AN ORDINANCE TO AMEND THE NEWTON COUNTY ZONING ORDINANCE; TO REPEAL CONFLICTING PROVISIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR FURTHER PURPOSES.

BE IT ORDAINED by the Board of Commissioners of 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

Article IV of the Newton County Zoning Ordinance, as amended, is hereby amended so as to add Division 430, to be entitled “Rural Village Overlay,” attached hereto as Exhibit “A” and incorporated herein by reference thereto.

SECTION 2

All ordinances or regulations or parts thereof in conflict herewith are hereby repealed.

SECTION 3

This Ordinance shall be in force and take effect on September 18, 2001.

Adopted and approved by the Board of Commissioners on the 16th day of September, 2001, after a public hearing on the 7th day of May, 2001 and on the 18th day of September, 2001.

NEWTON COUNTY BOARD OF COMMISSIONERS

By:  
Aaron Varner, Chairman

Attest:  Jackie Smith, Clerk

Recommended for approval and adopted by the Newton County Planning Commission on the 27th day of March, 2001, after a public hearing on said date.

NEWTON COUNTY PLANNING COMMISSION

By:  
Dick Schultz, Chairman

Attest:  Bobbie Parham, Secretary
Exhibit A

Newton County Rural Village Overlay Zone

Division 430: Rural Village Overlay

Sec. 430-010 PURPOSE AND INTENT

It is the purpose of this Section to create a Rural Village Overlay Zone that will:

A. Promote the economic, cultural, educational, and general welfare of the public by fostering sustainable growth within key areas of the rural part of Newton County;

B. Preserve Newton County’s rural ambiance and historic nature by avoiding the emergence and expansion of long, linear, commercial strips and by blending new developments into rural areas without compromising the unique character of these areas;

C. Encourage compatibility of forms, scale, massing and materials such that new structures will conform to community features and standards and thereby more closely reflect the nature of the community.

Sec. 430-020 ESTABLISHMENT OF RURAL VILLAGE OVERLAY DISTRICTS

The boundaries of Rural Village Overlay Districts shall be established by the Newton County Board of Commissioners in the following manner:

A. The Board of Commissioners shall initiate the establishment of a Rural Village Overlay District by authorizing the Planning Staff to prepare a generalized boundary for the potential overlay district. The proposed overlay district shall be not less than 100 acres. The proposal for an overlay district shall then be submitted to the Planning Commission.

B. The Planning Commission shall hold a properly advertised public hearing in accordance with Section 620-020 and Section 620-030 of the Newton County Zoning Ordinance in order to make a recommendation regarding the proposed Rural Village Overlay District. The recommendations of the Planning Commission may include any of the following:

1. to recommend that the Board of Commissioners approve the proposed Rural Overlay District as proposed; or
2. to recommend that the Board of Commissioners approve the proposed Rural Overlay District with modifications to the boundaries or other stipulations; or
3. to recommend that the Board of Commissioners deny the proposed Rural Overlay District; or
4. to table action to a date certain in order to continue its consideration of the proposal.

C. Subsequent to receiving the recommendation of the Planning Commission, the Board of Commissioners shall hold a properly advertised public hearing in accordance with Section 620-020 and Section 620-030 of the Newton County Zoning Ordinance. The actions of the Board of Commissioners may include any of the following final decisions:

1. to approve the proposed Rural Overlay District as proposed; or
2. to approve the proposed Rural Overlay District with modifications to the boundaries or other stipulations; or
3. to deny the proposed Rural Overlay District; or
4. to table action to a date certain in order to continue its consideration of the proposal.
D. No Rural Overlay District shall be approved without the written approval of the owners of not less than 51% of the land area, by acreage, and not less than 51% of the landowners, in number, within the proposed district. It is recommended that a strong majority of the landowners favor the proposed district.

Sec. 430-030 PERMITTED USES

A. Uses permitted within the Rural Village Overlay District are those permitted in the underlying zoning district.

B. The Rural Village Overlay District is superimposed over other existing zoning districts, and the special requirements of this district shall apply in addition to the requirements of the use district within which a specific property is located.

Sec. 430-040 SITE DESIGN STANDARDS

A. Design Standards for subdivisions of single-family detached dwellings:

1. Buildings shall be consistent with the architectural style approved by the Board of Commissioners.

2. For houses less than fifty (50) feet from the right of way, primary entries shall be accessed directly from the public street and sidewalk.

3. Exterior finished materials shall be subject to approval by the Planning Commission.

4. Landscaping

   a. Landscaping design shall include a variety of deciduous and evergreen trees and shrubs and flowering plant species well adapted to the local climate.

   b. Where feasible, at least 25 percent of existing healthy trees within each lot shall be preserved and incorporated into the required landscaping of the site.

   c. Landscaped areas of at least 10 feet in width shall be provided adjacent to public or private streets.

5. Parking - See Planning Department for details.

   a. With the approval of the Planning Director, on-street parking for amenity areas (such as club houses and pools, etc.) may be provided within landscape strips adjacent to residential streets, either through formal, paved spaces, or through informal, grassed areas appropriately maintained for parking vehicles.

   b. Off-street parking shall be provided within garages or on paved driveways or parking aprons. Detached garages located in rear yards or side-entry garages are preferred. If front-entry garages are necessary, they shall be recessed at least ten feet behind the front facade of the structure and at least 20 feet behind the front property line. If front entry, garage shall not occupy more than 40 percent of the total building frontage on a lot.
6. Signs
   a. Each subdivision entrance may have one double-faced, monument-style sign. The sign is to be limited in height to six (6) feet and may be no larger than sixteen (16) square feet in area, per side, and must be setback at least ten feet from the public right-of-way. The provisions of Division 525 apply except as modified herein.

7. Underground utilities
   a. All utilities shall be placed underground except where no utility improvements are required, or when the Planning Director determines that underground utilities are infeasible due to shallow rock, high water table, or other similar geologic or hydrologic conditions.

B. Design Standards for Multi-Family Developments (see Graphic 430-1)

1. Orientation requirements for developments:
   a. At least 50 percent of the length of building facades facing streets shall be placed within 30 feet of the front property line.
   b. Buildings that are located within thirty (30) feet of property line adjacent to a front yard shall have at least 25 percent of the wall facing the street in window or door areas.

2. A project may not contain a block of greater than 3 acres. Projects larger than three acres shall develop a public or private street system that creates blocks of three acres or less.

3. Private Streets shall be required to contain sidewalks and street trees.

4. Streetscape
   a. One street tree for each fifty (50) feet of frontage, chosen from the Newton County Tree Species List, shall be placed on that portion of the project adjacent to the street. Where appropriate, these street trees may be placed in the public right of way.
   b. This street tree requirement is required for private internal streets as well as public streets.
   c. Sidewalks shall be provided along the frontage of all public streets except alleys, as provided in Section 620-20 of the Newton County Development Regulations.
   d. Sidewalks shall be located a minimum of 4½ feet behind the back of curb or edge of pavement of new or existing streets so as to preserve a landscape strip between the street and sidewalk.

5. Landscaping
   a. Within the protected zone, landscaping design shall include a variety of deciduous and evergreen trees and shrubs and flowering plant species well adapted to the local climate.
   b. Where feasible, within each multi-family development, at least 25 percent of the existing healthy trees on the site shall be preserved and incorporated into the required landscaping of the site.
c. Landscaped areas of at least ten (10) feet in width shall be provided adjacent to public or private streets.

d. 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.

6. Open Space

a. Provide Open Space in accordance with Section 510-350 of the Newton County Zoning Ordinance, but in no case shall less than 5 percent of the lot area be dedicated for recreational use by the tenants of the development.

b. Areas covered by shrubs, pine straw, bark mulch and other ground covers which do not provide a suitable surface for human use, may not be counted toward this requirement.

c. Decks, patios, and similar exterior areas are eligible for open space criteria. Play areas for children are required for projects of greater than 20 units. Developments that prohibit occupancy by children are exempt from these provisions.

7. Special standards for Large Scale Multi-Family Developments (greater than 30 units). The same exterior design may not be used for more than 30 units in a development. A variety of compatible exterior materials’ use and type, building styles, massing, composition, and prominent architectural features, such as door and window openings, porches, rooflines, should be used.

8. Parking

a. Off-street parking shall be provided in interior areas served primarily by private streets and buffered from public streets by buildings or landscaped berms. See graphics 430-1 and 430-4.
430-1. Multi-family Site Development Standards

Newton County Rural Village Overlay Zone
9. Signs. Multi-family developments may have no more than one double-faced, monument style-sign located at each access point to a public street. Such signs are to be limited in height to six (6) feet and may be no larger than twenty (20) square feet in area, per side, and must be setback at least ten feet from the public right-of-way. The provisions of Division 525 apply except as modified herein.

10. Underground utilities

   a. All utilities shall be placed underground except where no utility improvements are required, or when the Planning Director determines that underground utilities are infeasible due to shallow rock, high water table, or other similar geologic or hydrologic conditions.

C. Design Standards for Commercial Uses:

1. Orientation and Scale

   a. Buildings shall have their primary orientation toward the street rather than the parking area. Public sidewalks shall be provided adjacent to a public street along the street frontage.

   b. Refuse containers, mechanical equipment, and similar areas are not permitted to be visible from the street nor are permitted between the building and the street.

   c. Buildings located within 30 feet of the street shall have an entrance for pedestrians from the street to the building interior. This entrance shall be designed to be attractive and functional.

   d. Sub-section 1. c), above, may be waived for buildings that are not intended for direct access by pedestrians, such as warehouses and industrial buildings without attached offices, and automotive service uses such as service stations and tire stores.

2. Streetscape

   a. One street tree shall be placed for each fifty (50) feet of frontage for that portion of the development fronting the street.

   b. Buildings set back more than fifty (50) feet from public streets should be buffered by landscaped areas at least ten (10) feet in width, unless it is demonstrated that this does not further an active streetscape environment. Outdoor storage areas shall be screened from view from adjacent public rights-of-way. Loading facilities shall be screened and buffered when adjacent to residentially zoned land.

   c. Landscaping design shall include a variety of deciduous and evergreen trees and shrubs and flowering plant species well adapted to the local climate.

   d. Where feasible, within each commercial development, at least 10 percent of the existing healthy trees on the site shall be preserved and incorporated into the required landscaping of the site.
3. Parking - See Planning Department for details.
   a. 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.
   b. Off-street parking shall be located in the rear or side yards of commercial buildings,
      except where approved by the Planning Director. When parking is provided in side yards,
      it may occupy no more than 50 percent of the frontage of the lot measured parallel to the
      front property line and be screened from public streets as required in Section 430-040-D.

4. Buildings in a commercial zone may not be clad in metal siding, plain concrete block, or
   plain concrete walls if visible from the front or two sides. Decorative concrete block or
   concrete walls with textured surface materials may be permitted.

5. Underground Utilities
   a. All utilities shall be placed underground except where no utility improvements are
      required, or when the Planning Director determines that underground utilities are
      infeasible due to shallow rock, high water table, or other similar geologic or hydrologic
      conditions.

6. Additional Standards for Large Scale Developments. Developments (1) involving a gross
   floor area in excess of 60,000 square feet, and (2) located in a non-residential zone shall, in
   addition to complying to the basic Site Design Standards, conform to the following standard
   regarding orientation and scale:
   a. Developments shall divide large building masses 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, windows, trees, and
      small scale lighting. See Graphic 430-2.
b. No new buildings or contiguous groups of buildings shall exceed a combined contiguous building length of 300 feet, unless a variance is obtained.

c. All on-site circulation systems shall incorporate a streetscape, which includes curbs, sidewalks, pedestrian scale light standards, and street trees. See Graphic 430-3.

![430-3](image)

D. Parking Lot Landscaping and Screening Standards.

1. All parking lots, which for purposes of this section, include areas of vehicle maneuvering, parking, and loading, shall be landscaped and screened as per the following standards.

2. Screening at Required Yards. See Graphic 430-4.

   a. Parking abutting a required landscaped front or exterior yard shall incorporate a sight obscuring hedge screen into the required landscaped yard.

![430-4. Screening parking lots](image)
b. The screen shall grow to be at least 36 inches higher than the finished grade of the parking area, except for required vision clearance areas.

c. The screen height may be achieved by a combination of earthen berms and plant materials.

3. A screen shall be required when parking abuts a property line. Where a buffer between zones is required, the screening shall be incorporated into the required buffer strip, and will not be an additional requirement.

4. Parking lot landscaping shall consist of a minimum of 5 percent of the total parking area plus a ratio of one (1) tree for each seven (7) parking spaces to create a canopy effect.

   a. The tree species shall be an appropriate large canopied shade tree and shall avoid root damage to pavement and utilities.

   b. Landscaped areas shall be distributed throughout the parking area and parking perimeter as required in Section 630-050 of the Newton County Development Regulations.

5. Parking areas adjacent to residential dwellings shall be set back at least eight (8) feet from the building.

6. Other screening and buffering shall be provided as follows:

   a. Refuse Container Screen: Refuse containers or dumpsters shall be screened from view by placement of a solid wood fence or masonry wall from five to eight feet in height, to be determined by dumpster height. Solid wood fences shall be a minimum of 2" x 6" panels on 6" x 6" posts. All refuse materials shall be contained within the refuse area.

   b. Service Corridor Screen: Off-street truck loading and unloading areas for commercial and industrial buildings shall be screened when adjacent to residential uses. Siting and design of such service areas shall reduce the adverse effects of noise, odor and visual clutter upon adjacent residential uses.

   c. Light and Glare Screen: Artificial lighting shall be so arranged and constructed as to not produce direct illumination on adjacent residential properties.

E. Street Tree Standards. See Graphic 430-5.

1. All development fronting on public or private streets shall be required to plant street trees in accordance with the following standards and chosen from the recommended list of street trees approved by the Newton County Commission.

2. Street trees shall be located behind the sidewalk except in cases where there is a designated planting strip in the right-of-way, or the sidewalk is greater than 8 feet wide and designed to accept trees in tree wells. Street trees shall generally conform to the standard established by the Newton County Board of Commissioners.

3. Spacing, Placement, and Pruning of Street Trees. All tree spacing may be made subject to special site conditions, which may, for reasons such as safety, affect the decision. Any such proposed special condition shall be subject to the Planning Director’s review and approval. The placement, spacing, and pruning of street trees shall be as follows:
430-5. Street trees

a. Street trees shall be placed at the rate of one tree for every fifty (50) feet of street frontage.

b. 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.

c. 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.
d. Trees shall not be planted closer than 2½ feet from the face of the curb.

e. Where there are overhead power lines, tree species are to be chosen that will not interfere with those lines.

f. Trees shall not be planted within 2 feet of any permanent hard surface paving or walkway. Sidewalk cuts in concrete for trees shall be at least 10 square feet, however, larger cuts are encouraged because they allow additional air and water into the root system and add to the health of the tree. Space between the tree and hard surface may be covered by permeable non-permanent hard surfaces such as grates, bricks on sand, or paver blocks.

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

h. Existing trees may be used as street trees if there will be no damage from the development which will kill or weaken the tree. Sidewalks of variable width and elevation may be utilized to save existing street trees, subject to approval by the Planning Director.

i. Existing street trees removed by development activity shall be replaced by the developer. The replacement trees shall be of size and species similar to the trees that are approved by the Planning Director. New trees shall conform to Section 525-060 and shall be at least 2" DBH and six (6) feet tall at time of planting.

F. Additional Standards for Subdivisions Requiring Site Review

1. Lot Coverage Standards of the zone shall be enforced. In the case of developments which have actual building footprints, lot coverage shall be calculated using the footprint of the buildings and the impervious area of other improvements, including streets, driveways, and sidewalks. If building envelopes are provided, impervious area shall be calculated assuming that the building footprint is one-third the area of the building envelope, or 2,500 square feet, whichever is smaller.

2. The development of the subdivision shall incorporate the natural features of the land to the extent practical, including topography, important stands of trees, streams, wetlands, ponds, and other areas. Open space areas shall incorporate these features where feasible, or they shall be protected by conservation easements, or other suitable means of protection of the natural features of the land. Note: See Division 425 of the Newton County Zoning Ordinance.

G. Access, Parking and Circulation Standards

1. Prior to division of property in a commercial site review, controlled access standards shall be applied and, if necessary, cross easements shall be required as provided in Section 605-100 of the Newton County Development Regulations so that access to all properties created by the subdivision can be shared from one (1) or more points. See Graphic 430-6.

2. All buildings shall provide attractive, safe, and convenient pedestrian access from the sidewalk to the building frontage and provide other pedestrian connections to adjacent buildings within the same development. Such pedestrian access shall minimize conflicts with automobiles by such means as sidewalks, ornamental pavers, striping, and signs.
3. All mixed density developments, which will have automobile trip generation in excess of two hundred fifty (250) vehicle trips per day, shall provide at least two (2) driveway access points to the development. Trip generation shall be determined by the methods established by the Institute of Engineers.

H. Drive-through Uses

1. Any establishment which by design, physical facilities, service, or by parking procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles, shall be subject to the following conditions.

2. Drive-through uses are subject to site plan review.

3. Approvals of drive-through uses are subject to the following criteria:

   a. All facilities providing drive-through service shall provide at least two (2) designated parking spaces immediately beyond the service window or provide other satisfactory methods to allow customers requiring excessive waiting time to receive service while parked.
b. All drive-through uses shall provide a means of egress for vehicular customers who wish to leave the waiting line.

c. Establishments having drive-through facilities shall provide sufficient stacking area to ensure that public right-of-way are not obstructed.

d. The sound level of communications systems shall not exceed fifty-five (55) decibels at the property line and shall otherwise comply with the Newton County Development Regulations regarding sound levels.

I. Light and Glare Performance Standards

1. There shall be no direct illumination of any residential zone from any other residential use, Commercial, Employment, or Industrial zone.

2. Lights shall be fully shielded, as defined below, in order to minimize light trespass on residential zones.

3. “Fully Shielded” means a technique or method of construction or manufacture which does not allow any light dispersion to shine above the horizontal plane from the lowest light emitting point of the light fixture. Any structural part of the light fixture providing this shielding shall be permanently affixed to the light fixture.

4. Fixtures shall be mounted at pedestrian-oriented heights.

J. Landscaping Maintenance

1. All landscaped areas required by this Chapter must be maintained according to the approved landscaping plans.

K. Impervious Surface

1. The maximum impervious surface ratio for developments in this district shall be no more than 60 percent.

L. Designated Creek Protection and Environmental Buffer Access

1. Designated stream protection areas shall be considered positive design elements and incorporated in the overall design of a given project.

2. When a creek area is disturbed or without vegetation, native riparian plant materials shall be planted in and adjacent to the creek to enhance the creek habitat.

M. Signs

1. Signs for individual establishments used for commercial, office, institutional, industrial, or other permitted non-residential uses shall be permitted as follows:
Newton County Rural Village Overlay Zone

<table>
<thead>
<tr>
<th>Type of Sign</th>
<th>Number Allowed</th>
<th>Max. Display Area Per Sign:</th>
<th>Max. Height:</th>
<th>Min. Setback:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground sign</td>
<td>1 per building</td>
<td>25 sq. ft.</td>
<td>6 ft.</td>
<td>5 ft.</td>
</tr>
<tr>
<td>Wall sign</td>
<td>5 per building</td>
<td>Total of all wall signs no more than 5% of sq. footage of front wall of bldg.</td>
<td>Top of wall</td>
<td>N/a</td>
</tr>
<tr>
<td>Temporary</td>
<td>2 per building</td>
<td>32 sq. ft.</td>
<td>6 ft.</td>
<td>5 ft.</td>
</tr>
</tbody>
</table>

2. Signs for Community Oriented Residential Development (CORD) consisting of non-residential uses:

<table>
<thead>
<tr>
<th>Type of Sign</th>
<th>Number Allowed</th>
<th>Max. Display Area Per Sign:</th>
<th>Max. Height:</th>
<th>Min. Setback:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monument</td>
<td>1 per access point</td>
<td>20 sq. ft.</td>
<td>6 ft.</td>
<td>10 ft.</td>
</tr>
<tr>
<td>Wall or Canopy</td>
<td>1 per building or tenant (whichever is greater)</td>
<td>5% of sq. footage of front wall of bldg., but not more than 40 sq. ft.</td>
<td>Top of wall</td>
<td>N/a</td>
</tr>
</tbody>
</table>

Note 2 – Canopy signs are illustrated in Graphic 430-7.

3. The provisions of Division 525 apply except as modified herein.
4. Nothing in this section shall be interpreted to preclude Freedom of Speech, or to exclude or prohibit the display of non-commercial messages in a manner which is otherwise consistent with the sign regulations of Newton County.

5. Wall signs shall not damage or obscure architectural details or ornamentation.

6. Projections and wall signs shall be externally illuminated from above.

Sec. 430-050 PLAN REVIEW

A. The following information shall be required for all developments requiring a Certificate of Appropriateness. It may be submitted in one or several maps and written material, as deemed appropriate by the Planning Director.

B. A site plan shall be submitted for the proposed activity that meets the following minimum requirements:

1. Project name
2. Vicinity map
3. Scale
4. North arrow
5. Date
6. Street names and locations of all existing and proposed streets within or on the boundary of the proposed development, pavement widths, sidewalks, and bikeways, and all existing and proposed transit stops.
7. Lot layout with dimensions for all lot lines.
8. Zoning designations of the proposed development.
9. Zoning designations adjacent to the proposed development.
10. Location and use of all proposed and existing buildings, fences and structures within the proposed development. Indicate which buildings are to remain and which are to be removed.
11. Location and size of all existing and proposed public utilities in and adjacent to the proposed development with the locations shown of water lines and diameters, sewers, manholes and cleanouts, storm drains and catch basins, electric and gas, telecommunication.
12. Location of drainage ways, environmental buffer zones, or public utility easements in and adjacent to the proposed development.
13. Locations, sizes and uses of contemplated and existing public areas within the proposed development.
14. A topographic map of the site available at county offices.

15. Location of all parking areas and all parking spaces, ingress and egress on the site, and on site circulation.

16. Site analysis: Identify significant landscape features including, but not limited to, forested areas, creeks, wetlands, 100 year floodplains, and ponds existing on the site. Indicate any planned modifications to a natural feature.

17. A landscape plan showing in detail the location, type, and size of the proposed landscaping and plantings.

18. The elevations, surface area in sq. ft., illumination type, height, and construction (material and style), and locations of all proposed signs for the development.

C. Architectural elevations for all buildings proposed on the property shall be submitted meeting the following standards.

1. Indicate the material, color, texture, windows, doors, and other design features of the building, including all visible mechanical equipment, such as for heating and cooling.

2. Elevations shall be submitted drawn to scale of 1/8"=1'-0" or greater.

3. In the case of subdivisions which contain attached units or lots of less than 30,000 square feet, plans for homes which may be built on lots may be submitted without specifying which lot the unit is to be located on; however, building envelopes on the lot must be sufficient to accommodate the units planned for the lot. In lieu of plans, the subdivision may adopt design standards as part of the covenants of the development that will assure compliance with these regulations.

D. A written summary of the proposed activity shall be submitted with the following minimum information:

1. For commercial and industrial developments:
   a. The total area contained in the area proposed to be developed.
   b. The area and percentage of the lot covered by structures.
   c. The area and percentage of the lot covered by other impervious surfaces.
   d. The total number of parking spaces.
   e. The total area of all landscaped areas.
   f. The total area covered by tree canopy at maturity of the trees.

2. For residential developments:
   a. The total area in the development.
   b. Area and percentage of lot coverage by:
Structures
Streets, roads, and alleys
Sidewalks
Recreation areas
Landscaping
The total area covered by tree canopy at maturity of the trees
Parking areas

Sec. 430-060 CONDITIONS THAT MAY BE APPLIED FOR APPROVAL

A. When approving a Certificate of Appropriateness, the hearing authority may include any or all of the following conditions if they find it necessary to meet the intent and purpose and the criteria for approval of this ordinance.

1. Require such modifications in the landscaping plan as will ensure proper screening and aesthetic appearance.

2. Require plantings and ground cover to be predominant, not accessory, to other inorganic or dead organic ground cover.

3. Require the modification or revision of the placement, design or remodeling of structures, signs, accessory buildings, etc., to be consistent with the Standards.

4. Require the modification of the placement, design and appearance of streets, buildings and other improvements.

5. Require the type and placement or shielding of lights for outdoor circulation and parking.

6. Require new developments which produce more than 1,000 vehicle trips per day to provide traffic mitigation by means of traffic signals, traffic controls and turning islands, landscaping, or any other means necessary to insure the viability, safety and integrity of the major street as a through corridor.

7. Require developments to provide access to improved streets and, where possible, provide access to the lower order street rather than a major collector or arterial street.

Sec. 430-070 PLANNING COMMISSION PLANNING RESPONSIBILITIES

A. The Newton County Planning Commission, subject to oversight from the Board of Commissioners, shall have the following powers and duties relating to planning within the Rural Village Overlay Zone;

1. Prepare an inventory of all property within the Rural Village Overlay Zone;

2. Recommend to the Board of Commissioners specific actions to preserve and improve the integrity, aesthetics and safety within the Zone; and

3. Make such investigations and studies of matters relating to area design as the Planning Commission may, from time to time, deem necessary or appropriate for the purpose of maximizing the appropriate use and utility of the area.
Sec. 430-080 CERTIFICATE OF APPROPRIATENESS PROCESS

A. Within the Rural Village Overlay District, except for existing single family detached residential structures or replacement of destroyed single family detached residential structures, no material change in the appearance of such property, structure, site, or work of art within the Rural Village Overlay District, shall be made or be permitted to be made by the owner or occupant thereof, unless or until application for a Certificate of Appropriateness has been submitted to and approved by the Newton County Commission. In addition to compliance with any other permits, approvals and standards required within the underlying zoning district, development within the Rural Village Overlay District shall comply with the following requirements:

1. Except for property containing an existing single family residential structure, if a property is located within the Rural Village Overlay District, no material change in the appearance of such property (including but not limited to alterations to existing structures and construction of new structures), of a structure, site, or work of art, shall be made or be permitted to be made by the owner or occupant thereof and no building permit shall be issued, unless and until application for a Certificate of Appropriateness has been submitted to and approved by the Planning Commission. Such material changes shall conform in design, scale and setback, to the requirements specified in Section 430 of this ordinance.

2. Where a Certificate of Appropriateness is required by this Section, no building permit shall be issued and no construction or ground disturbance shall be allowed until a Certificate of Appropriateness has been issued in accordance with this Section and all construction shall conform to the Certificate of Appropriateness.

3. An approved Certificate of Appropriateness shall become void unless construction is commenced within six (6) months of date of issuance.

4. Certificates of Appropriateness shall be valid for a period of twenty four (24) months, at which time they shall expire. A new application must submitted and a new Certificate of Appropriateness must be issued by the Planning Commission prior to any construction or modification after expiration of a Certificate of Appropriateness.

B. The review process for a Certificate of Appropriateness shall include the following:

1. An application for Certificate of Appropriateness shall be accompanied by such drawings, photographs, or plans as may be required by the Planning Commission. At least thirty (30) days prior to submitting a final plan and application to the Planning Commission for approval, a preliminary plan should be presented to the Planning Commission for review and recommendations.

2. Notice of public hearings shall consist of a notice published and posted on the property for which the application is pending in accordance with Article 6, Section 620-020 of this Ordinance, and such other notice as may reasonably be required to inform the owners of any property likely to be affected by reason of the application.

3. All decisions on a Certificate of Appropriateness shall be made at a public hearing held by the Planning Commission. Such hearing shall be conducted in accordance with the procedures set forth in Article 6, Section 620-030 and shall give applicant and affected property owners an opportunity to be heard.
C. Decisions on a Certificate of Appropriateness

1. At the conclusion of the hearing required in the above subsection, the Planning Commission shall approve the application and shall issue a Certificate of Appropriateness if it finds that the proposed change(s) in the appearance would be compatible with the standards of the Rural Village Overlay Zone. In making this determination, the Planning Commission shall consider, in addition to any other pertinent factors, the extent to which the proposed project complies with the design guidelines in terms of the proposed architectural style, general design arrangement, texture, and material of the architectural features proposed, the extent to which the proposal is compatible with other structures in the immediate neighborhood.

2. In its review of all applications for Certificate of Appropriateness, the Planning Commission shall not consider interior arrangement or use having no effect on exterior architectural features, safety or utility.

3. The Planning Commission shall deny a Certificate of Appropriateness if it finds that the proposed new structure or change(s) in appearance of an existing structure would be incompatible with the standards of the Rural Village Overlay Zone. The Planning Commission may suggest modifications or alternatives to the proposed alteration or new construction. The applicant may make modifications to the plans and may resubmit a new or revised application for consideration by the Planning Commission.

4. In the event the Planning Commission denies an application, it shall set forth in writing reasons for the denial, and shall transmit a record of its decisions, including its findings for denial to the applicant and to the Board of Commissioners.

5. If a Certificate of Appropriateness is denied by the Planning Commission, the applicant shall have the right of appeal to the Board of Commissioners. Said appeal shall be processed in accordance with Division 620-030 and 620-040, and the decision of the Board of Commissioners shall be final.

6. In cases in which the application for a Certificate of Appropriateness involves a proposal that would require the issuance of a building permit, the denial of the application for a Certificate of Appropriateness by the Planning Commission shall be binding upon the Building Official or other administrative officer charged with issuing building permits, and in such case, no building permit shall be issued.

7. The Planning Commission shall approve or deny an application for a Certificate of Appropriateness within sixty (60) days after the application is filed with the Building Official. Evidence of approval by the Planning Commission shall be by a Certificate of Appropriateness issued by the Planning Commission. Failure of the Planning Commission to act within said sixty (60) days shall be deemed to be approval of the application and no other evidence of approval by them shall be needed.
Newton County Rural Village Overlay Zone

Definitions

For the purposes of this Article the following terms have the meaning set forth below:

A. "Certificate of Appropriateness" means a document approving a proposal for new construction or for a material change in the appearance of a property or of a structure, site, or work of art located within Rural Overlay District, except for existing single family detached residential structures. The Certificate of Appropriateness must be obtained from the Newton County Planning Commission.

B. "Exterior architectural features" means the architectural style, general design, and general arrangement of the exterior of a building or other structure to which this section applies, including, but not limited to, the kind of texture of the building material; the type and style of all windows, doors, and signs; and other appurtenant architectural fixtures, features, details, or elements relative to the foregoing.

C. "Material change in appearance" means a change that will affect only the exterior architectural features of a property or of any structure, site, or work of art within the Rural Village Overlay District, except for existing single family detached residential structures. Ordinary maintenance or repair of any exterior architectural feature in or on a structure that does not involve a change in design is expressly excluded from the definition of the term "material change in appearance." Material change in appearance includes any one or more of the following:

1. A reconstruction or alteration of the size, shape, or facade of a property, including relocation of any doors or windows or removal or alteration of any architectural features, details, or elements, except for a single family detached residence;

2. Demolition of a structure, except for a single family detached residence;

3. Relocation of a building or a structure, except for reconstruction or alteration of a single family detached residence, within the Rural Village Overlay District or from a location outside the District to a location within the District

4. Commencement of excavation, except for reconstruction or alteration of a single family detached residence;

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 building or other structures within the Rural Village Overlay Zone, except for existing single family detached residences, including walls, fences, steps, and pavements, or other appurtenant features.
Population: 62,500

Nevada County
40 miles east of Austin
Pop 60,000
NEWTON COUNTY BOARD OF COMMISSIONERS

MINUTES

PUBLIC HEARING FOR RURAL VILLAGE OVERLAY ORDINANCE

Chairman introduced County Attorney Tommy Craig who gave an overview of ordinance. Mr. Craig said that at the last hearing held on said subject various members of the community voiced some concerns. One concern was the ordinance as drawn indicated an exclusive arrangement whereby people who wanted to ask for this overlay zoning was asked to adopt a Victorian motif and some people felt they would like the opportunity to present other designs for consideration. In other parts of the county, some undeveloped, it was felt other alternatives should be provided as well. People were concerned that this board at some future time might enact Rural Overlay Zoning Protection in areas where the majority of the people were opposed to it, so there was a change made in the ordinance to provide that a majority of the people, in terms of the ownership of the land, would be required before this board would adopt such an overlay zoning. There is a suggestion in the ordinance that it be a strong majority of people in the area that supports the project and petition the zoning before board would grant it. He also stated there was some concern regarding the maximum building size would preclude some kind of development and tenants, and so there was provision made that this board would have the authority to issue variances to address those situation and situations where the board feels appropriate. He stated this was a safety valve put in place to address these concerns.

Chairman Varner commented that board has strive to be very fair regarding this issue and at Public Hearing held previously an opportunity was given to all who wanted to speak. He asked that tonight's comments be limited to a total of 15 minutes for those in favor of ordinance as well as those in opposition to ordinance and opened floor for comments.

Opposition:

John Penland
➤ Against as presently written
➤ Commended people for coming together to middle ground including Planing Staff, Planning Commission, and Board of Commissioners and citizens on both sides of issues.
➤ Commended Attorney Craig and said he was almost there, needed a little more tweaking
➤ Would also like to see the majority of landowners included in ordinance.
John Fuchs
➢ Asked if ordinance was constitutional?
➢ Overlay based on fear…what is coming down Hwy. 11.

Ricky Mock
➢ Totally against plan as written.
➢ Too costly to developers
➢ Owns property at Hub, zoned commercial since the 70’s
➢ Concerned about 300 foot grids
➢ Not saleable property.

John Fuchs
➢ What about ordinance being constitutional or not?
➢ Attorney Tommy Craig stated he could not give a blanket answer, however we would not propose an ordinance that we did not feel was constitutional. He stated anything can be challenged in court, but his professional opinion is that as written it is constitutional.

➢ For Ordinance

Brad Jacoby
➢ Approve of all work that has been done, worked on this a long time.
➢ Tool for people in any area of county to get together to see what they want done in their area.
➢ It will be a consensus or it will not even come before this board.

Betty Bledsoe
➢ Served on committee for 1-1/2 years
➢ Committee that board formed and asked to come up with a plan/guideline to assist board.
➢ No negative feedback
➢ Worked with developers re ordinance.
➢ Not trying to stop growth, just plan for growth.

Pierce Cline
➢ Member of Steering Committee
➢ Local landowner
➢ Local developer
➢ Supports totally
➢ Feels there will be a net worth in the passage of this ordinance.
Chairman Varner extended thanks and commended people on both sides for their conduct, stating how much easier the board's job is when people come together in a spirit of debate. He tipped his hat to the crowd for their actions and well thought out communication.

Chairman Varner stated the ordinance number and stated his understanding is as follows: This ordinance has to be separated from the Brick Store and has nothing to do with the Brick Store Community itself. If this ordinance is passed it will give each community in this county, who wishes to, the ability to come before this board and request approval to allow them to form a committee to study the planning needs for their community; after which time they will then present plan to Planning Commission and then on to this board for final approval.

County Attorney Tommy Craig addressed the board in regards to John Penland's suggestion. He said he felt Mr. Penland made a good point and in a practical matter he didn't think you would see this applied to a district where you didn't have the majority of landowners and majority of land owner. He said he felt there was some wisdom and political reality in this consideration whether the board wanted to make this amendment or not.

Commissioner Dimsdale asked for clarification on the process? He asked if process was such that if board wanted to modify ordinance was this the time to do it? One change that Commissioner Dimsdale would like to make was, in recognizing the wisdom Mr. Penland brought, was not only having the majority of the land in effect voting to have this come into effect, but also the majority of the landowners. This would present a deliberate meshing together of those on own land and those who own large portions of land. This provides that it will not be done without an added layer of cooperation of the community and proposed such to be added to wording of ordinance.

Commissioner Strickland stated he concurred what Commissioner Dimsdale said and mentioned that as we have looked at the television all week of the horrific tragedy in New York and Washington, and what we are fighting for now is continuing to be the free people we are. He stated he has friends who own a lot of land, but feels that the man who owns one lot is just as important as the man who owns a large tract of land (big land owner).

Commissioner Henderson said understands clarification that every one has the same vote, those who own one lot and those who own many acres of land.

Commissioner Dimsdale read the following: 430-020 paragraph D. "No Rural Overlay District shall be approved without the written approval of the owners of not less than 51% of the land area, by acreage, within the proposed district." Commissioner Dimsdale said after the phrase "proposed district" he would like to add.... not less than 51% of landowners in number.

Commissioner Fleming stated his agreement with Commissioner Dimsdale comments. In addition, he strongly voiced his concern that it should be 51% of the landowners and
would lend his support of that. He said this committee has worked hard for a year and half and expressed thanks and appreciation to them. He stated how important it is to have concerned citizens working on these type issues regardless of the vote of this board. He expressed gratitude to all who worked on this issue whether they were in favor or not in favor of the ordinance. Next he stated how important good planning is and supported such, however he voiced concern about the 300 square feet and could not support that. Chairman stated this could be handled through a variance request.

Commissioner Ewing asked to address the issue by Commissioner Fleming. He explained this was one of the issues brought out in the Public Hearing and said the change that was made was an effort to address the issue, to allow buildings larger than 90,000 square feet. In addition, he said, as with any Rural Village Overlay, if this ordinance is passed tonight it does not effect a single tract of land in Newton County. In order for it to effect any tract of land in Newton County this board would have to authorize a Rural Village Overlay Study, and this document could be changed to suit the needs in that particular area. He said he hoped as board considered the document, that it is a model ordinance (so to speak) as a tool we could use in areas of the county where we have not already developed to the full extent. He reminded the board that recently documents were presented to them that identified development nodes throughout the county. He said, if passed, this would give any community in the county an opportunity for a Rural Village Overlay, Town Center or development nodes. He said, Mansfield & Newborn, which are in District One, are prime candidates for this. He asked that board keep in mind this does not effect any land and if and when this board authorizes a study to be made, that the ordinance would be developed for that specific area. If there needed to be larger buildings, so be it, and if there needed to be smaller buildings, so be it.

Commissioner Henderson asked about board committing to this and another board decides to change.

Attorney Craig said, if the overlay zoning was actually being applied to any particular land area in Newton County, if the ordinance would have drawn a little differently, and the staff would have to be instructed to actually make a notation on the official zoning map that the property in question was subject not only to its principal zoning but to the overlay zoning and that is not what is happening here. The staff is not changing the zoning maps on anything in the county as a result of adopting this. If adopted, this is a tool put in a bag and not driving any nails yet.

**Motion:** To adopt Ordinance Number O-091801 known as the Rural Village Overlay Ordinance.

**Proposed by:** Commissioner Mort Ewing, District One

**Second:** Commissioner J.C. Henderson, District Four

Commissioner Dimsdale duly made a substitute to motion to add the following language.
Motion: To adopt Ordinance Number O-091801 known as the Rural Village Overlay Ordinance and add the language to include "and not less than 51% of landowners in number."

Proposed by: Ronnie Dimsdale, Commissioner District Two
Second: J.C. Henderson, Commissioner District Four

Commissioner Fleming reiterated his concern over the square footage and his modification to such.

Commissioner Henderson stated he thought if anyone wanted to change the square footage they could do that.

Commissioner Dimsdale asked if he could read what is written for clarification: Sec. 430-030 PERMITTED USES (pg. 70 par. b) "No new buildings or contiguous groups of buildings shall exceed a combined contiguous building length of 300 feet, unless a variance is obtained," providing a procedure to go beyond that.

Commissioner Fleming agreed there is a procedure, however felt with the Overlay Ordinance and what we want to achieve, has concerns that a variance would not be passed. He reiterated he is for planned growth, but concerned about property rights and feels this is very restrictive.

Commissioner Strickland clarified that this was the substitute motion and not the original motion by Commissioner Ewing.

Motion Carried Four to One with Commissioner Ewing in opposition.

Previous Motion by Commissioner Ewing and second by Commissioner Henderson was approved four to one with Commissioner Fleming in opposition.