TOWN CENTER

- A. Non-Residential Buildings in the Almon Town Center shall meet all the requirements Sec.450-050 and 450-060, except as follows:
 1. Buildings within the town center shall be oriented to the street.
 2. Street level facade of non-residential buildings facing public or private streets shall incorporate a minimum of 25% varying edifice details (trellises, windows, or recessed panels suggestive of windows, door or colonnade openings to encourage and complement street level pedestrian activity.
 3. At least one of these elements shall repeat horizontally at each tenant or if a building is over 50 feet long, architectural elements must repeat at intervals of not more than 50 feet horizontally.
 - a. color change,
 - b. texture change,
 - c. material module change (shape), or
 - d. expression of architectural or structural bay through a change in plane no less than one (1) foot in width, such as an offset, reveal, or projecting rib.

Sec. 450-080 PARKING

A. Off-street Parking

Off-street Parking shall be provided on every lot on which any permitted or conditional

use is established in accordance with the Zoning Ordinance, consistent with the General Requirements of Division 515. Parking on alleys is prohibited. In any case, where the standards and requirements of the Almon/Crowell Road Overlay District conflict with those of the Zoning Ordinance, the standards and requirements of the Almon/Crowell Road Overlay District shall govern.

B. Tier 2, Non-Residential Parking

1. Off-street parking shall be on the side and rear but not between the building and the public road.
2. Parking in front of the building is prohibited with the following exception:
 - a. In Tier 2, Commercial properties are limited to forty two (42) feet of pavement permitting one row of parking spaces and a passing lane between the frontage landscape strip and the primary structure. Parking in the front yard shall not extend more than two spaces beyond the end of the facade of the primary structure. The remainder of the parking shall be in the side or rear.
3. The total number of permitted parking spaces shall be a minimum of 50%, and no more than 110%, of the minimum number of off-street parking spaces as required by type of permitted uses pursuant to Off-site Parking Requirements Table in Sec 515-020.
4. Parking on alleys is prohibited.
5. Parking adjacent to road right-of-way shall be screened pursuant to Sec. 450-090 (B).

C. Parking Decks

1. Parking decks fronting on a public street must include a minimum of twenty-five (25) percent of the entire structure total footprint as non residential occupied space at ground level. A minimum five-foot wide landscape area shall be required where parking deck abuts a street right-of-way.
2. Decks shall meet the maximum height allowed for buildings in the District.
3. Decks shall be constructed to conceal vehicles on street level.
4. Decks shall include architectural detailing and finish compatible with surrounding buildings.

D. Bicycle Parking

1. Non-residential and Multi Family Residential developments shall provide a minimum of 10 parking spaces per 25 dwelling units and 1 parking space per 4,000 square feet of non-residential building space for bicycles.

E. Tier 3, Almon Town Center Parking

In addition to the preceding parking standards, Almon Town Center shall comply with the following.

1. On-Street Parking is allowed except in single family detached developments. Remaining parking shall be located on-site to the side and rear of the building, or off-site as allowed in c. below. Landscaping shall be provided pursuant to Sec. 450-090.
2. On-street parking shall not be allowed within 12 feet of an intersection.
3. Parking areas may be provided off-site within walkable distance and clearly marked for community use. Landscaping shall be provided pursuant to Sec. 450-090.

- F. Shared Parking areas utilized by more than one (1) building or business shall be utilized unless shown to be unfeasible.

Sec. 450-090 GENERAL LANDSCAPE REQUIREMENTS

A. Landscape Strips

1. Landscape strips shall be planted to 75% spatial coverage of street trees and shrubs. The remaining 25% may be grass and/or ground cover.
2. Landscape strips shall include canopy hardwood street trees for every 50' of road frontage.
3. Width of landscape strips is measured from back of sidewalk, not the property line.
4. Required landscape strips shall be established and maintained in perpetuity by the owners.
5. Landscape strips between non-residential uses and outparcels shall be planted 100% coverage of trees and shrubs.

B. Parking Lot Landscaping

1. Off-street parking areas shall be landscaped in accordance with Section 630-050 of the Newton County Development Regulations and shall provide a minimum of one tree for each seven (7) parking spaces.
2. Parking located adjacent to a public road shall be concealed by a continuous planting of shrubs, 24-36' at maturity. This planting may be incorporated in the required landscape strip. No sod or ground cover under shrubs. Screening may include a combination of walls 2-3 feet high with landscaping.

C. Screening

1. Vegetative screening of mechanicals, loading areas, or as required in this District shall be 100% spatial coverage, a minimum of 2 to 4 rows of plants (depending on type of plant material) that grow to a height of 6 feet in 2 years.
2. Plant materials used to screen shall be a minimum of 75% evergreen.

D. Street Trees

1. Street trees shall be canopy shade trees unless site constraints prohibit the use of large maturing trees, subject to the approval of the County Landscape Architect.
2. Street trees shall be placed at the rate of one tree for every fifty (50) feet of street frontage.
3. Landscaping design shall include a variety of deciduous and evergreen trees and shrubs and flowering plant species well adapted to the local climate.
4. Street trees shall not be planted closer than 25 feet from the curb line of intersections of streets or alleys, and not closer than 10 feet from private driveways (measured at the back edge of the sidewalk), fire hydrants, or utility poles.
5. Street trees shall not be planted closer than 20 feet from light standards. Except for public safety, no new light standard location shall be positioned closer than 10 feet to any existing street tree, and preferably such locations will be at least 20 feet distant.
6. Trees shall not be planted closer than 2½ feet from the face of the curb.
7. Where there are overhead power lines, tree species are to be chosen that will not interfere with those lines.

8. Trees, as they grow, shall be pruned to provide at least 8 feet of clearance above sidewalks and 12 feet above street roadway surfaces.

E. Tree Planting Specifications

1. Planting area shall be a minimum of 250 square feet, and 100 square feet of mulching.
2. Planting areas shall contain a minimum 12" of screened topsoil. Below 12" the soil shall be un-compacted for proper drainage and root growth.
3. Use of root barriers such as U.B.36 or equivalent is required at back of sidewalk or back of curb if no sidewalk exists.
4. Shrubs and trees shall meet standard for American Nursery Stock, ANSI.xxx

Sec. 450-100 LANDSCAPING – SINGLE FAMILY RESIDENTIAL

- A. A 10' landscape strip is required along all new and existing streets measured from back of sidewalk.
- B. Said landscape strip shall include canopy hardwood street trees planted every 50' of road frontage. The remainder of the strip shall be landscaped with shrubs, flower beds and lawn.
- C. Each lot shall be planted with a minimum three (3) trees, which may include street trees. Species and specifications are subject to the County Landscape Architect.
- D. All grass areas shall be sodded.
- E. Irrigation systems are required.

Sec. 450-110 LANDSCAPING – NON-RESIDENTIAL, TOWNHOUSE AND MULTIFAMILY DEVELOPMENTS

- A. Non-Residential, Townhouses and Multi-Family development must provide a front yard landscape strip no less than 20 feet in width measured from the back of sidewalk. Up to 25 % of the front yard landscape area may be developed with a combination of landscape and hardscape elements, such as plazas, fountains, benches and tables.
 1. Additional shade tree plantings, one canopy tree and one understory tree per 50', are required within public gathering places and alongside pedestrian paths.

2. A 5-foot wide landscape strip along any interior property lines adjacent to nonresidential uses, including out-parcels or spin-sites, for a total of 10 feet. These landscape strips shall be planted to 100% trees and shrubs.

Sec. 450-120 OPEN SPACE AND ENHANCED COMMON AREAS – ALL RESIDENTIAL

A. Open Space – Single Family Residential – Tier 1

1. Residential Developments shall provide minimum acreage of open space per the chart in Sec. 450-040.
2. A portion of the open space (.3 acre per 20 lots, but in no case less than .3 acre) must be dedicated to Enhanced Common Area as required in Sec. 450-040.
3. The remaining open space must remain undisturbed except for trails and paths, and utility easements and corridors.
4. Wetlands, floodplain, cemeteries, steep slopes exceeding 25% and areas of exposed rock shall be preserved and shall not count towards minimum open space.

B. Open Space – Residential – Tier 2 and 3

1. Residential developments within the Mixed Use District shall meet the open space requirements of Sec. 290-050.
2. Developments within the Almon Town Center, in lieu of natural open space, shall provide Enhanced Common Area.

C. Enhanced Common Areas

1. Residential developments in the Almon/Crowell Road Overlay District require a portion of the required open space or gross acreage to be used as Enhanced Common Area. Enhanced Common Areas, at a minimum, must be designed, sized and improved for leisure activities, or for the playing of a game, or holding of an event. Some examples may include a pocket park, a courtyard, a green, and must be usable by the residents and visitors. Common areas may also be designed for active recreation such as swimming pools, tennis courts, etc. At a minimum, areas shall be enhanced with 20% planting beds, decorative, commercial quality street furniture, decorative lighting and trash receptacles. Other amenities may include fountains, planters, picnic tables, or other amenities within the project that encourage pedestrian connectivity between uses or between other common areas. Landscaping shall reflect the design purpose of the Enhanced Common Area, for instance, shade trees around benches, sod areas for passive play. Natural areas may count toward the required acreage if they

contain mature vegetation and have not been timbered, or suffered other land disturbing activities, usable by the residents and visitors, easily accessible and have trails and seating areas incorporated. Prior approval by the Department is required before natural areas may be counted. Common areas may be dispersed throughout a development, but may not be less than .3 acre each. Paths, other than public sidewalks, that connect two or more common areas may be counted toward the minimum if the path is at least 6 feet wide and includes decorative lighting, benches every 300', or other pedestrian type features.

2. Stormwater facilities may be located with common area if designed and improved as an amenity. Such facilities may be exempt from fencing if the depth meets the standard for omitting fencing pursuant to Sec.3.2.4 of the Newton County Water Resources Ordinance. Such facilities may be counted toward the common area requirement if landscaped and include a walking path.
3. Site plan approval by the Department is required for Enhanced Common Areas and must include all elements for review: landscape plan, samples of furniture used, paths and sidewalks, etc.
4. Enhanced Common Areas must be constructed in the first phase of development, before the first certificate of occupancy is issued. Common areas shall be owned and maintained by the Homeowners Association. A document/legal instrument indicating the method of perpetual maintenance of the common area is required and shall be reviewed and approved by the Department.

Sec. 450-130 OPEN SPACE AND ENHANCED COMMON AREAS –NON-RESIDENTIAL

- A. Each non-residential development shall set aside at least 20 percent of the net project acreage (gross acreage excluding 100-year flood plain and wetland areas) to be used as Enhanced Common Areas such as plazas and pocket parks for use by employees and visitors to the development.
- B. The 20% requirement can be reduced to 15% if the developer dedicates the floodplain and wetlands to a public land trust, including Newton County Public Facilities. The dedication must be pre-approved by the trust entity before credit given.
- C. Wetland and floodplain areas shall be preserved in their natural state, and not counted toward the common area requirement in non-residential developments.
- D. Enhanced common areas includes sidewalks and associated amenities and may be credited toward the minimum common area if the sidewalk is constructed at a width of eight feet or greater and the streetscape is enhanced with decorative, commercial quality street furniture, fountains, planters, public seating, amenities within the project that encourage pedestrian connectivity between uses such a plaza, arcades,

greenways, and/or similar improvements that are clearly intended as gathering spaces or that act as connectors to adjacent buildings or uses may be counted toward the common area requirement. Any pavement over 25% of the required common area, may not be credited toward the minimum common area requirement.

- E. Landscaped strips along internal or external streets may be credited toward common area if landscaped strip is constructed at a continuous width of 25 feet or greater.
- F. Stormwater facilities may be located with common area if designed and improved as an amenity. Such facilities may be exempt from fencing. Such facilities may be counted toward the common area requirement if landscaped and include a walking path.
- G. Common areas may be distributed throughout the project to provide linkages, amenities and visual appeal for the development, but areas shall not be less than .3 acre each.

Sec. 450-140 BUFFER STANDARDS

- A. A planted or natural vegetated buffer strip is required to protect single-family and multiple-family residential zoning districts from negative impacts such as litter, dust, wind, light spill, noise, unsightly views, and other characteristics commonly associated with non-residential land uses and related vehicular and pedestrian traffic which adversely impact the quality of residential life.
- B. Buffers shall be required in the as provided in the below Buffer Specification Table

Uses	Residential District	Commercial District	Industrial District
Residential Uses	N/A	20'	40'
Commercial Uses	20'	N/A	N/A
Industrial Uses	40'	N/A	N/A

- C. Buffers shall contain a minimum of seventy-five (75%) percent of evergreen plant materials comprised of diverse array of plant species and no plant species may account for more than 15% of the plant material for the particular categories of canopy shade tree, understory tree, shrub, groundcover and a maximum of twenty-five (25%) percent of deciduous plant materials. One (1) tree shall be planted for every fifty (50) linear feet of buffer area. Turf grass shall not be considered as an appropriate buffer material.
- D. In those instances where the existing natural vegetation and topography are insufficient to achieve the desired level of screening as required by this Section, a planted buffer shall be provided and shall consist of plant material of such growth characteristics as will provide a visual screen having a height of not less than 6 feet in 2 years and planted in a minimum of two (2) rows with staggered on center

spacing such that a continuous opaque screen is created within two (2) years of planting.

- E. Required buffer strips shall be established and maintained in perpetuity by the owner(s) of the non-residential land use.
- F. The required buffer strip shall not be disturbed by grading, property improvements or construction activities except where necessary to prevent a nuisance, to remove diseased, misshapen, or dangerous and decayed timbers, or any similar County approved enhancement. Any contemplated disturbance shall first be brought to the attention of the County Planning & Development Department and formal approval of a permit secured prior to initiating activity within the required buffer areas.
- G. Buffers shall be provided in accordance with the approved plan prior to issuance of a Certificate of Occupancy.
- H. Buffers shall be prohibited from being used for temporary or permanent parking or loading. The required buffer strip shall be permitted to be included in the minimum yard area as specified in the appropriate zoning district.

Sec. 450-150 SCREENING

- A. Refuse areas and receptacles shall be placed in the least visible location from public streets and shall be enclosed on three sides with opaque masonry walls. The fourth side shall be a self closing gate made from non-combustible materials. Opaque walls and gate shall be a minimum of 12 inches higher than the receptacle.
- B. Outdoor storage areas shall be screened from view from adjacent public rights-of-way and residential districts, and shall be at least 50 feet from any residential zoning district or use. Vegetative screening shall include 100% coverage of planting area, and 75% evergreen.
- C. Loading facilities shall be screened and buffered when adjacent to residentially zoned land. Vegetative screening shall include 100% coverage of planting area, and 75% evergreen.
- D. Loading areas shall not face any public street. Loading dock entrances for non-residential uses shall be screened so that loading docks and related activity are not visible from the public street. If due to the shape of the property or location of a public street, facing the street is unavoidable, a masonry wall may be constructed to screen the loading area. Vegetative screening shall include 100% coverage of planting area, and 75% evergreen.
- E. Loading and dumping activities located within 150 feet of residential district or use shall only be permitted to undertake said activities during normal business hours (7am to 10pm).

Sec. 450-160 LIGHTING

- A. Lighting must be controlled in height, direction, and intensity for traffic safety and to maintain desired character.
- B. Streetlights utilizing decorative fixtures and poles shall be provided along all internal streets and along all public rights-of-way. Streetlights shall be staggered along both sides of the internal streets with placement on alternating property lines. Lighting plans shall indicate lighting at approximately every 150 feet, however when impractical considering property lines, intersecting streets, driveways, storefronts or other features, and light dispersion patterns for the fixture style, flexibility in spacing may be approved by the Director. Fixtures shall be full cut-off type and designed to accommodate a house-side shield.
- C. Parking lot and street light posts shall not exceed a height of 32 feet from finished grade.
- D. Pedestrian light posts shall not exceed a height if 16 feet from finished grade.
- E. Light housings and posts shall be dark color/material and be non-reflective, and consistent with the design and architectural character of the buildings.

Sec. 450-170 SIGNAGE

- A. Signs permitted in any zoning district:
 - 1. Weekend signs.
 - 2. Political signs
- B. Signs permitted for Residential Developments:
 - 1. Two (2) monument style or one (1) double faced monument sign shall be permitted at every entrance to any residential development. Such signs shall not exceed 11 feet in height and cannot exceed 32 square feet of signage per face. Sign structures must be constructed of brick, stone, masonry or equal architectural material. No exposed concrete block. Only external illumination is permitted per Sec. 525-030 (D).
 - 2. No flags, or banners, or other advertisement signs allowed, except weekend directional signs. (US, State Flags, and personal residential flags are allowed).
 - 3. One freestanding real estate sign, 16 square feet. Sign must be removed after 2 years from completion of first phase. A one year extension may be granted by the Director.

4. Temporary signs as allowed in Sec. 525-065.

C. Signs permitted for Non-Residential Developments:

1. Single tenant sites may have two (2) monument style or one (1) double faced monument sign permitted at every entrance to the development. Such signs shall not exceed 16 feet in height and cannot exceed 50 square feet of signage per face. Sign structures must be constructed of brick, stone masonry or equal architectural material and reflect the architecture of the development. No exposed concrete block.
2. Single tenant sites which front I-20 or the Access Road, shall meet the sign regulations in Sec.525 of the Newton County Zoning Ordinance.
3. Multi-tenant developments may have one (1) identification monument for the overall development per road frontage. Such signs shall not exceed 16 feet in height and cannot exceed 150 square feet of signage per face. Sign structures must be constructed of brick, stone, masonry or equal architectural material and reflect the architecture of the development. No exposed concrete block.
4. Multi-tenant sites which front I-20 or the Access Road, shall meet the sign regulations in Sec.525 of the Newton County Zoning Ordinance.
5. Out-parcel sites are limited to one (1) identification monument sign maximum height 6 feet and a surface area maximum of 32 square feet. Sign structures must be constructed of brick, stone, masonry or equal architectural material and reflect the architecture of the development. No exposed concrete block.
6. Exceptions: Gas stations may have an additional 24 square feet to advertise gasoline prices. Canopies shall meet architectural standards of building. If logo placed on canopy it shall be considered a wall sign.
7. Temporary signs as allowed in Sec. 525-060.
8. There shall be a minimum 25-foot separation between monument signs.
9. No flags, or banners, or other advertisement signs allowed, except weekend directional signs and temporary signs as allowed under Sec. 525 of the Zoning Ordinance.
10. Two or more businesses that share a single tenant space must meet requirements for single tenant sites.

D. Wall Signs

1. Each place of business is allowed a maximum of two wall signs.

2. Wall signs shall be placed on exterior walls facing public street(s) and/or pedestrian parking areas.
3. Wall signs shall not exceed 5% of the applicable wall area.

E. Window and Door Signs

1. Permanent and/or temporary signs shall not exceed a size of ten percent of the aggregate window area. The allowed ten percent may be placed in one window panel or distributed in more than one window panel. The area of the doors and spandrel glass panels are excluded from the calculation of the applicable sign area. These signs shall not be placed on doors.
2. The following information may be permanently displayed in windows or glass doors and is exempt from the ten percent limit: proprietors' name, business name, address, phone numbers, hour of operation, and any information required to be posted by local state or federal governments. The lettering for this information shall not exceed a maximum of three inches tall.

F. Additional Signs in Non-Residential developments

1. One sign placed perpendicular to the building 12 square feet.
2. Real Estate sign (ground or wall) 16 square feet. Must be removed 10 days after leasing or sold.

G. Sign Compatibility

1. Wall signs shall be flush against the wall, not cover architectural features or detail, and not to extend beyond the roof line or outer edges of the building.
2. Awning and canopy signs (e.g. gas stations), containing the company's name, are considered signs and may be substituted for wall signs. If substituted, they shall be included in the maximum size calculations and the canopy must be consistent with the architecture and materials of the building.

H. Prohibited Signs

1. Prohibited signs as specified in Section 525-050, as well as flags (not including US, State Flags).

Sec. 450-180 UTILITIES

All new utilities that are part of a common development and installed for the sole purpose of service for that common development shall be underground. This provision is not intended to regulate public utilities. Existing overhead utilities and new utilities along the rights-of-way

of primary and secondary roadways or on adjacent private property of these roadways will be exempt from the underground requirements.

Sec. 450-190 PLAN SUBMITTAL AND REVIEW

In order to demonstrate compliance with the standards of this Overlay District, detailed plans must be submitted for review. This applies to applications for rezoning, conditional use permits, plats, land disturbance permits, building permits, sign permits, or at any time where an exhibit is necessary to determine compliance at the request of the Director, the Planning Commission or the Board of Commissioners.

A. Concept plans shall include the following, as applicable:

1. Use and phases of development;
 - a. Lot lines and setbacks;
 - b. Location, shape, size, and height of proposed buildings, common areas, plazas, and other amenities;
 - c. Gross acreage and density;
 - d. Lot sizes, dimensions and square footage;
 - e. Building heights and stories;
 - f. Amount of open space
 - g. Lakes, ponds, streams, floodplains and wetlands;
 - h. Stormwater facilities;
 - i. Recreation facilities;
 - j. Proposed landscaping, tree save areas;
 - k. Location of off-street or on-street parking.
 - l. Any other architectural and engineering data as may be required to evaluate the project.
2. In addition to site plans, the following are required:
 - a. A design palette governing pedestrian amenities and building architecture;
 - b. Architectural elevation (all four sides), of proposed buildings indicating exterior treatments;
 - c. Samples of materials and colors used.
 - d. Pedestrian circulation plan
 - e. Enhanced Common Area plan
3. Building Permit plans for single family uses shall include:
 - a. A site plan;
 - b. Architectural elevation (all four sides), of proposed building indicating exterior treatments;
 - c. Samples of materials and colors used.

Sec. 450-200 NON-CONFORMING USES

Within the overlay district established by this Ordinance there may exist lots, structures, and use of both land and structures which were lawful before this Overlay was adopted, but which would be prohibited, regulated, or restricted under the terms of this Overlay as adopted or subsequently amended. Non-Conforming lots, uses, and structures may continue in their nonconforming status with the limitations and/or requirements of Division 530 of the Ordinance. However, with regard to standards of the Overlay, and not withstanding the requirements and limitations of Division 530, the following may also apply.

- A. The construction of a new structure or a “material change in appearance” that will affect the exterior architectural features of any structure, site, or work of art within the Almon/Crowell Road Overlay District shall meet the district standards. Ordinary maintenance or repair of any exterior architectural feature in or on a structure that does not involve a change in design is not a “material change in appearance.” Material change in appearance includes without limitation any one or more of the following:
 - 1. A reconstruction or alteration of the size, shape, or facade of a structure, including without limitation relocation of any doors or windows, or removal or alteration of any architectural features, details, or elements, except simple roof replacement;
 - 2. Demolition of a structure, excluding destruction due to fire or other act of God.
 - 3. Relocation of a structure within the district or from a location outside the district to a location within the district;
 - 4. Commencement of excavation;
 - 5. A change in the location of advertising visible from the public way on the property; or
 - 6. The erection, alteration, restoration, or removal of any structure within the district, including walls, fences, steps, and pavements, or other related features.

Sec. 450-210 APPEALS

The Newton County Planning Commission shall consider any special exception to the Almon/Crowell Road Overlay District where the variance or waiver request is to change a design standard, or to appeal a decision of an Administrative Official. The following procedures shall apply to all applications:

- A. A formal written application, along with any such fees as may be established by the Board of Commissioners, shall be filed with the Director or Zoning Administrator.

1. The application for a special exception shall state the specific regulation from which exception is sought and the reasons the exception is needed. The application shall contain such information, as the Director deems necessary to evaluate the request.
2. It shall be the applicant's responsibility to provide sufficient justification for granting the special exception.
3. The Director and staff shall prepare an evaluation statement concerning each application for special exception. The evaluation shall consider the circumstances and supporting documents supplied by the applicant and other generally available technical information pertaining to the special exception request. The evaluation shall consider whether the request satisfies the intent of the Overlay District. The Director shall make a recommendation as to grant, grant with conditions, or denial of the special exception.
4. The standards for staff's evaluation and the Planning Commission decision is whether the proposed change(s) in appearance will have a substantial adverse affect on the Overlay. The Commission and staff shall consider, in addition to any other pertinent factors, the extent to which the proposed project complies with the Overlay District in terms of architectural style, general design arrangement, texture and color (non-painted surfaces) material of architectural features, and other site features and the extent to which the proposal is compatible with other structures in the area.
5. The application shall be heard at a regularly scheduled Planning Commission meeting. The Planning Commission shall make a decision to approve the special exception, approve with conditions, or deny the special exception, citing to the grounds relied upon, and/or to the staff evaluation comments.
6. Any person or persons severally or jointly aggrieved by any decision of the Planning Commission may take an appeal to the Board of Commissioners by filing a notice of appeal within ten days of the date of the decision of the Planning Commission. The secretary of the Planning Commission shall transmit the record to the Board, and the Board shall hear the appeal de novo within forty five days of the filing of the notice of appeal.