

## **DIVISION 460: SALEM ROAD OVERLAY DISTRICT**

### **Sec. 460-010 APPLICATION OF DISTRICT**

- A. The district applies roughly along Salem Road South of the Rockdale County line down to Highway 81. The individual parcels included can be seen in the map entitled “Newton County Salem Overlay District Tiers”.
- B. Except as otherwise provided, any new structures constructed in the Salem Overlay District are subject to the regulations contained herein.
- C. Existing structures are subject to these regulations to the extent required by Section 460-120.
- D. In residential subdivisions where the Final Plat was recorded prior to the passage of the overlay and where more than 50% of the existing lots have structures built on them, the overlay shall not apply.
- E. In any case where the standards and requirements of the Salem Overlay District conflict with those of the remainder of the Zoning Ordinance, the standards and requirements of the Salem Overlay District shall govern.

### **Sec. 460-020 PURPOSE AND INTENT:**

- A. In order to create a more livable and walkable Salem Road area, the overlay encourages the creation of clusters of close knit growth that keep the small town charm of Newton County. The overlay also intends to focus development around the intersection of Salem Road and Brown Bridge Road as envisioned in both the 2050 Plan and the Comprehensive Plan. By focusing quality development within the District, the overlay sets the stage for preserving farmland and open space elsewhere in the County. The overlay and design guidelines together regulate the overlay area so that it can be attractive to both new and current residents and result in an area that provides jobs as well as quality of life.

### **Sec. 460-030 USES AND STRUCTURES**

- A. Tier Planning & Map: In order to address the purpose and goals of the Salem Overlay District, the district is divided into individual tiers which represent the different variations in use within the district. Tier 3 is primarily a mixed-use area focusing on walkable development with both commercial and residential development. Tier 2 is also a mixed use area with lighter commercial uses and slightly more residential uses compared to Tier 3. Tier 1 is predominantly residential uses with some neighborhood commercial uses allowed to promote walkability. The Historic District is intended to protect historic areas in the overlay from development pressure. The designation of Tiers within the overlay can be viewed in the map entitled “Newton County Salem Overlay District Tiers”.
- B. Authorized Uses: Development within Tiers 2 and 3 may consist of any authorized use or combination of principal uses as authorized in the Use Table below.

1. Sites in Tiers 2 and 3 shall contain a mixture of uses. A single use category (Commercial, Residential, Office/Institutional, or Civic) shall occupy no more than seventy percent (70%) of either the gross site acreage, exclusive of open space, or of the gross square footage of total building construction approved for the project.
2. In buildings with a mixture of residential and non-residential uses, non-residential uses must occupy the ground floor.

**C. Conditional Uses**

1. Conditional uses in the Salem Overlay District shall be permitted in conformity with the Use Table in Section 460-030 D., subject to the procedures of the Newton County Zoning Ordinance, Division 625.

**D. Use Table: Application of this table shall be in accordance with the following codes (note graphic aids where applicable):**

1. A- Authorized Use
2. AU- Administrative Use Permit
3. CU- Conditional Use Permit
4. Uses in this Table that are not designated as allowed uses, conditional uses, or accessory uses are not allowed unless similar to uses listed in the below table and granted by written interpretation of the Planning Director.
5. Referenced Use Standards are applicable to the extent they are consistent with the purpose and intent of the overlay as interpreted by the Planning Director.

Use	Applicable Use			
	Standard	Tier 3	Tier 2	Tier 1
Accessory Use, Commercial	510-020	A	A	CU
Accessory Use, Residential	510-020	A	A	A
Animal Hospital, Vet Clinic, Commercial	510-060	A	A	CU
Art Studio, Commercial		A	A	CU
Assisted Living, Commercial	510-091	A	A	CU
Automobile Service Station, Commercial	510-110	A	A	
Auto Wash, Commercial	510-120	A		
Bakery, Commercial		A	A	CU
Bank, Commercial		A	A	CU
Bed and Breakfast, Commercial	510-130	CU	CU	CU
Convenience Store, Commercial	510-200	A	A	
Commercial Nursery, Garden Center, Commercial	510-547	A	CU	CU
Day Care, Child, Commercial	510-210	CU	CU	CU
Day Care, Adult, Commercial	510-220	CU	CU	CU
Department Store, Commercial		A	A	
Drug Store, Commercial	510-235	A	A	CU

Dry Cleaning, Neighborhood, Commercial		A	A	CU
Dwelling, Group Residence, Residential, 4 or less	510-298	A	A	A
Dwelling, Group Residence, Commercial, 4 or less	510-298	A	A	A
Dwelling, Group Residence, Residential, 5-6	510-298	CU	CU	CU
Dwelling, Group Residence, Commercial, 5-6	510-298	CU	CU	CU
Dwelling, Group Residence, Commercial, Over 6	510-298	CU	CU	CU
Dwelling, Multi-Family, Residential	510-410	A	A	CU
Dwelling, Single-Family Attached, Site Built, Residential		A	A	A
Dwelling, Single-Family Detached, Site Built, Residential				A
Dwelling, Two-Family, Site Built, Residential		CU	CU	A
Dwelling, Zero Lot Line (Townhouse), Site Built, Residential	510-680	A	A	A
Electric, Petroleum or Gas Substation, Commercial	510-240	A	A	A
Flower Shop, Commercial	510-547	A	A	CU
Health Club, Commercial		A	A	CU
Home Occupation, Residential	510-310	A	A	A
Hospital, Office/Institutional	510-320	CU	CU	CU
Hotel, Motel, Commercial	510-325	A	CU	CU
Ice Cream, Confectionery Shop, Commercial		A	A	CU
Indoor Recreational Facilities, Commercial	510-595	A	A	
Kennel, 4 or more, Commercial	510-355	CU	CU	
Library, Private, Commercial	510-370	A	A	CU
Medical, Dental Clinic, Laboratory, Office/Institutional		A	CU	CU
Office, Professional, Office/Institutional		A	A	CU
Office Supply Sales, Service, Office/Institutional		A	A	CU
Outdoor Recreation Facilities, Commercial	510-430	A	A	CU
Park, Private	510-450	A	A	A
Parking Lot or Deck, Commercial		CU		
Personal Care Home, Residential, 4 or less	510-460	A	A	A
Personal Care Home, Commercial, 4 or less	510-460	A	A	A
Personal Care Home, Residential, 5-6	510-460	A	CU	CU
Personal Care Home, Commercial, 5-6	510-460	CU	CU	CU
Personal Care Home, Commercial, Over 6	510-460	CU	CU	CU
Personal Services		A	A	CU
Place of Public Assembly, Office/Institutional	510-470	CU	CU	
Place of Worship, Office/Institutional		AU	AU	AU
Printing Shop, Copy Center, Commercial		A	CU	CU
Produce Stand, Farmers Market, Commercial	510-510	A	A	CU
Recreation Center, Neighborhood, Residential	510-540 & 520-010 in Development Regulations	A	CU	CU
Restaurant, Commercial	510-543	A	A	CU

Restaurant, Drive-Through, Commercial	510-545	A	A	CU
Retail Establishment, Commercial		A	A	CU
School, Private, Office/Institutional	510-570 & 510-580	CU	CU	CU
Special Events Facilities, Commercial	510-595	A	A	CU
Telecommunications Tower, Commercial	510-630	CU	CU	CU
Temporary Building, Commercial	510-640	CU	CU	CU
Temporary Use, Commercial, Commercial	510-650	A	A	A

**Sec. 460-040 DEFINITIONS:**

In addition to the definitions contained in Divison 105, the following words and phrases shall have the meaning given in this section:

- A. Arcade: A covered passageway attached to a building with columns on either or both sides
- B. Chamfer: To cut the edge of a corner off, often at a 45 degree angle
- C. Dentil: A classical architectural features consisting of a small rectangular block appearing to be a small tooth. Often used in a line towards the top of a building
- D. Transom Panel: The rectangular glass panel above a door

**Sec. 460-050 GENERAL REQUIREMENTS (ALL TIERS):**

- A. The following requirements apply to all properties within the Salem Overlay District across all tiers. Reference individual tiers in Sections 460-110, 120 and 130 for additional requirements beyond those listed below.
- B. Street Requirements:
  - 1. Private streets are prohibited: all non-state and non-federal streets constructed within the Salem Overlay District are required to be dedicated to the County.
  - 2. All County streets shall be designed to meet all County requirements as well as follow the prescriptions in the table listed below. Deviations of no more than ten percent (10%) from the values listed require the written permission of the Director of Development Services and should follow the concepts of providing service for pedestrians, automobiles, and bicyclists among other road users.

## Road Standard Table

Design Element	Boulevard - Large Thoroughfare	Avenue, collector	Street, minor 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	11-12'	11'	10-11'	10-12'	10'	8-10'
On-Street Parking Allowed	Yes	Yes	Yes	Yes	Yes	No
Minimum On-Street Parking Lane Width (feet)	8'	8'	8'	8'	8'	-
Minimum Sidewalk Width (feet)	10'	8'	5'	5'	4'	-
Bicycle Lane Allowed	Yes	Yes	Yes	No	No	No
Minimum Bicycle Lane Width (feet)	5'	5'	5'	-	-	-
Minimum width of planting strip from back of curb to sidewalk	5'	5'	3'	3'	-	-
Median Allowed	Yes	Yes	No	No	No	No

Note: Fire apparatus access should be considered whenever designing new roads.

### C. Sidewalk Requirements

1. Sidewalks are required on both sides of all streets, except alleys, for all developments within the Salem Overlay District. The location and width of sidewalks shall be established according to the requirements of the individual roads within the district.

D. Access Management: The following access management policies are intended to reduce traffic within the Salem Overlay District. All techniques described below shall be consistent with Section 605-100 of Newton County Development Regulations.

1. Traffic Signals: Traffic signals shall be installed where curb cuts or new roads are connected to Salem Road and Brown Bridge Road, subject to submittal of a Signal Warrant Analysis and a traffic study and review and approval of the County Engineer and Georgia Department of Transportation.

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 District, 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 Salem Road. For parcels that abut Salem Road, side streets are encouraged for main access points.

a. The optimal distance between curb cuts shall be determined by design speed as shown in the Curb Cut Spacing table. Where the

speed differs on different sides of the street, the higher speed shall govern. Minimum distances are measured between the centers of each intersection.

Curb Cut Spacing Table		
Design Speed	Salem Rd. Brown Bridge, other 4+ lane roads	Other 3+ lane roads in Overlay
<35 mph	500'	150'
35 mph- 49 mph	600'	200'
50 mph +	700'	275'
Note: Minimum distances are measured between the centers of each intersection		

- b. Where new curb cuts are requested but do not meet the minimum spacing requirements, property owners shall pursue the use of shared driveways and cross-access drives with adjacent properties instead of an additional curb cut. If the Development Services Director decides based on documentation of a good faith effort that such action is not feasible, a written exception may be given.
  - c. 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: To allow appropriate access to parcels within the overlay while minimizing curb cuts, the use of joint driveways is required whenever possible as determined by the Planning Director per 460-050 D.2.b. Driveways shall be constructed near the edge of the property lines to allow for future sharing of 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 in and out of the development and the owners can come to a legal agreement as in Section 460-050 D.3.
4. Cross-Access Drives: To minimize the number of curb cuts, cross access drives are required within the Overlay District. These shall meet the requirements spelled out in the Newton County Development Regulations in addition to providing street trees and sidewalks as noted on the Road Standard Table in Section 460-030 D. 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 be provided behind the primary structure so that they do 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 the deed defining maintenance responsibilities of all affected property owners including access roads and signage.

**E. Block Standards on New Streets:**

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

**F. Development Standards: See Development Standards Table below**

**Development Standards Table**

Development Standards	Tier 3	Tier 2	Tier 1
Building Coverage (Max % of lot area)	0.7	0.6	0.5
Open Space (min % of lot area)*	see enhanced common area	20% for residential, see enhanced common area for non-residential	30% for residential and for non-residential
Impervious Surface (% of lot area max)**	0.8	0.7	0.6
Single Family Density (units per acre)	N/A	N/A	4
Townhouse Density (units per acre)	10	8	5
Multi Family Density (units per acre)	15	10	5
Non-residential or Mixed Use Density (units per acre)	meet parking ratio	must meet Parking ratio or Mixed-Use 290-050	meet parking ratio
Minimum Enhanced Common Area*	10% gross area for residential, 20% gross area non-residential	10% gross area for residential, 20% gross area non-residential	10% gross area for residential, 20% gross area non-residential
* Open space and enhanced common area requirements only apply to developments over 3 acres or 30 dwelling units.			
** Pervious pavers are approved for fire-lanes and other areas as approved by the County Engineer and shall not count as part of the impervious surface of the site.			

G. Building Standards: See Building Standards Table below

**Building Standards Table**

Building Standards	Tier 3			Tier 2			Tier 1			
	Townhouse	Multi-Family	Non-residential	Townhouse	Multi-Family	Non-residential	Single Family Residential	Townhouse	Multi-Family	Non-residential
Building Height (max in height and floors)	40' or 2 floors	60' or 3 floors	60' or 4 stories	40' or 2 floors	60' or 3 floors	60' or 3 floors	40' or 2 floors	40' or 2 floors	60' or 3 floors	40' or 2 floors
Lot Area (min in sq. ft.)	-	-	-	-	-	-	5,455 (if sewer); 25,500 (if septic)	-	-	-
Dwelling Size (min heated floor area in sq ft)	650	650	-	800	800	-	1600	900	900	-
Lot Width (min in ft.)	30'	30'	100'	40'	40'	80'	40'	40'	40'	40'
Front Yard Setback (min in ft.)	10'	10'	0'	15'	15'	0'	15'	15'	15'	0'
Side Yard Setback (min in ft.)	0'	5'	5'	0'	5'	5'	10'	0'	5'	5'
Rear Yard Setback (min in ft.)	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'
Garage	1 car	1 car/unit	-	1 car	1 car/unit	-	2 car	1 car	1 car/unit	-

H. Commercial and Mixed-Use Standards

1. Orientation

- a. All buildings shall be oriented to the street with a build-to line no greater than needed to accommodate landscaping, utility easements and sidewalks. Buildings close to the road encourage pedestrian use.
- b. Buildings can be set back further if outparcels are planned which shall screen the rear buildings. Outparcel buildings shall meet the orientation requirement.

2. Building Facades

- a. Buildings at the corner of two public streets create a special condition: corner buildings shall use focal points which anchor the



corner. Focal points may include a chamfered corner, display windows, corner entrances, features such as fountains, or outdoor gathering area with landscaping and furniture.

- b. All building exteriors which face a public street shall have consistent architectural features, building materials, and rooflines as the front. Elevations of all four sides of the building shall be part of the building permit application.
- c. 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.
- d. Street-facing building facades shall be horizontally divided at least every third floor using architectural means such as string courses, recesses, cornice lines, reveals or the like. There must be at least one horizontal division on every building façade.
- e. Street-facing building facades shall also be vertically divided utilizing major and minor articulations to create visual interest and avoid monotony. Major articulations shall occur at least every 60 feet of horizontal façade length or at changes between tenants. 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.

### 3. Windows:

- a. All street-fronting first stories shall have windows that meet the following requirements along the portion of the building fronting a public street or public sidewalk.
  - i. Windows shall be of clear, unpainted or similarly treated glass to allow views of store interior or display windows.
  - ii. Windows shall be located along a minimum of 75% of the linear measure of street frontage. Windows shall start a maximum of three feet above the sidewalk.
  - iii. The maximum façade length without windows shall be ten feet.
  - iv. Glass doors may count towards window requirements.
- 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, all street-facing upper story windows shall be predominately arranged in a grid, subject to individual window variation. [insert graphic]

#### 4. 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 460-050 H.2.e.
- c. Sloped roofs shall be composed of standing seam metal, slate, concrete roof tiles or architectural shingles.

#### 5. Building Materials

- a. Exterior walls for all new buildings shall consist of one or a combination of the following durable materials: brick; tile; stone with weathered, polished or fluted face; textured cement stucco; architectural concrete masonry with fluted, split-face, or broke-face finish; Portland cement plaster and lath systems; architectural (either pre-cast or tilt -up) concrete either fluted or with exposed aggregate finish or fiber cement-board.
- b. Buildings may not be clad in metal siding, plain concrete, or EIFS systems.
- c. Steel roll down shutters and similar exterior building components are prohibited.
- d. Notwithstanding anything contained in Sec. 460-120 to the contrary, if an existing structure is constructed with prohibited materials and is destroyed by fire or act of God, the building may be rebuilt using the same materials.

#### 6. Mechanical Equipment

- a. Mechanical structures must be screened from view using landscaping, fencing or berms as approved by the Newton County Landscape Architect. Mechanical equipment, including air conditioner units, may not penetrate the front facade. Screening shall be as required in 460-050 N.
- 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 to be screened. An administrative variance may be granted by the Planning Director if a scale drawing demonstrating that no part of the equipment shall be visible from the edge of right-of-way furthest from the building is submitted.

#### 7. Awnings and canopies

- a. Awnings, canopies or other type of covered projected entry if used shall be extended a minimum of 5 feet from the face of the building. If arcades are used, the minimum width shall be 6 feet

between the inside of the columns to the building, or as approved by the Fire Marshall.

8. Fencing:

- a. Allowed fencing material shall be black or green vinyl clad chain link fence, wood fencing, and masonry privacy fence planted with continuous vegetative screening. Criteria for vegetative screening are those in Section 460-050 N. with the addition that vegetation need only be three (3) feet high within 2 years.
- 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.

9. Auto Oriented Uses: Though Auto oriented uses such as gas stations and drive through windows are a necessary part of the Salem Overlay District, they should not disproportionately detract from the pedestrian environment.

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

I. Residential Standards

1. Infill development: Appropriate front yard setbacks shall be determined by the Planning Director, but in no event shall they be less than what is provided in the Building Standards Table or more than what is required by the underlying zoning district.

2. Orientation

- a. All residential structures shall be oriented toward the road or enhanced common area. All building exteriors which face a public street shall have consistent architectural features, building materials, and rooflines as the front. Elevations of all four sides of the building shall be part of the building permit application.

- b. 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. All residential entryways shall be covered, including entryways for townhomes and multi-family residences. The actual style of covering (eg: porch, awning, etc.) can be determined by the Architectural Style Guide in the Design Guidelines.

### 4. Garages

- a. Garages, whether attached or detached, shall not face a public street.

### 5. Facades

- a. Single Family Facade Standards:
  - i. If the side of a single family house faces a public street, the facade must have a minimum 20% fenestration

### 6. Townhouse Facade Standards:

- a. If the side of a townhouse faces a public street, the facade must have a minimum 20% fenestration

### 7. Multi Family Facade Standards:

- a. All building exteriors which face a public street shall have consistent architectural features, building materials, and rooflines as the front. Elevations of all four sides of the building shall be part of the building permit application.
- b. Buildings at the corner of two public streets create a special condition: corner buildings shall use focal points which anchor the corner. Focal points may include a chamfered corner, display windows, corner entrances, features such as fountains, or outdoor gathering area with landscaping and furniture.
- c. Primary entrance, and individual tenant space entries, shall be designed to express greater architectural detail through the use of awnings, recessed openings, a change in material, variations of the material patterning, or other similar techniques.
- d. Street-facing building facades shall be horizontally divided at least every third floor using architectural means such as string courses, recesses, cornice lines, reveals or the like. There must be at least one horizontal division on every building façade.
- e. Street-facing building facades shall also be vertically divided utilizing major and minor articulations to create visual interest and avoid monotony. Major articulations shall occur at least every 60 feet of horizontal façade length or at changes between tenants. 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.

f. Windows:

- i. All street-fronting first stories shall have windows covering at least 30% of the facade on any portion of the building fronting a public street or public sidewalk.
- ii. Windows shall be distributed along a minimum of 75% of the linear measure of street frontage. Windows shall start a maximum of three feet above the sidewalk.
- iii. 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, all street-facing upper story windows shall be predominately arranged in a grid, subject to individual window variation.

8. Building Materials

- a. Brick or stone skirting shall be required around the entire foundation.
- b. Exterior walls shall be constructed of brick, stone, cement stucco, or cement-board siding. Wood, wood shake or cement shingles may be used as architectural accents but may in no case make up more than 50% of any elevation.
- c. Vinyl or aluminum siding is prohibited throughout the overlay.
- d. Allowable roof materials are limited to architectural roof shingles; wood or cedar shakes or shingles; concrete, fiberglass or metal tiles; or slate. Metal standing seam is allowed, but may not use a metal finish.
- e. Chimneys shall be veneered in stone or brick.

9. Architectural Style: The architectural style of homes is recommended to be consistent with reasonable examples of a similar style as shown in the Architectural Style Guide of the Salem Overlay District Design Guidelines.

10. 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 visible from a public street.

## 11. 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 at least 2 plants deep.
- b. No mechanical penetration is permitted in the front of residences (this does not include window air conditioners).

12. Color: Exterior building materials within the district are encouraged to use colors that mirror the colors of the surrounding natural environment. One possible palette is the Benjamin Moore Historical Colors palette which provides an array of historically accurate colors. Deviation in color is acceptable, particularly for natural materials. No additional permit is required for color selection or repainting.

## J. Parking

### 1. On-street parking

- a. On-street parking is allowed on all streets within the Salem Overlay District larger than 28' wide with only one vehicular travel lane going in a single direction. However, signage must indicate where on-street parking is available.
- 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 public or private driveway.
- c. On-street parking spaces can be counted as part of the parking requirement of non-residential uses within a 300 foot radius of the parking space. However an on-street parking space shall not be counted for more than 2 uses.

### 2. Off-street Parking

- a. Off-street parking shall be provided on every lot on which any permitted or conditional use is established in accordance with the Zoning Ordinance, consistent with the General Requirements of Division 515.
- b. Parking shall be located on-site to the side and rear of the building, or off-site as allowed in Division 515 provided the parking space is within a 1000 foot distance and clearly marked for community use.
- c. Parking shall not be located between the street and the primary building.
- d. Parking lots over 50 spaces must provide pedestrian paths at least three (3) feet wide towards the main entrance of the primary building and pedestrian crossing areas where such paths intersect with vehicular roads.

### 3. Shared Parking

- a. The Zoning Administrator may approve a reduction in the number of parking spaces required for a specific use where inter-parcel access is provided and a shared parking analysis, which is approved by the Zoning Administrator, demonstrates that adequate parking will be provided.
- b. Per the table below, a shared parking calculation projection shall be provided that demonstrates that each use will have adequate parking provisions at all times. The process for determining the minimum parking requirements for a mixed use development or for contiguous properties containing multiple uses is:
  - i. Determine the minimum number of parking spaces required for each use category from Division 515 of this zoning ordinance. If the use is undetermined at the time of construction, 1 space shall be provided for each 300 sf of floor space.
  - ii. Multiply each parking requirement by the corresponding percentage for each of the time periods shown on the table below.

Shared Parking Chart				
Use	WEEKDAYS		WEEKENDS	
	Daytime 6:00 a.m.— 5:00 p.m.	Evening 5:00 p.m.— 6:00 a.m.	Daytime 6:00 a.m.— 5:00 p.m.	Evening 5:00 p.m.— 6:00 a.m.
Residential	0.8	1	0.8	1
Office	1	0.1	0.2	0.05
Retail	0.95	0.85	1	0.7
Hotel	0.6	1	0.6	1
Restaurant	0.75	1	0.6	1
Entertainment	0.5	0.85	0.7	1
Church	0.5	0.5	1	0.6

- iii. Total the number of parking spaces for each of the time periods (add together the numbers in each column).
- iv. The largest column total is the minimum shared parking requirement for the development or collectively for the contiguous properties.
- v. In no case shall parking spaces that are farther than 1,000 feet from a building entrance be counted towards shared parking requirements.

#### 4. Electric Vehicle Charging Stations

- a. Off-street parking facilities over 50 spaces shall provide 1% of all parking spaces as electric vehicle priority parking spaces. These electric vehicle parking spaces shall be located near the entrances to buildings. The property may install a charging station, which would have to follow the following guidelines:
  - i. Publicly accessible charging stations are allowed in all non-residential and multi-family parking lots throughout the overlay
  - ii. Information shall be posted identifying voltage and amperage levels and any time of use, fees, or safety information related to the electric vehicle charging station.
  - iii. Each electric vehicle charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. For purposes of this subsection, “charging” means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment.
  - iv. The property owner is not restricted from collecting a service fee for the use of an electric vehicle charging station made available to visitors of the property.

#### 5. Bicycle Parking

- a. All non-residential uses that are required to provide off-street parking spaces for motorized vehicles shall also provide bicycle parking spaces. Uses that require up to 25 off-street parking spaces for motorized vehicles shall provide at least one bicycle rack, plus one more bicycle rack for each additional 50 parking spaces required for motorized vehicles.
- b. Multi Family Residential developments shall provide a minimum of one (1) bicycle racks (2 spaces) for up to five (5) dwelling units and one (1) additional rack per each additional five (5) dwelling units.
- c. Bicycle spaces shall consist of one or more inverted U-racks parallel to one another anchored into concrete 30 inches apart and 30 inches away from nearby walls or obstacles, providing a clear length of at least 83 inches for easy access in and out. Each rack shall count as two bicycle spaces.
- d. Newton County Landscape Architect may permit other styles of bicycle rack provided they meet similar criteria of durability and security.
- e. The bicycle parking area should be located within 100 feet of the facility entrance visible from that entrance.



6. Parking Illumination: Parking lots and structures shall follow basic Illuminating Engineering Society (IES) guidelines by providing even lighting of at least 0.2 foot-candles of horizontal intensity, but no more than 4 foot-candles (1 foot-candle average). Full cutoff luminaires shall be used to prevent wasted light and keep glare from reaching neighboring areas.
7. Parking Landscaping shall be provided pursuant to Section 460-050 K.2.

## K. Landscaping

### 1. Landscape Strips

- a. Required landscape strips shall be established and maintained in perpetuity by the owners.
- 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. Width of landscape strips is measured from back of sidewalk, not the property line.
- e. Landscape strips between non-residential uses and outparcels shall be planted 100% coverage of trees and shrubs.

### 2. Parking Lot Landscaping

- a. Off-street parking areas shall be landscaped in accordance with Section 430-050 B.2 of the Newton County Development Regulations and shall provide a minimum of one tree for each seven (7) parking spaces.
- b. Parking located adjacent to a public road shall be concealed by a continuous planting of shrubs, 24-36' at maturity. This planting may be incorporated in the required landscape strip. Another screening option is to include a wall constructed of similar materials as the primary building 2-3 feet high with smaller shrubs and other plantings on either side.

### 3. Street Trees

- a. Street trees shall be canopy shade trees unless site constraints prohibit the use of large maturing trees, subject to the approval of the County Landscape Architect.
- b. 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.
- 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. The only exception is for public safety: no new light standard location shall be positioned closer than 10 feet to any existing street tree.
- e. Trees shall not be planted closer than 30 inches from the face of the curb.
- f. Where there are overhead power lines, tree species are to be chosen that will not interfere with those lines.

#### 4. Planting Specifications

- a. Planting areas shall be a minimum of 250 square feet.
- b. Planting areas shall contain a minimum depth of 12" of screened topsoil. Below the 12" of topsoil the soil shall be loosened for proper drainage and root growth.
- c. Use of root barriers such as UB36-2 or equivalent is required at back of sidewalk or back of curb if no sidewalk exists. For planters between the sidewalk and curb, root barriers are required on both sides.
- d. Shrubs and trees shall meet standard for American Nursery Stock, ANSI.Z60.1-2004

### L. 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 460-050 F.
- b. A minimum of 10% of the gross area must be dedicated to Enhanced Common Area as required in Section 460-050 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. Residential developments of thirty (30) or more dwelling units or greater than three (3) acres within Tiers 2 and 3 shall meet the open space requirements of Section 460-050 F.
- b. Developments within Tier 3 of the Salem Overlay District, in lieu of natural open space, shall provide Enhanced Common Area as seen in Section 460-050 F.

### 3. Enhanced Common Areas for Residential Developments

- a. Site plan approval by the Department is required for Enhanced Common Areas and must include all elements for review: landscape plan, samples of furniture used, paths and sidewalks, etc.
- b. Residential Developments of thirty (30) or more dwelling units or greater than three (3) acres in the Salem Overlay District require a portion of the required open space or gross acreage to be used as Enhanced Common Area. Enhanced Common Areas, at a minimum, must be designed, sized and improved for leisure activities, or for the playing of a game, or holding of an event. Some examples include a pocket park, a courtyard, or a green. Enhanced common areas must be usable by the residents and visitors. Common areas may also be designed for active recreation such as swimming pools, tennis courts, etc.
  - i. At a minimum, areas shall be enhanced with planting beds, decorative, commercial quality street furniture, decorative lighting and trash receptacles. Other amenities may include fountains, planters, picnic tables, or other amenities within the project that encourage pedestrian connectivity between uses or between other common areas.
  - ii. Landscaping is encouraged to reflect the design purpose of the Enhanced Common Area, for instance, shade trees around benches, sod areas for passive play.
  - iii. Natural areas may count toward the required acreage if they contain mature vegetation and have not been timbered, or suffered other land disturbing activities within the last five (5) years. The natural areas must also be usable by the residents and visitors, be easily accessible and have marked trails and benches incorporated. Prior approval by the Department is required before natural areas may be counted.
  - 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 6 feet wide and includes decorative lighting, and benches every 300'. Other potential pedestrian features might include water fountains, drinking fountains, or public art.
  - vi. Stormwater facilities may be located with 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 constructed in the first phase of development, before the first certificate of occupancy is issued. Common areas shall be owned and maintained by the Homeowners Association. A document/legal instrument indicating the method of perpetual maintenance of the common area is required and shall be reviewed and approved by the Department and recorded prior to issuance of final plat.

#### 4. Non-Residential 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 460-050 F. As shown in the Development Standards Table, non-residential developments within Tiers 2 and 3 of the Salem Overlay District shall provide Enhanced Common Area in lieu of natural open space.

#### 5. Non-Residential Enhanced Common Areas

- a. Each non-residential development shall set aside at least 20 percent of the net project acreage (gross acreage excluding 100-year flood plain and wetland areas) to be used as Enhanced Common Areas such as plazas and pocket parks for use by employees and visitors to the development.
- b. The 20% requirement can be reduced to 15% if the developer dedicates the floodplain and wetlands to a public land trust, including Newton County Land Trust. The dedication must be pre-approved by the trust entity before credit given.
- c. Wetland and floodplain areas shall be preserved in their natural state, and not counted toward the common area requirement in non-residential developments.
- d. 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, amenities within the project that encourage pedestrian connectivity between uses such a plaza, arcades, greenways, and/or similar improvements that are clearly intended as gathering spaces or that act as connectors to adjacent buildings or uses may be counted toward the common area requirement. Any pavement over 25% of the required common area may not be credited toward the minimum common area requirement.

- e. Landscaped strips along internal or external streets may be credited toward common area if landscaped strip is constructed at a continuous width of 25 feet or greater.
- f. Storm water facilities may be located with 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.
- g. Common areas may be distributed throughout the project to provide linkages, amenities and visual appeal for the development, but areas shall not be less than 0.3 acre each.

#### M. Buffer Standards

1. A planted or natural vegetated buffer strip is required to protect single-family and multiple-family residential zoning districts from negative impacts such as litter, dust, wind, light spill, noise, unsightly views, and other characteristics commonly associated with non-residential land uses and related vehicular and pedestrian traffic which adversely impact the quality of residential life.
2. Buffers shall contain a minimum of seventy-five (75%) percent of evergreen plant materials comprised of diverse array of plant species and no plant species may account for more than 15% of the plant material for the particular categories of canopy shade tree, understory tree, shrub, groundcover. One (1) tree shall be planted for every fifty (50) linear feet of buffer area. Turf grass shall not be considered as an appropriate buffer material.
3. In those instances where the existing natural vegetation and topography are insufficient to achieve the desired level of screening as required by this Section, a planted buffer shall be provided and shall consist of plant material of such growth characteristics as will provide a visual screen having a height of not less than 6 feet in 2 years and planted in a minimum of two (2) rows with staggered spacing such that a continuous opaque screen is created within two (2) years of planting.
4. Required buffer strips shall be established and maintained in perpetuity by the owner(s) of the non-residential land use.
5. The required buffer strip shall not be disturbed by grading, property improvements or construction activities except where necessary to prevent a nuisance, to remove diseased, misshapen, or dangerous and decayed timbers, or any similar County approved enhancement. Any contemplated disturbance shall first be brought to the attention of the County Development Services Department and formal approval of a permit secured prior to initiating activity within the required buffer areas.

6. Buffers shall be provided in accordance with the approved plan prior to issuance of a Certificate of Occupancy.
7. Buffers shall be prohibited from being used for temporary or permanent parking or loading.
8. Any new development adjacent to the Historic District shall incorporate a buffer similar with a minimum width of twenty (20) feet between the new development and the Historic District.

#### N. Screening

1. Vegetative screening, when referenced within this section, shall include 100% coverage of planting area, including a minimum of 75% evergreen plant materials, have a height of not less than 6 feet in 2 years and planted in a minimum of two (2) rows with staggered spacing such that a continuous opaque screen is created within two (2) years of planting.
2. Refuse areas and receptacles shall be placed in an accessible location in the corner 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 can be accomplished by decorative masonry walls, decorative wooden fencing, and/or vegetative screening. Regardless of screen material, screening must be 12 inches higher than storage materials.
4. Loading areas shall not face any public street. Loading dock entrances for nonresidential uses shall be screened so that loading docks and related activity are not visible from the public street. Screening can be accomplished by decorative masonry walls, decorative wooden fencing, and/or vegetative screening.
5. Loading and dumping activities located within 150 feet of residential district or use shall only be permitted to undertake said activities between the hours of 7am and 10pm.

#### O. 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, however when impractical considering property lines, intersecting streets, driveways, storefronts or other features, and light dispersion patterns for the fixture style, flexibility in spacing may be approved by the Director.

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 be full cut-off type and designed to accommodate a house-side shield when adjacent to residential uses.
4. Parking lot and street light posts shall not exceed a height of 32 feet from finished grade.
5. Pedestrian light posts shall not exceed a height if 16 feet from finished grade.

P. Signage

1. Signs permitted in any zoning district
  - a. Weekend signs.
  - b. Political signs (see Section 525-025 H.)
2. Signs permitted for Residential Developments:
  - a. Two (2) monument style or one (1) double faced monument sign shall be permitted at every entrance to any residential development. Such signs shall not exceed 11 feet in height and cannot exceed 32 square feet of signage per face.
  - b. Sign structures must be constructed of brick, stone, masonry or similar architectural material. No exposed concrete block. Only external illumination is permitted per Section 525-030 (D), additionally illumination must not be pointed at the sky in any way.
  - c. No flags, or banners, or other advertisement signs allowed, except weekend directional signs. (US, State Flags, and personal residential flags are allowed).
3. Signs permitted for Non-Residential Developments
  - a. Single tenant sites may have two (2) monument style or one (1) double faced monument sign permitted at every entrance to the development. Such signs shall not exceed 16 feet in height and cannot exceed 50 square feet of signage per face. Sign structures must be constructed of brick, stone masonry or similar architectural material and reflect the architecture of the development. No exposed concrete block.
  - b. Multi-tenant developments may have one (1) identification monument for the overall development per road frontage. Such signs shall not exceed 16 feet in height and cannot exceed 150 square feet of signage per face. Sign structures must be constructed of brick, stone, masonry or equal architectural material and reflect the architecture of the development. No exposed concrete block.

- c. Out-parcel sites are limited to one (1) identification monument sign maximum height 6 feet and a surface area maximum of 32 square feet. Sign structures must be constructed of brick, stone, masonry or equal architectural material and reflect the architecture of the development. No exposed concrete block.
- d. Exceptions: Gas stations may have an additional 24 square feet to advertise gasoline prices. Canopies shall meet architectural standards of building. If logo placed on canopy it shall be considered a wall sign.
- e. Temporary signs as allowed in Section 525-060.
- f. There shall be a minimum 25-foot separation between monument signs.
- g. No flags, or banners, or other advertisement signs allowed, except weekend directional signs and temporary signs as allowed under Sec. 525 of the Zoning Ordinance.
- h. Two or more businesses that share a single tenant space must meet requirements for single tenant sites.

#### 4. Wall Signs

- a. Each place of business is allowed a maximum of two wall signs.
- b. Wall signs shall be placed only on exterior walls facing public street(s) and/or pedestrian parking areas.
- c. Wall signs shall not exceed 5% of the applicable wall area.

#### 5. Window and Door Signs

- a. Permanent and/or temporary signs shall not exceed a size of ten (10) percent of the aggregate window area. The allowed ten percent may be placed in one window panel or distributed in more than one window panel. The area of the doors and transom glass panels are excluded from the calculation of the applicable sign area. These signs shall not be placed on doors.
- b. The following information may be permanently displayed in windows or glass doors and is exempt from the ten percent limit: proprietors' name, business name, address, phone numbers, hour of operation, and any information required to be posted by local state or federal governments. The lettering for this information shall not exceed a maximum of three inches tall. Address numbers must be at least four inches tall, but no taller than six inches in height, and visible from the street.

#### 6. Additional Signs in Non-Residential developments

- a. One sign placed perpendicular to the building 12 square feet.



## 7. Sign Compatibility

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

## 8. Prohibited Signs

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

## **Sec. 460-060 HISTORIC DISTRICT REQUIREMENTS**

RESERVED

## **Sec. 460-070 TIER 1 REQUIREMENTS**

### A. Commercial Standards

#### 1. Orientation

- a. No outparcels are allowed for commercial developments within Tier 1.

#### 2. Building Materials

- a. In addition to the permitted building materials specified in Section 460-050 H.5., tilt-up concrete is not a permitted material within Tier 1.

#### 3. Buffer Standards:

- a. Buffers in Tier 1 shall cover all the requirements listed in the overall guidelines in Section 460-050 M., however the minimum allowable buffer distance is twenty (20) feet.

#### 4. Non-Residential Uses:

- a. Non-residential uses within Tier 1 are encouraged to locate at intersections of roads to maximize exposure to both pedestrians and automobiles.
- b. Non-residential uses shall not be located on lots which are more than one acre.

## **Sec. 460-080 TIER 2 REQUIREMENTS**

- A. Residential Standards: Within Tier 2, it is not permitted to build new single family houses; multifamily and townhouses are more appropriate for this Tier.

B. Buffer Standards:

1. Buffers in Tier 2 shall cover all the requirements listed in the overall guidelines Section 460-050 M., however the minimum allowable buffer distance is fifteen (15) feet.

**Sec. 460-090 TIER 3 REQUIREMENTS**

A. Residential Standards: Within Tier 3, it is not permitted to build new single family houses; multifamily and townhouses are more appropriate for this Tier.

B. Parking Decks are only allowed in Tier 3 of the Salem Overlay.

1. Parking decks fronting on a public street must include a minimum of twenty-five (25) percent of the entire structure total footprint as non-residential occupiable space at ground level along the public street.
2. Decks shall meet the maximum height requirements for buildings in the District Tier.
3. Vertical panels or walls shall be required to screen the view of parked cars and car headlights from furthest point of the adjacent right of way. Other architectural or vegetative screening may be substituted for panels if it can be demonstrated that car headlights will not create glare as seen from the public right of way or by occupants of nearby areas.
4. Parking decks exposed to view shall be subject to the same standards as commercial buildings in terms of massing, materials, and they shall match the color, materials, and articulation of the adjacent buildings
5. 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 public ROW and nearby occupied spaces.

C. Buffer Standards

1. Buffers in Tier 3 shall cover all the requirements listed in the overall guidelines Section 460-050 M., however the minimum allowable buffer distance is ten (10) feet.

**Sec. 460-100 DEVELOPMENT CREDITS (RESERVED)**

A. The County reserves this section so that in the future development credits (options to increase maximum density in exchange for satisfying additional criteria) may be given to developers or property owners in compliance with future ordinances adopted pursuant to the 2050 Plan.

**Sec. 460-110 ROAD NETWORK**

A. All new roads must provide an interconnected network. No dead end roads or cul-de-sacs are permitted within the overlay. Under extenuating circumstances dead-ends may be permitted by written permission from the Director of Planning,

and must provide adequate room for the turnaround of fire apparatus as specified in the International Fire Code. An example of the preferred turnaround can be seen in Figure [fire turnaround diagram]. Circumstances that may warrant an exception to this rule include an unreasonable burden on the developer (eg: the building of bridges), practical limitations due to pre-existing adjacent developments or life-safety concerns.

- 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 as specified in the International Fire Code.

**Sec. 460-120 NON-CONFORMING USES:**

- A. Within the overlay district, there may exist lots, structures, or uses of both land and structures which were lawful prior to the adoption of this ordinance, but which would be prohibited, regulated, or restricted under the terms of this ordinance as adopted or subsequently amended. Non-Conforming lots, uses, and structures may continue in their nonconforming status with the limitations and/or requirements of Division 530 of the Zoning Ordinance. Alterations to non-conforming signage shall only trigger signage requirements. Likewise, alterations to a non-conforming building shall only trigger the building requirements.
- B. Signage: Any alteration to building or property signage must meet the new signage guidelines in Section 460-050 P.
  - 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 aspect of the sign are allowed with approval from the Zoning Administrator.
- C. Non-residential Buildings. Except as provided below, ordinary maintenance and repair are permitted on non-conforming non-residential structures. The following provisions would require a non-conforming non-residential building to follow the regulations specified in this 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 25 percent or 10,000 square feet, whichever is less.
  - 2. Any change in material or construction on the facade that affects more than 20% of the measured area of the facade

3. Relocation of a structure within the district or from a location outside the district to a location within the district;
- D. Residential Buildings: Ordinary maintenance and repair are permitted on non-conforming residential structures. The following provisions would require a non-conforming residential building to follow the regulations specified in this overlay:
1. Construction, rehabilitation, restoration and repair of a residential structure existing prior to the enactment of this section where the cumulative effect of all permits on a single parcel result in an increase in the total floor area of the existing structure by 50 percent.
  2. Construction of an accessory structure or garage. The full overlay standards shall not be applied in this case, but the accessory structure should match the primary structure in materials, color, and architectural style.
  3. Relocation of a structure within the district or from a location outside the district to a location within the district;

#### **460-130 ADMINISTRATION**

##### **A. PLAN SUBMITTAL AND REVIEW**

1. In order to demonstrate compliance with the standards of this Overlay District, detailed plans must be submitted for review. This applies to applications for rezoning, conditional use permits, plats, land disturbance permits, building permits, sign permits, or at any time where an exhibit is necessary to determine compliance at the request of the Director, the Planning Commission or the Board of Commissioners.
2. Concept 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 (eg: 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. 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 sides), of proposed buildings indicating exterior treatments and colors;
- c. Samples of materials and colors 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 and colors used.

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

1. A formal written application, along with any such fees as may be established by the Board of Commissioners, shall be filed with the Director or Zoning Administrator.
2. The application for a special exception shall state the specific regulation from which exception is sought and the reasons the exception is needed. The application shall contain such information, as the Director deems necessary to evaluate the request.
3. It shall be the applicant's responsibility to provide sufficient justification for granting the special exception.
4. The Director and staff shall prepare an evaluation statement concerning each application for special exception. The evaluation shall consider the circumstances and supporting documents supplied by the applicant and other generally available technical information pertaining to the special exception request. The evaluation shall consider whether the request satisfies the intent of the Overlay District. The Director shall make a recommendation as to grant, grant with conditions, or denial of the special exception.
5. 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 District in terms of architectural style, general design arrangement, and material texture of architectural features, and other site features and the extent to which the proposal is compatible with other structures in the area.
6. 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.
7. Any person or persons severally or jointly aggrieved by any decision of the Planning Commission may take an appeal to the Board of Commissioners by filing a notice of appeal within ten days of the date of the decision of the Planning Commission. The secretary of the Planning Commission shall transmit the record to the Board, and the Board shall hear the appeal de novo within forty five (45) days of the filing of the notice of appeal.