

EXHIBIT “B”

DIVISION 470: BRICK STORE OVERLAY DISTRICT

Sec. 470-000 APPLICATION OF DISTRICT

- A. The Brick Store Overlay District (“Overlay”) lies in the vicinity of the Brick Store Historic Site, in the areas surrounding the intersections of Interstate 20 and Highway 11, and Highway 11 and Highway 278. The individual parcels included can be seen on the map entitled “Newton County Brick Store Overlay District Tiers” contained in Appendix A, incorporated herein by reference thereto.
- B. Except as otherwise provided, any new structures in the Overlay are subject to the regulations contained herein.
- C. Existing structures are not subject to these regulations except to the extent required by Section 470-050.
- D. In the approved Mt. Pleasant area (as shown on the Newton County Brick Store Overlay District Tiers map), the adopted plan as approved by the Board of Commissioners per REZ06-026 and REZ07-018 supersedes the Overlay standards for standards addressed by the Master Plan submitted to Newton County on August 4, 2006 and referenced in the conditions of zoning for REZ06-026 and/or the conditions of zoning for REZ06-026 and REZ07-018. Where not addressed by said Master Plan and/or said conditions of zoning or where said conditions of zoning reference the Rural Village Overlay, Tier 3 architectural and design standards shall apply to these properties.
- E. Except as otherwise stated herein, in any case where the standards and requirements of the Overlay conflict with those of the remainder of the Zoning Ordinance, the standards and requirements of the Overlay shall govern.

Sec. 470-010 PURPOSE AND INTENT

In order to create a more livable Brick Store area, the Overlay encourages the creation of clusters of close knit growth that keep the small town charm of Newton County. By focusing quality development within the Overlay, the Overlay sets the stage for preserving farmland and open space elsewhere in the County. It is the purpose of this Section to create an Overlay district that will:

1. 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; 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;
2. 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. 470-020 GENERAL REQUIREMENTS (ALL TIERS)

A. Tier Planning & Map: The Overlay is divided into individual tiers which represent the different variations in use within the Overlay. Tier 1 contains predominantly residential uses with appropriate neighborhood commercial uses that promote walkability. Tier 2 is a more intense commercial area promoting highway oriented development near I-20. Tier 3 provides for mixed use town center style development. The following requirements apply to all properties within the Overlay

B. Street Requirements

1. Private streets (except for Alleys) are prohibited.
2. All roads shall be designed to meet all County requirements as well as follow the prescriptions in the table below. Deviations of no more than ten percent (10%) from the values listed may be approved by the Director of Development Services provided any reduction does not impair the intent of the Overlay and supports the concept of providing service for pedestrians, automobiles, and bicyclists.
3. The County Engineer shall determine the classification of new roads.
4. Setbacks on Highway 11 are 100 ft. for properties north of Highway 278, and 50 feet for properties south of Highway 278.

Road Standard Table

Design Element	Boulevard, Thoroughfare	Collector	Local Street	Cross Access Drive	Lane, service drive	Alley
Minimum Right of way (feet)	60'	50'	40'	28'	20'	20'
Maximum Right of way (feet)	84'	80'	56'	48'	36'	26'
Number of Lanes	2-4	2-4	2	2	1-2	1-2
Travel Lane Width (feet)	11-12'	11'	10-11'	10-12'	10'	8-10'
On-Street Parking Allowed	Yes	Yes	Yes	No	No	No
Minimum On-Street Parking Lane Width (feet)	8'	8'	8'	8'	8'	-
Minimum Sidewalk Width (feet)	8'	8'	5'	5'	4'	-
Bicycle Lane Allowed	Yes	Yes	Yes	No	No	No
Minimum Bicycle Lane Width (feet)	5'	5'	5'	-	-	-
Minimum width of landscape strip from back of curb to sidewalk (feet)*	5'	5'	4'	4'	-	-
<u>10 ft Median required</u>	Yes	Yes	No	No	No	No

* Buildings set back more than 50 feet from public streets shall have a minimum 10 foot landscape strip.

C. Sidewalk Requirements

1. Sidewalks are required on both sides of all streets, except alleys, in accordance with the requirements of the Road Standards Table.
2. A pedestrian path at least five (5) feet wide must be provided between the front entrance of a building and the nearest public sidewalk. Clearly marked pedestrian crossings shall be provided across any vehicular travel lane.

D. Access Management: All techniques described below shall be consistent with Section 605-100 of Newton County Development Regulations.

1. Traffic Signals: Subject to review and approval of the County Engineer and Georgia Department of Transportation, traffic signals may be required to be installed where curb cuts or new roads are connected to Highway 278 or Highway 11. Submittal of a Signal Warrant Analysis and a traffic study may be required in making this determination.
2. Curb Cuts: The consolidation of curb cuts shall be required and new curb cuts shall be discouraged whenever appropriate, considering safe traffic flow, the objectives of the Overlay and access points needed for the proper functioning of the use. A traffic study shall be required and approval of the County Engineer, Director, and Georgia Department of Transportation shall be obtained for any new curb cuts on Highway 11 or Highway 278. For parcels that abut Highway 278 or Highway 11, side streets are encouraged for main access points.

Curb cuts shall be determined by design speed as shown in the Curb Cut Spacing table (except along State Routes, which shall follow the Georgia Department of Transportation’s Regulations for Driveway and Encroachment Control manual). Minimum distances are measured between the centers of each intersection.

Curb Cut Spacing Table		
Design Speed	Highway 11, Highway 278, other 4+ lane roads	Other 2 or 3 lane roads in Overlay
<35 mph	150'	150'
35 mph- 49 mph	230'	200'
50 mph +	350'	275'
Note: Minimum distances are measured between the centers of each intersection		

- a. Where new curb cuts are requested that do not meet the minimum spacing requirements, property owners shall pursue the use of joint driveways and cross-access drives. If the Director determines based on documentation of a good faith effort that such action is not feasible, an exception shall be given.
 - b. Where possible, new curb cuts on one side of the street shall align with existing or proposed curb cuts on the opposite side of the street.
3. Joint Driveways: The use of joint driveways is required whenever possible as determined per 470-020 D.2. Driveways shall be constructed near property lines to allow for future joint driveways. Development adjacent to existing joint driveways or driveways within twenty (20) feet of the property line are required to connect with the existing driveways provided the existing driveway meets the criteria for safe access. and the owners can come to a legal agreement as in Section 470-020 D.5.
4. Cross-Access Drives: Cross access drives are required except between properties where the principal use is a single family detached dwelling. Sidewalks shall be provided per the Road Standard Table in Section 470-020 B. Where cross access drives cannot be connected to adjacent properties, a stub-out shall be provided. Properties constructing access roads adjacent to a property with an existing stub-out must connect to the existing stub-out. Cross access drives shall not interfere with pedestrian connection to the primary structure.

5. Legal requirements: Both joint driveways and cross access drives shall meet the following requirements:
 - a. Recording of an easement with the deed allowing cross access to and from other properties served by the joint use driveway and the cross access drive.
 - b. Recording of a joint maintenance agreement with deed

E. Block Standards on New Streets

1. All developments with more than 600 feet of frontage along a single street shall be divided into blocks having a maximum length of 600 feet.
2. Blocks exceeding 400 feet in length shall include a dedicated alley or lane providing pedestrian and vehicular through access.

F. Development Standards: The Development Standards Table below is applicable to all new development with the exception of residentially zoned property in Tier 2 and Tier 3.

Development Standards Table

Development Standards	Tier 3	Tier 2	Tier 1
Building Coverage (max % of lot area)	40%	40%	40%
Open Space (min % of lot area)*	see enhanced common area	see enhanced common area	10% for residential, 0% for non-residential
Minimum Enhanced Common Area*	10% gross area	10% gross area	5% gross area for residential, 0% gross area non-residential
Impervious Surface (% of lot area max)**	50%	50%	50%
Single Family Density (units per net site acreage)***	N/A	N/A	Per underlying zoning
Townhouse Density (units per net site acreage)***	N/A stand alone Per CUP mixed use	N/A stand alone Per CUP mixed use	N/A
Lofts Density (units per net site acreage)***	N/A stand alone 6 mixed use	N/A stand alone 4 mixed use	N/A
Non-residential or Mixed Use Density (units per acre)	meet parking ratio	meet parking ratio	meet parking ratio
Min. SFR lot size	N/A	N/A	32,745 sq. ft.

* Open space and enhanced common area requirements only apply to developments over 3 acres or 30 dwelling units.

** Developments that are master planned may cluster development such that individual parcels may exceed the impervious surface limit while the development as a whole still meets the impervious surface limit. Approved pervious pavers shall not count as part of the impervious surface.

*** Net site acreage is defined here as gross area of the site less the areas of the 100 year floodplain, wetlands, road rights of way, and open space and enhanced common areas.

G. Building Standards:

Building Standards Table	Tier 3**		Tier 2**		Tier 1	
	Mixed Use Lofts	Mixed Use & Non-residential	Mixed Use Lofts	Mixed Use & Non-residential	Single Family Residential	Non-residential
Building Height (max in height and floors)	40' or 3 floors	40' or 3 floors	40' or 3 floors	40' or 3 floors	40' or 2 floors	40' or 2 floors
Dwelling Size (min heated floor area in sq ft)	700	-	800	-	1800	-
Lot Width (min in ft.)	-	-	-	-	60	-
Front Yard Setback (min in ft.)	-	0'	-	0'	15'	0'
Side Yard Setback (min in ft.)	-	0'	-	0'	10'	5'
Rear Yard Setback (min in ft.)	-	10'	-	10'	10'	10'
Garage/Off-street parking (max)	2 car/unit	-	2 car/unit	-	-	-

** Building Standards for Townhomes shall be approved as conditions of the Conditional Use Permit.

H. Commercial and Mixed-Use Standards

1. Orientation

- a. Commercial buildings shall have their primary orientation toward the public street. Buildings on public streets without entrances must meet the architectural requirements of an entrance façade.
- b. Buildings can be set back further if outparcels are planned which shall screen the rear buildings. Outparcel buildings shall meet the orientation requirement.
- c. 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.

- d. Buildings located within thirty (30) feet of the street shall have a functional entrance from the street to the building interior.
- 2. On-street parking
 - a. On-street parking is allowed on all streets larger than 28' wide with only one (1) vehicular travel lane going in a single direction.
 - b. On-street parking shall not be allowed within 30 feet of an intersection, within 15 feet of a fire hydrant nor within 10 feet of the edge of a driveway.
- 3. On-street parking spaces can be counted as part of the parking requirement for non-residential uses within a 300 foot radius.
- 4. Off-street Parking
 - a. Off-street parking shall be provided consistent with Division 515 except for the parking ratios noted in the table below.

Business	Parking Requirement
Food Stores/Convenience Stores	One (1) space for each 300 square feet of floor area designated for retail sales only (gasoline dispenser spaces count as one parking space per nozzle).
Restaurants, including grills, diners, cafes, lunch counters, and all similar dining establishments	One (1) space for each 150 square feet of floor area.
Office buildings, including banks, business commercial and professional offices and buildings, but excluding medical, dental and health offices, clinics, and government offices	One (1) space for each 350 square feet of floor area.
General business, commercial or personal service establishments catering to the retail trade, but excluding food stores	One (1) space for each 300 square feet of floor area designated for retail sales only.

- b. Except as provided herein, parking shall be located on-site to the side and rear of the building, or off-site as allowed in Division 515 of the Zoning Ordinance, provided the parking space is within a 1,000 foot distance.
- c. When parking is provided in side yards, it shall be screened from public streets as required in Section 470-020 H.7.
- d. Parking lots over 30 spaces must provide pedestrian paths at least five (5) feet wide connecting the main entrance of the primary building and pedestrian crossing areas where such paths intersect with vehicular roads.
- 5. Shared Parking
 - a. The Zoning Administrator may approve a reduction in the number of parking spaces where inter-parcel access is provided and a shared parking analysis demonstrates adequate parking.
- 6. Bicycle Parking
 - a. All non-residential uses are required to provide bicycle parking spaces. A minimum of one (1) bicycle rack (2 spaces), and one (1) additional rack per 50 vehicle parking spaces shall be provided.

- b. Mixed-Use Residential developments shall provide a minimum of one (1) bicycle racks (2 spaces) for up to ten (10) dwelling units and one (1) additional rack per each additional ten (10) dwelling units.
 - c. No single bicycle parking area should exceed 10 racks or 20 spaces.
 - d. Bicycle parking area shall be located within 100 feet of the facility entrance.
7. Parking Illumination: Parking lots and structures shall provide even lighting of at least 0.2 foot-candles of horizontal intensity, but no more than four (4) foot-candles (one (1) foot-candle average). Full cutoff luminaires are required.
8. Parking Landscaping
 - a. All parking lots, including drive lanes, parking and loading areas, shall be landscaped in accordance with Section 430-050 of the Newton County Development Regulations with the addition of the following standards:
 1. Parking lots shall provide a minimum of one tree for each seven (7) parking spaces. Parking lot landscaping shall consist of a minimum of five percent (5%) of the total parking area.
 2. The tree species shall be an appropriate large canopied shade tree.
 3. Landscaped areas shall be distributed throughout the parking area and parking perimeter as required in Section 430-050 of the Newton County Development Regulations.
 4. Parking areas adjacent to residential dwellings shall be set back at least eight (8) feet from the building.
 5. Wheel stops are required where parking is immediately adjacent to sidewalks.
 6. Parking abutting a required landscaped front or side yard shall incorporate a sight obscuring screen of earthen berms and/or plant materials.
9. Parking Decks
 - a. Parking Decks are permitted in Tiers 2 and 3 of the Brick Store Overlay. Decks shall meet the maximum building height requirements for the Overlay Tier.
 - b. Vertical panels or walls shall be required to screen parked cars and headlights. Other screening may be used provided that headlights will not create glare as seen from the right of way or nearby areas.
 - c. Parking decks exposed to view shall be subject to the same standards as commercial buildings in terms of massing and material, and they shall match the color, materials, and articulation of the adjacent buildings.
 - d. Rooftop parking deck lighting shall use full-cutoff luminaires and be limited to a height of 20 feet. Internal lighting should be designed to limit the visibility of light sources from the right of way and nearby areas.
10. Stormwater Facilities:
 - a. If stormwater facilities are located in the front yard, they must be screened in accordance with a landscape plan approved by the County Landscape Architect.
11. Building Facades

- 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.
- b. Buildings at the corner of two public streets shall use focal points which anchor the corner. Focal points may include a chamfered corner, display windows, corner entrances, features such as fountains, or an outdoor gathering area with landscaping and furniture.
- c. Building exteriors shall have consistent architectural features, building materials, and rooflines. Elevations of all four sides of the building shall be part of the building permit application.
- d. Primary entrance, and individual tenant space entries, shall be designed to express greater architectural detail through the use of awnings, recessed areas, a change in material, variations of the material patterning, or other similar techniques.
- e. Primary building facades shall be horizontally divided at least every third floor using means such as string courses, recesses, cornice lines, reveals or the like. There must be at least one horizontal divisions on every façade for buildings two (2) stories or higher.
- f. Primary building facades shall also be vertically divided utilizing major and minor articulations. Major articulations shall occur at least every 60 feet of horizontal façade length or at changes between tenants, whichever is less. Major articulations may be accomplished through a change of façade materials extending from grade through the cornice; physical offsets; and/or similar means intended to convey the impression of separate buildings. Minor articulations shall occur approximately every 30 feet of horizontal façade length and may be accomplished by the use of pilasters; the use of smaller offsets; or similar means intended to create the appearance of structural bays.

12. Windows and Doors

- a. All first stories shall have windows that meet the following requirements:
 1. Windows shall be of clear, unpainted or similarly treated glass to allow views of store interior or display windows.
 2. Windows shall be located along a minimum of 50% of the linear measure of building frontage. Windows shall start a maximum of three feet above the sidewalk.
 3. The maximum façade length without windows or treatment discussed below shall be twenty-five (25) feet.
 4. Glass doors, glass display cases, faux shutters, and blind windows may count towards window requirements. However, non-glass treatments shall not exceed 40% of the façade length.
- b. All building stories above the first story shall have windows and doors that equal a minimum of 30% of the total facade area, with each story being calculated independently. Additionally, upper story windows shall be predominately arranged in a grid, subject to individual window variation.

- c. Doors shall be two panel doors, either with glass or solid panel.

13. Roofs

- a. A decorative parapet or cornice shall be constructed along all flat rooflines, and varied in height and projection, and shall use decorative elements such as crown moldings, dentils, brick soldier courses or similar details.
- b. Variations in the roofline of buildings shall occur in conjunction with vertical articulation (see Section 470-020 H.11.e.).
- c. Sloped roofs shall be composed of metal, slate, architectural shingles, or as approved by the Zoning Administrator.

14. Building Material

- a. Exterior walls shall consist of one or a combination of the following materials: brick; stone; cement stucco; wood; or fiber cement-board. Decorative concrete block or concrete walls with textured surface are permitted and EIFS may be used as an accent on non-residential buildings. Metal siding is prohibited.
- b. When using brick, a common bond pattern is preferred. Primary entrances and larger windows should use a bonded jack arch 2-3 courses high with no keystone. Secondary entrances may use a rowlock lintel.
- c. Primary structures shall use a stone water table. Smooth field stone is preferred.
- d. Steel roll down shutters and similar exterior building components are prohibited.

15. Support pillars for pump station canopies shall be clad with the materials listed subsection 14 a, above. The sides of the pump island canopy shall reflect the color and building materials of the primary building.

16. Mechanical Equipment

- a. Mechanical structures shall be screened from view using landscaping, fencing or berms. Mechanical equipment (including air conditioning units, electrical meters, gas meters, etc.) may not penetrate the front facade. Screening shall be as required in 470-020 M.
- b. Mechanical and roof mounted equipment shall be screened from view by a decorative parapet, cornice or penthouse that is at least the same height as the equipment. An administrative variance may be granted by the Zoning Administrator if it can be demonstrated that no part of the equipment shall be visible from the edge of right-of-way on the opposite side of any street adjacent the building.

17. Awnings and canopies

- a. Awnings, canopies or other type of covered projected entry, if used, shall be extended a minimum of five (5) feet from the face of the building. If arcades are used, the minimum width shall be six (6) feet between the inside of the columns to the building.

18. Fencing

- a. Allowed fencing material shall be black or green vinyl clad chain link, wood, and masonry and shall be planted with continuous vegetative screening per Section 470-020 M.
 - b. Barbed wire, razor wire, and unclad chain link fence are permissible only if not visible from any public street or an adjacent residential use.
19. Auto Oriented Uses: Auto oriented uses such as gas stations and drive through windows should not disproportionately detract from the pedestrian environment.
- a. Facilities providing drive-through service shall provide at least two (2) designated parking spaces immediately beyond the service window.
 - 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 vehicle stacking area.
 - d. Outside speakers shall be located at least 250 feet from any residential district and meet the Newton County Noise Ordinance.

I. Residential Standards

- 1. Setbacks
 - a. Infill development: Appropriate front yard setbacks shall be determined by the Zoning Administrator, but should match the existing adjacent properties to the extent practicable.
 - b. All other per the underlying zoning and Section 470-020 G
- 2. Orientation
 - a. All residential structures shall be oriented toward the street or enhanced common area. All building exteriors shall have architectural features, building materials, and rooflines consistent with the primary facade. Elevations of all four sides of the building shall be submitted with the building permit application.
 - b. All residential structures shall be adjacent to public right of way except accessory structures.
 - c. Within a single family development on a block that is longer than 400 feet long, individual residences shall vary the setback between two (2) and four (4) feet to create variation in the building line.
- 3. Entryways
 - a. For residential structures less than 50 feet from the right of way, primary entries shall be accessed directly from street and sidewalk.
 - b. All residential entryways shall be covered, including entryways for townhomes.
- 4. Garages and Parking
 - a. 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. Front-entry garages shall be recessed at least ten (10) feet behind the front façade of the structure and at least twenty (20) feet behind the front property line. Front entry garages shall not occupy more than forty percent (40%) of the total building frontage.

5. Facade Standards
 - a. If the side of a single family house or a townhouse faces a public street, the facade must have a minimum 20% fenestration.
 - b. Windows shall be provided with an architectural surround at the jamb.
6. Architectural Style
 - a. Buildings shall be consistent with the architectural style typical of the historic rural character of Newton County and shall utilize at least two of the following design features to provide visual relief along the front of the residence.
 - i. Dormers
 - ii. Gables
 - iii. Pillars
 - iv. Covered front porches and/or porticos (Min. 6ft.deep)
 - v. Recessed entries
 - vi. Posts
7. Building Materials
 - a. Brick, stone or faux stone skirting shall be required around the entire foundation. The height of the skirting shall not be less than one (1) foot above grade.
 - b. Exterior walls shall be constructed of brick, stone, cement stucco, wood siding, or cement-board siding. Wood, wood shake or cement shingles may be used as architectural accents.
 - c. Vinyl or aluminum siding is prohibited. Vinyl for trimwork is permitted as approved by the Zoning Administrator.
 - d. Allowable roof materials are limited to architectural roof shingles; wood or cedar shakes or shingles; or slate. Metal is allowed, but may not have a metal finish.
 - e. Chimneys shall be veneered in stone, faux stone or brick.
8. Fencing: Fences shall be no taller than four (4) feet in the front yard, and six (6) feet in the side or rear yard. Opaque fencing is only allowed in the side and rear yard. Chain link fencing must be green or black clad and only used when not along a public street.
9. Mechanical Equipment
 - a. All mechanical equipment, including HVAC and similar systems, shall be screened from street level view on three (3) sides by an opaque wall or fence constructed of brick, stucco, split-face block or wood. A vegetative screen is permissible if the screen uses 100% evergreen materials.
 - b. No mechanical penetration is permitted in the front of residences. This does not include window air conditioners.

J. Open Space and Enhanced Common Areas

1. Tier 1 Residential Open Space
 - a. Residential Developments of thirty (30) or more dwelling units or greater than three (3) acres shall provide minimum acreage of open space per the Development Standards Table in Section 470-020 F.

- b. A minimum of one-half of the open space must be dedicated to Enhanced Common Area as required in Section 470-020 F.
 - c. The remaining open space must remain undisturbed except for trails and paths, and utility easements and corridors.
 - d. Wetlands, floodplain, cemeteries, steep slopes exceeding 25% and areas of exposed rock shall be preserved and shall not count towards minimum open space.
2. Tier 2 and 3 Residential Open Space
 - a. Developments within Tier 2 and Tier 3 of the Overlay shall provide Enhanced Common Area in lieu of natural open space, per Section 470-020 F.
3. Enhanced Common Areas for Residential Developments
 - a. Site plan approval is required for Enhanced Common Areas and must include all elements for review: landscape plan, samples of furniture used, paths and sidewalks, etc.
 - b. Residential Developments of thirty (30) or more dwelling units or greater than three (3) acres require a portion of the required open space or gross acreage to be used as Enhanced Common Area.
 - i. At a minimum, areas shall be enhanced with planting beds, decorative, commercial quality street furniture, decorative lighting, trash receptacles and other amenities encouraging pedestrian connectivity between uses or between other common areas.
 - ii. Landscaping should reflect the design purpose of the Enhanced Common Area.
 - iii. Natural areas may count toward the required acreage if they contain mature vegetation and have not been timbered within the last five (5) years. The natural areas must also be usable by residents and visitors.
 - iv. Common areas may be dispersed throughout a development, but may not be less than 0.3 acre each.
 - v. Paved paths, other than public sidewalks, that connect two or more common areas may be counted toward the minimum if the path is at least six (6) feet wide, includes decorative lighting, and benches every 300'.
 - vi. Stormwater facilities may be located within a common area if designed and improved as an amenity including landscaping and a paved walking path or boardwalk at least five (5) feet wide around the facility. 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.
 - c. Enhanced Common Areas must be completed prior to final plat approval of the first phase of development. 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 recorded prior to issuance of final plat.

4. Non-Residential and Mixed-Use Open Space
 - a. Non-residential developments over three (3) acres within the Overlay shall provide open space as required in the Development Standards Table in Section 470-020 F and provide Enhanced Common Area in lieu of natural open space.
5. Non-Residential and Mixed-Use Enhanced Common Areas
 - a. Each non-residential development shall set aside at least 10 percent of the net project acreage (gross acreage excluding 100-year flood plain and wetland areas) to be used as Enhanced Common Areas.
 - b. Sidewalks and associated amenities 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 and amenities within the project that encourage pedestrian connectivity between uses such as plazas, arcades, greenways, and/or similar improvements that are clearly intended as gathering spaces or that act as connectors to adjacent buildings or uses. Any pavement over 25% of the required common area may not be credited toward the requirement.
 - c. Landscaped strips 25 feet width or greater along internal or external streets may be credited toward common area.
 - d. Outdoor seating areas along streets may be credited toward common area if the seating area has a continuous width of 40 feet or greater and potted plants and/or decorative fencing is used to delineate the outdoor seating from the sidewalk clear zone.
 - e. Storm water facilities may be located within a common area if designed and improved as an amenity including landscaping and a paved walking path or boardwalk at least five (5) feet wide around the facility. 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.
 - f. 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 0.3 acre each.

K. Buffer Standards

1. A planted or natural vegetative buffer strip is required to protect single-family and other residential zoning districts from negative impacts commonly associated with non-residential land uses.
2. Buffers shall contain a minimum of seventy-five (75%) percent evergreen plant materials. No plant species may account for more than 15% of the plant material for the particular categories of canopy shade tree, understory tree, shrub and groundcover. One (1) tree shall be planted for every fifty (50) linear feet. Turf grass shall not be considered buffer material; however, native/ornamental grasses are appropriate.
3. Where existing vegetation and topography are insufficient to achieve the screening as required by this Section, a planted buffer shall be provided and shall consist of plant material that will provide a visual screen having a height of not less than six (6) feet in two (2) years and planted in a minimum of two (2) rows with staggered spacing.

4. Plant material for screening should be a minimum of four (4) feet in height at the time of planting.
5. Required buffer strips shall be established and maintained in perpetuity by the owner(s) of the non-residential land use.
6. The required buffer strip shall remain undisturbed except where necessary for approved enhancement or maintenance.
7. Buffers shall be provided or bonded in accordance with the approved plan.
8. Buffers are prohibited from being used for parking or loading.
9. Buffers shall be in accordance with the Brick Store Overlay Required Buffer Chart below:

Brick Store Overlay Required Buffer Chart							
	Tier 3 Commercial	Tier 3 Residential	Tier 2 Commercial	Tier 2 Residential	Tier 1 Commercial	Tier 1 Residential	Existing Subdivision/ Outside Overlay
Tier 3 Commercial	-	10	0	15	0	30	100
Tier 3 Residential		-	15	15	10	20	50
Tier 2 Commercial			-	15	0	30	100
Tier 2 Residential				-	10	10	60
Tier 1 Commercial					-	15	75
Tier 1 Residential						-	50
Mixed-use developments are counted as Commercial							

10. When adjacent to properties in existing subdivisions or outside the Overlay, buffers may be reduced by up to half if approved by the County Landscape Architect.

L. Landscaping Standards

1. Preservation of Existing Trees

- a. Unless otherwise approved by the County Landscape Architect, at least 25% of existing healthy trees with a diameter at breast height of six (6) inches or higher within each lot shall be preserved and incorporated into the required landscaping of the site.
- b. A minimum Tree Protection Zone, measured as a circumference of the farthest reaching branch spread plus 10 feet, shall be protected.

2. Landscape Strips

- a. Required landscape strips, with a minimum width established in the Road Standards Table shall be installed.
- b. Landscape strips shall be planted to 75% area coverage of street trees and shrubs. The remaining 25% may be grass and/or ground cover.
- c. Landscape strips shall include one (1) canopy hardwood street tree for every 50' of road frontage.

- d. Landscape strips between non-residential uses and outparcels shall be planted 100% coverage of trees and shrubs.
3. Street Trees
 - a. One street tree shall be placed for each 50 feet of road frontage.
 - b. Street trees shall be subject to the approval of the County Landscape Architect.
 - c. Street trees shall not be planted closer than 30 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.
 - d. Street trees shall not be planted closer than 20 feet from light standards except for public safety.
 - e. No new light standard location shall be positioned closer than 10 feet to any existing street tree.
 - f. Trees shall not be planted closer than 30 inches from the face of the curb.
4. Where there are overhead power lines, trees shall be located at least 20 feet from the edge of the utility right-of-way.
5. Planting Specifications
 - a. Landscaping design shall include a variety of deciduous and evergreen trees and shrubs and flowering plant species well adapted to the local climate. See Appendix A of the Newton County Development Regulations for a list of appropriate trees.
 - b. Planting areas for trees with a mature height of greater than 30 feet shall be a minimum of 400 square feet. When suspended pavements are used, uncompacted soil beneath the suspended pavement may be counted towards the minimum square footage. All other planting areas shall be a minimum of 250 square feet.
 - c. Use of root barriers is required at back of sidewalks and/ or back of curbs.
 - d. All plant materials shall meet or American Association of Nurserymen, Inc. standards.

M. Screening

1. Vegetative screening, shall include 100% coverage of planting area, including a minimum of 75% evergreen plant materials, have a height of not less than six (6) feet in two (2) years and be planted in a minimum of two (2) rows with staggered spacing and shall be a minimum of four feet in height at time of planting.
2. Refuse areas and receptacles shall be placed in an accessible location farthest from any public streets and shall be enclosed on three sides with decorative masonry walls. The fourth side shall be a self closing opaque gate made from non-combustible materials. The walls and gate shall be a minimum of 12 inches higher than the receptacle.
3. Outdoor storage areas and loading facilities shall be screened from view from adjacent public rights-of way and residential uses, and shall be at least 50 feet from any residential zoning district or use. Screening must be 12 inches higher than storage material and made of decorative masonry walls, decorative wooden fencing, and/or vegetative

screening from five (5) to eight (8) feet in height. Solid wood fences shall be a minimum of 2"x6" panels on 6"x6" posts.

4. Loading and dumping activities within 150 feet of a residential district or use are permitted between the hours of 7am and 10pm.

N. Lighting

1. 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. Lighting shall be placed approximately every 150 feet.
2. Light housings and posts shall be dark color/material and be non-reflective, and consistent with the design and architectural character of the buildings.
3. Fixtures shall meet IESNA standards for full cut-off type and designed to accommodate a house-side shield when adjacent to residential uses.
4. Lighting shall not directly illuminate adjacent residential properties.
5. Canopy lighting fixtures shall be completely recessed into the canopy, and shall be shielded such that the lamp source is not visible. No lighting shall be permissible on top or on the side of the canopy.
6. Parking lot light posts shall not exceed a height of 20 feet from finished grade.
7. Pedestrian light posts shall not exceed a height of 16 feet from finished grade.

O. Signage

1. Signs permitted in any zoning district
 - a. Weekend signs.
 - b. Additional signs (see Section 525-025 H.)
2. Signs permitted for Residential Developments:
 - a. Ground Signs
 - i. Each subdivision may have one permanent ground sign identifying only the name of the residential development. The sign is to be limited to six feet and may be no larger than 16 square feet in area, per side and set back at least 10 feet from the public right of way.
 - ii. Sign structures must be constructed of brick, stone, masonry or similar architectural material. No exposed concrete block. No internal illumination is permitted.
3. U.S., State Flags, and personal residential flags are allowed.
4. Signs permitted for Non-Residential and Mixed-Use Developments
 - a. Monument Signs
 - i. Single tenant sites may have two (2) monument style or one (1) double faced monument sign permitted per road frontage. Such signs shall not exceed 10 feet in height and cannot exceed 50 square feet of signage per face. Sign structures must be constructed of brick, stone masonry or similar architectural material and reflect the architecture of the development. No exposed concrete block. Two or more businesses

that share a single tenant space must meet requirements for single tenant sites.

- ii. Multi-tenant developments may have one (1) identification double-faced monument sign for the overall development per road frontage. Such signs shall not exceed 16 feet in height and cannot exceed 100 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.
- iii. There shall be a minimum 25-foot separation between monument signs.
- iv. Exceptions: Gas stations may have an additional 24 square feet to advertise gasoline prices. Canopies shall meet architectural standards of building. If a logo is placed on canopy, it shall be considered a wall sign.

b. Wall Signs

- i. Each place of business is allowed a maximum of two wall signs.
- ii. Wall signs shall be placed only on exterior walls facing public street(s) and/or pedestrian parking areas.
- iii. Wall signs shall not exceed seven (7) % of the applicable wall area.

c. Window and Door Signs

- i. Permanent and/or temporary signs shall not exceed 10 percent of the aggregate window area. Signs may be placed in one window panel or distributed in more than one panel. Signs shall not be placed on doors.
- ii. Proprietors' name, business name, address, phone numbers, hours of operation, and information required to be posted by local, state, or federal governments are exempt from the 10 percent limit. Lettering shall not exceed three (3) inches in height. Address numbers must be between four (4) and six (6) inches in height, and visible from the street.

d. Temporary signs as allowed in per Section 525.

e. Flags, banners or other signs are allowed only during operating hours. (US, State Flags, are allowed). Such signs do not need permits.

f. Additional Signs in Non-Residential developments

- i. One sign placed perpendicular to the building, not to exceed twelve (12) square feet.

5. Sign Compatibility

- a. Wall signs shall be flush against the wall, not cover architectural features or detail, and not extend beyond the roof line or outer edges of the building.
- b. All illuminated signs within the overlay must be externally illuminated with down-facing lights. However signs within 600 feet of the Interstate 20 right-of-way are permitted to be internally illuminated.

P. Utilities

1. All utilities shall be placed underground except when the Zoning Administrator determines that underground utilities are infeasible due to geologic or hydrologic conditions.

Sec. 470-030 **USES AND STRUCTURES**

Tier Planning & Map: The Overlay is divided into individual tiers which represent the different variations in use within the Overlay. Tier 1 contains predominantly residential uses with appropriate neighborhood commercial uses that promote walkability. Tier 2 is a more intense commercial area promoting highway oriented development near I-20. Tier 3 provides for mixed use town center style development.

A. Uses

1. Tier 1: Residential and Neighborhood Commercial
 - a. Residential: Except as otherwise noted herein, residential development may occur in accordance with Overlay standards and the underlying zoning district. In addition, single-family residential standards of 470-020 I. shall apply.
 - i. Except as provided in Section 470-050, manufactured homes are prohibited.
 - b. Non-residential: Except as otherwise noted herein, neighborhood commercial development may occur in accordance with Overlay standards and the uses for the CN (Neighborhood Commercial) zoning district provided a Conditional Use Permit is obtained in accordance with the procedures of the Newton County Zoning Ordinance, Division 625.
 - i. The following CN uses are prohibited:
 - (a) Auto service station
 - (b) Boarding House
 - (c) Campground, recreational vehicle park, private
 - (d) Caretaker dwelling
 - (e) College or University
 - (f) Convenience store with gas pumps
 - (g) Department store
 - (h) Manufactured, modular, homes sales, display
 - (i) Parking lot, garage
 - (j) Pawn shop
 - (k) Pay day, title loans, check cashing
 - (l) Restaurant, Drive-Through/Drive-In
 - (m) Tire store

- ii. The following CN uses require an Administrative Use Permit as outlined in section 505-015:
 - (a) Accessory Building, Commercial;
 - (b) Place of worship
- iii. Non-Residential Use Standards
 - (a) Encouraged to locate at intersections
 - (b) Shall not be located on lots which are more than one and a half (1.5) acres.
 - (c) Developments shall not contain outparcels.

2. Tier 2: Moderate Commercial and Tier 3: Mixed Use/Town Center

Properties in Tiers 2 and 3 may be developed based on the underlying zoning district as provided in a. or b. below, or may be developed for mixed use according to c. below.

- a. Residential: Except as otherwise noted herein, residential development may only occur on properties zoned residential at the time of the adoption of the Overlay. Development standards and uses as well as the standards of 470-020 shall apply.
 - i. Except as provided in Section 470-050, manufactured homes are prohibited.
- b. Non-residential: Except as otherwise noted herein, non-residential development may occur based on the underlying zoning district and with all applicable standards of the Overlay. Use categories shall be determined based on the Use Table contained in Division 505 and shall follow the requirements of the Use Table with applicable underlying zoning.
 - i. The following uses are prohibited:
 - (a) Campground, recreational vehicle park, private
 - (b) Manufactured home sales, rental, repair
 - (c) Auto recovery
 - (d) Flea market
 - (e) Solid waste transfer station
 - (f) Pawn Shop
 - (g) Pay day, title loans, check cashing
 - ii. The following uses shall require a Conditional Use Permit in accordance with the procedures of the Newton County Zoning Ordinance, Division 625.
 - (a) Auto sales
 - (b) Commercial vehicle and equipment sales and rental
 - (c) Farm equipment sales and rental
 - (d) Dry cleaner, institutional

- (e) Hotels, motels
 - (f) Landscaping business
 - (g) Manufactured, modular, homes sales, display
 - (h) Medical, dental laboratory
 - (i) Mini-warehouse
 - (j) Parking lot, garage
 - (k) Special events facility
 - (l) Tire store, retail
 - (m) Truck stop, parking, dispatch
 - (n) All uses permissible on M-1 and M-2 zoned property
- c. Mixed-Use Development: Projects shall contain uses from at least two use categories (Commercial, Residential, Office/Institutional, or Civic), and shall comply with all applicable standards of the Overlay. Use categories shall be determined based on the Use Table contained in Division 505 and shall follow the requirements of the Use Table with applicable underlying zoning.
- i. Prohibited Uses. The following uses are prohibited as part of a Mixed-Use Development:
 - (a) Flea Market
 - (b) Manufactured Homes Sales, Rental, Repair
 - (c) Manufactured, Modular Homes Sales, Display
 - (d) Mini-Warehouse
 - (e) Pawn Shop
 - (f) Pay day, title loans, check cashing
 - (g) Solid Waste Transfer Station
 - (h) Storage Yard, Lumber
 - (i) Truck Stop, Parking, Dispatch
 - ii. Conditional Uses. If any proposed use for a Mixed-Use development requires a conditional use permit in either the CN or CH zoning districts, a conditional use permit is required. In addition, the following allowed uses require a conditional use permit:
 - (a) Auto Repair, Major or Minor/ Body Shop
 - (b) Auto Sales or Rental
 - (c) Auto Service Station
 - (d) Auto Wash, Principal, Accessory, Detail or Mobile
 - (e) Campground, Recreational Vehicle Park, Private
 - (f) Convenience Stores, if including gas pumps
 - (g) Commercial Vehicles and Equipment, Sales/Rental
 - (h) Farm Equipment, Sales, Rental, Repair

- (i) Parking lot, garage
 - (j) Townhomes (only if adequate public sewer is available as verified by the Newton County Water & Sewer Authority)
- iii. Residential Uses. The following uses are permitted by right as part of Mixed-Use Development:
- (a) Dwellings located above a non-residential use (a parking area shall not serve as the non-residential use).
- iv. A single use category shall occupy no more than seventy percent (70%) of either the gross site acreage, exclusive of open and enhanced common space, or the gross square footage of total building construction approved for the project.
- (a) Developments may be phased. When a project is to be phased, a plan must be submitted showing the distribution of the proposed uses.
 - (b) In buildings with a mixture of residential and non-residential uses, non-residential uses shall occupy the floors below the residential use.

Sec. 470-040 **ROAD NETWORK**

- A. All new roads must provide an interconnected network. Dead end roads or cul-de-sacs are prohibited except under extenuating circumstances. The Zoning Administrator may approve dead-end roads so long as a hammer-head turnaround as specified in the International Fire Code is provided.
- B. New developments that are not able to construct a road with an access point to a second connecting road are encouraged to provide a stub out that will allow for the expansion of the road towards the second connecting road in the future. The stub out must also meet the requirements for fire truck turnaround

Sec. 470-050 **NON-CONFORMING USES**

- A. Non-Conforming lots, uses, and structures may continue in their nonconforming status with the limitations and/or requirements of Division 530 of the Zoning Ordinance.
- B. Signage: Any alteration to building or property signage must meet the new signage guidelines in Section 470-020 O.
 - 1. Maintenance and repair that do not change the color or material used are exempted.
 - 2. Face changes, where only the advertising area of the sign, but not the structure itself, or any other aspects of the sign are allowed.
- C. Non-residential Lots: Ordinary maintenance and repair are permitted for non-conforming non-residential lots. The following provisions require compliance with the Overlay:
 - 1. Site work, construction, or restoration and repair of a non-residential lot existing prior to the enactment of this section where the cumulative effect of all permits on a single lot results in a disturbance of 50% of the site.

2. The standards of the Overlay that shall take effect should only govern the disturbed area for the current permit..
 3. Open space and enhanced common area requirements are exempted except in cases where the cumulative effect of disturbance exceeds 85% of the site.
- D. Non-residential Buildings: Ordinary maintenance and repair are permitted on non-conforming non-residential structures. The following provisions require compliance with the Overlay:
1. Construction, rehabilitation, restoration and repair of a non-residential structure existing prior to the enactment of this section where the cumulative effect of all permits on a single structure result in an increase in the total floor area of the existing structure by 50% or 10,000 square feet, whichever is less.
 2. Any change in material or construction on the facade that affects more than 40% of the measured area of the façade.
 3. Relocation of a structure within the Overlay or from a location outside the Overlay to a location within the Overlay.
 4. If an existing structure is destroyed by fire or act of God, the building may be rebuilt in accordance with the building and site standards of the underlying zoning.
- E. Residential Lots:, in residential subdivisions where the Final Plat was recorded prior to the passage of the Overlay, Overlay standards shall not apply unless the subdivision is being redeveloped
- F. Residential Buildings: Ordinary maintenance and repair are permitted on non-conforming residential structures. The following provisions would require compliance with the Overlay:
1. Construction of an accessory structure. Accessory structures shall match the primary structure in materials, color, and architectural style.
 2. Relocation of a structure within the Overlay or from a location outside the Overlay to a location within the Overlay.

Sec. 470-060 **ADMINISTRATION**

A. PLAN SUBMITTAL AND REVIEW

1. In order to demonstrate compliance with the standards of this Overlay, detailed plans must be submitted to the Development Services Department for review. All submittals shall be prepared by and sealed by a Landscape Architect, Engineer, or Land Surveyor currently registered and licensed in Georgia. 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. Modifications to approved plans shall be submitted using the same process.
2. Plans shall include the following, as applicable:
 - a. Use and phases of development;
 - b. Lot lines and setbacks;
 - c. Location, shape, size, and height of proposed buildings, common areas, plazas, and other amenities;
 - d. Gross acreage and density;

- e. Lot sizes, dimensions and square footage;
 - f. Building heights and stories;
 - g. For large residential developments, the floor plan identifier (e.g.: name or number);
 - h. Amount of open space;
 - i. Lakes, ponds, streams, floodplains and wetlands;
 - j. Stormwater facilities;
 - k. Recreation facilities;
 - l. Proposed landscaping, tree save areas;
 - m. Location of off-street or on-street parking;
 - n. Location of streets, widths of right-of-ways, location of stop signs and other traffic control devices;
 - o. Any other architectural and engineering data as may be required to evaluate the project.
3. In addition to site plans, the following are required:
- a. A design palette governing pedestrian amenities and building architecture;
 - b. Architectural elevation (all four (4) sides), of proposed buildings indicating exterior treatments;
 - c. Samples of materials used;
 - d. Pedestrian circulation plan;
 - e. Enhanced Common Area plan.
4. Building Permit plans for single family uses shall include:
- a. A site plan;
 - b. Architectural elevations of all four sides of the proposed building indicating exterior treatments;
 - c. Samples of materials used.

B. APPEALS AND SPECIAL EXCEPTIONS: The Newton County Planning Commission shall consider any special exception to the Overlay 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:

1. A formal written application, along with any fees shall be filed with the Director or Zoning Administrator.
2. The application for a special exception shall state the specific regulation from which the exception is sought, the reasons the exception is needed, and sufficient justification for granting the request.
3. The Zoning Administrator 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. The zoning administrator may suggest appropriate conditions in the event of approval.

4. The standard for staff 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 in terms of architectural style, general design arrangement, material texture of architectural features, 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 45 days of the filing of the notice of appeal.

Sec. 470-070 **DEVELOPMENT CREDITS (RESERVED)**