

FORSYTH COUNTY

UNIFIED DEVELOPMENT CODE



A Resolution and Ordinance by the Board of Commissioners of Forsyth County.
Appendix A of the Forsyth County Code amended May 2, 2024

UNIFIED DEVELOPMENT CODE
APPENDIX A OF THE FORSYTH COUNTY CODE OF ORDINANCES

Amended 5-2-2024

Board of Commissioners - Current Members

Alfred John, Chairman
Kerry Hill, Vice Chairman
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County Manager: David McKee

Director of Department of Planning and Community Development: Thomas W. Brown, AICP

PREFACE

Forsyth County's first land use regulations went into effect in 1973. Another Resolution became effective on December 11, 1979, that replaced the prior regulations adopted some six years earlier. The preparation of the County's Zoning and Land Use Resolution and Ordinance began in mid 1978. Over a 17-month period, the persons involved dedicated a great amount of voluntary time and effort to study and revise the draft. The goals of the revision process in 1978 and 1979 were to ensure orderly development of land use; to protect the citizens from harm arising out of disorderly development or improper construction techniques; and to make the regulations minimally restrictive, yet strong enough to achieve the goals in mind.

The 1979 Resolution and Ordinance, most recently referred to as Ordinance 30J, has been amended and readopted a number of times to respond to changing conditions. As Forsyth County prepares to enter the New Millennium, a new set of zoning and subdivision regulations is needed.

Toward that end, the Forsyth County Board of Commissioners, with technical assistance from the Georgia Mountains Regional Development Center and guidance from an appointed Master Land Use Committee, prepared an update to the land use element of the comprehensive plan of Forsyth County in 1997 and 1998. Among the many important goals of the land use plan are the following:

- (A) Encourage development patterns that avoid the uneconomical extension of public facilities and services and are more successful at creating a sense of community;
- (B) Manage growth so as to not overburden the County infrastructure nor significantly detract from quality of life;
- (C) Work toward a residential buildout population of 225,000 to 275,000 people;
- (D) Provide more detailed design guidance for major activity centers and commercial and industrial corridors to enhance the visual qualities of development;
- (E) Provide for developments containing mixes of office, commercial and residential uses;
- (F) Establish more flexible mixed-use development regulations and other flexible regulations that allow for creative site designs to accommodate site-specific conditions;
- (G) Strengthen the role of land development regulations in guiding the development of the County;

- (H) Protect and conserve the beauty and integrity of the County's natural features and historic resources;
and
- (I) Encourage alternative modes of transportation.

In 1999, the Board of Commissioners of Forsyth County appointed a thirty-two-member committee to guide the process of comprehensively revising Ordinance 30J to meet the goals of the land use plan. The committee represented a wide array of interests. Forsyth County also contracted with a planning and development consultant to help the staff of the Department of Planning and Development revise the existing regulations and prepare new chapters.

The Unified Development Code represents a comprehensive revision of the County's zoning and subdivision regulations to address growth and development issues the County will face in the first decade of the twenty-first century. However, changes to the code will periodically be proposed and considered because of the need to respond to citizens and to the changing conditions of our County. For these reasons, persons purchasing the code from the Department of Planning and Development should be aware that changes will be made periodically and should verify that they have the most current edition available.

Anyone considering rezoning, construction, development or any other change in land use should consult with the Department of Planning and Development as early as possible to be sure any plans conform to the current land use requirements.

Please remember this CAUTION: the regulations may be modified from time to time and any changes will govern.

TABLE OF CONTENTS

CHAPTER 1 RESOLUTION AND ORDINANCE

CHAPTER 2 SHORT TITLE AND CONTENTS

- 2-1.1 Short Title.
- 2-1.2 Contents.

CHAPTER 3 DEFINITIONS

ARTICLE I, GENERAL PROVISIONS REGARDING DEFINITIONS: (Revised 9/7/06)

ARTICLE II, SPECIFIC DEFINITIONS: (Revised 10/2/08, 5/5/11, 12/1/11, 4/5/12, 5/3/12, 11/1/12, 1/3/13, 2/7/13, 4/2/15, 3/3/16, 12/1/16, 12/20/16, 2/2/17, 9/7/17, 3/7/19, 4/18/19, 7/11/19, 10/3/19, 11/7/19, 7/9/20, 8/6/20, 10/8/20, 4/15/21, 5/6/21, 5/25/21, 7/8/21, 8/12/21, 10/7/21, 11/4/21, 12/2/21, 3/3/22, 5/5/22, 10/6/22, 1/5/23, 8/3/23, 11/2/23, 3/7/24, 4/18/24, 5/2/24)

CHAPTER 4 FORSYTH COUNTY PLANNING COMMISSION

ARTICLE I, CONTINUATION:

- 4-1.1 Continued Existence.
- 4-1.2 Jurisdiction.

ARTICLE II, POWERS AND DUTIES: (Revised 11/1/07)

- 4-2.1 Comprehensive Plan.
- 4-2.2 Small Area Plans.
- 4-2.3 Zoning.
- 4-2.4 Subdivision Regulations.
- 4-2.5 Plats and Maps.
- 4-2.6 Information to Officials.
- 4-2.7 Public Hearings and Recommendations. (Revised 4/5/12)
- 4-2.8 Variances.
- 4-2.9 Minutes and Public Records.
- 4-2.10 Additional Powers.

ARTICLE III, APPOINTMENT, TERMS OF MEMBERSHIP AND DISMISSAL:

- 4-3.1 Appointment.
- 4-3.2 Terms. (Revised 7/1/10)
- 4-3.3 Number.
- 4-3.4 Officers. (Revised 12/1/11)
- 4-3.5 Dismissal.

CHAPTER 5 FORSYTH COUNTY PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

ARTICLE I, ESTABLISHMENT:

- 5-1.1 Creation. (Revised 12/1/11)

ARTICLE II, PERSONNEL: (Revised 12/16/10, 12/1/11)

- 5-2.1 Director.

ARTICLE III, FUNCTIONS, POWERS AND DUTIES:

- 5-3.1 No Legislative Power.
- 5-3.2 Functions.
- 5-3.3 Assistance to Planning Commission and Zoning Board of Appeals. (Revised 12/1/11)
- 5-3.4 Approval of Subdivisions.

- 5-3.5 Administrative and Interpretative Functions.
- 5-3.6 Enforcement Powers.
- 5-3.7 Comprehensive Plan.
- 5-3.8 Zoning Regulations.
- 5-3.9 Subdivision Regulations.
- 5-3.10 Plats and Maps.
- 5-3.11 Information to Officials.
- 5-3.12 Recommendations.
- 5-3.13 Corrective Zoning Action (Created 8/12/21)

CHAPTER 6 FORSYTH COUNTY ZONING BOARD OF APPEALS

ARTICLE I, CONTINUATION:

- 6-1.1 Existence Continued. (Revised 11/15/04, 7/1/10)

ARTICLE II, MEETINGS AND RECORDS:

- 6-2.1 Meetings. (Revised 11/15/04)
- 6-2.2 Minutes and Public Records. (Revised 12/1/11)
- 6-2.3 Person Responsible.

ARTICLE III, POWERS: (Revised 4/3/08)

- 6-3.1 Powers. (Revised 7/18/13)

ARTICLE IV, APPEAL OF AN ADMINISTRATIVE DECISION OR ORDINANCE DECISION: (Revised 11/1/07)

- 6-4.1 Appeals of Administrative Decisions.

ARTICLE V, VARIANCES: (Revised 11/15/04)

- 6-5.1 Variances. (Revised 7/18/13)

ARTICLE VI, APPEAL OF ZBA DECISIONS: (Revised 11/15/04)

- 6-6.1 Administrative Decisions.
- 6-6.2 Variances.
- 6-6.3 Conflict with other ordinances.

CHAPTER 7 PERMITS, CERTIFICATES, FEES AND FINANCES (Revised 8/1/19)

ARTICLE I, LAND DISTURBANCE PERMITS:

- 7-1.1 Land Disturbance Permit Required.
- 7-1.2 Land Disturbance Permit Plan Review Procedures. (Revised 11/1/07, 7/18/13, 5/3/18, 10/4/18, 9/5/19)
- 7-1.3 Clearing and Grubbing and/or Grading Permits.
- 7-1.4 Road Construction Permits.
- 7-1.5 Site Development Permits.
- 7-1.6 Erosion Control.
- 7-1.7 Expiration. (Revised 11/15/04, 7/18/13, 5/3/18)

ARTICLE II, BUILDING PERMITS:

- 7-2.1 When Required. (Revised 11/15/04)
- 7-2.2 Erosion Control.
- 7-2.3 Sewage Disposal.
- 7-2.4 Water Supply.
- 7-2.5 Land Disturbance Permit. (Revised 11/15/04, 7/7/22)
- 7-2.6 Application.
- 7-2.7 Egress and Ingress Required.
- 7-2.8 False Statement.
- 7-2.9 Deviation From Application.

- 7-2.10 Report of Deviations.
- 7-2.11 Lots in Subdivisions. (Revised 3/5/15)
- 7-2.12 Application Review Period. (Revised 3/26/01, 3/15/23)
- 7-2.13 Expiration. (Revised 3/26/01)

ARTICLE III, TRADE PERMITS:

- 7-3.1 Permits Required.

ARTICLE IV, COTTAGE FOOD PERMITS: (Created 8/3/23)

- 7-4.1 Permits Required

ARTICLE V, CERTIFICATES OF OCCUPANCY:

- 7-5.1 When Required.
- 7-5.2 Requirements to be Met.
- 7-5.3 Duties of Department of Planning and Community Development. (Revised 12/1/11)
- 7-5.4 Time of Application and Issuance.
- 7-5.5 Denial and Notice.
- 7-5.6 Furnishing of Utility Service.
- 7-5.7 Records.
- 7-5.8 Temporary Certificate of Occupancy. (Created 5/2/24)

ARTICLE VI, STANDARDS FOR PERMITS AND CERTIFICATES:

- 7-6.1 Compliance.
- 7-6.2 Building Code. (Revised 11/15/04)
- 7-6.3 Plumbing Code. (Revised 11/15/04)
- 7-6.4 Mechanical Code. (Revised 11/15/04)
- 7-6.5 Gas Code. (Revised 11/15/04)
- 7-6.6 Electrical Code. (Revised 11/15/04)
- 7-6.7 Energy Code.
- 7-6.8 Review. (Revised 12/1/11)
- 7-6.9 Inspections. (Revised 11/15/04, 12/1/11)
- 7-6.10 Other Inspections. (Revised 11/15/04)
- 7-6.11 Inspection Personnel. (Revised 12/1/11)
- 7-6.12 Factory-built Housing. (Revised 12/1/11)
- 7-6.13 Driveway Culverts.
- 7-6.14 Building Sewers.

ARTICLE VII, ZONING COMPLIANCE:

- 7-7.1 Intent. (Revised 12/1/11)
- 7-7.2 Certificate of Zoning Compliance. (Revised 12/1/11)
- 7-7.3 Reliance.

ARTICLE VIII, FEES GENERALLY:

- 7-8.1 Purpose.
- 7-8.2 Revenue. (Revised 12/1/11)

ARTICLE IX, FEE AMOUNTS:

- 7-9.1 Generally.
- 7-9.2 Building Permits. (Revised 11/15/04)
- 7-9.3 Certificate of Occupancy.
- 7-9.4 Collecting Authority. (Revised 12/1/11)

ARTICLE X, FINANCES:

- 7-10.1 Depository.
- 7-10.2 Expenditures. (Revised 12/1/11)
- 7-10.3 Advertising Fees. (Revised 12/1/11)

CHAPTER 8 ZONING AND APPLICATION PROCEDURES (Revised 11/1/07, 12/1/11, 4/5/12, 5/2/13)

ARTICLE I, APPLICATION OF REGULATIONS: (Revised 10/8/20)

ARTICLE II, APPLICATION REQUIREMENTS:

- 8-2.1 Requirements for all Applications. (Revised 4/5/12, 5/2/13, 2/6/14, 12/3/15, 4/13/17, 4/4/19, 10/8/20, 4/20/23, 5/4/23)
- 8-2.2 Withdrawal of Applications. (Revised 9/7/17)
- 8-2.3 Reconsideration of Applications.
- 8-2.4 Copies of Policies and Procedures.

ARTICLE III, PUBLIC HEARINGS AND NOTICES FOR ALL APPLICATIONS: (Revised 4/3/08, 4/13/17)

- 8-3.1 Public Hearing Required.
- 8-3.2 Who Holds Hearings. (Revised 4/5/12, 7/18/13, 10/8/20, 11,2,23)
- 8-3.3 Advertisement of Public Hearings. (Revised 4/5/12, 9/7/17, 10/8/20, 4/20/23)
- 8-3.4 Conduct of Public Hearings and Procedures for Considering Applications. (Revised 4/5/12, 9/4/14, 12/21/17, 9/5/19)
- 8-3.5 Forsyth County District 2 Sub-Area Planning Commission. (Created 12/3/15, Revised 3/3/16, Removed 4/13/17)

ARTICLE IV, AMENDING THE TEXT OF THIS CODE:

- 8-4.1 Purpose and Intent.
- 8-4.2 Authority to Amend.
- 8-4.3 Statement of Policy.
- 8-4.4 Procedures. (Revised 1/3/19, 1/7/21)
- 8-4.5 Director's Responsibilities.(Revised 12/1/11)

ARTICLE V, REZONINGS, CONDITIONAL USE PERMITS, AND SKETCH PLATS: (Revised 4/5/12, 5/2/13)

- 8-5.1 Purpose and Intent. (Revised 4/5/12)
- 8-5.2 Authority to Amend. (Revised 4/5/12)
- 8-5.3 When Required. (Revised 7/1/10, 4/5/12, 4/2/15, 6/1/17, 9/7/17, 1/4/18, 4/4/19, 10/3/19, 3/5/20, 10/8/20, 1/7/21, 11/4/21, 3/3/22, 10/20/22, 4/18/24)
- 8-5.4 Application Requirements. (Revised 10/7/10, 4/5/12, 5/2/13, 12/3/15, 9/7/17, 1/4/18, 8/16/18, 1/7/21, 3/3/22, 5/4/23)
- 8-5.5 Procedures. (Revised 7/1/10, 10/7/10, 4/5/12, 5/2/13, 9/4/14, 8/6/15, 12/3/15, 4/13/17, 9/7/17, 1/4/18, 8/16/18, 4/4/19, 9/5/19, 7/9/20, 10/8/20, 5/6/21, 4/20/23)

ARTICLE VI, VARIANCES:

- 8-6.1 Purpose and Intent.
- 8-6.2 When Required. (Revised 6/7/18, 4/15/21, 3/3/22, 11/3/22, 4/20/23)
- 8-6.3 Application Requirements. (Revised 7/18/13)
- 8-6.4 Procedures. (Revised 12/1/11, 7/18/13, 10/8/20, 4/15/21, 10/21/21, 3/3/22, 4/20/23)

ARTICLE VII, APPEALS OF ADMINISTRATIVE DECISIONS:

- 8-7.1 Purpose and Intent.
- 8-7.2 When Required.
- 8-7.3 Application Requirements. (Revised 10/7/10)
- 8-7.4 Procedures. (Revised 7/9/20, 4/20/23)

ARTICLE VIII, APPEAL OF ZONING BOARD OF APPEALS DECISIONS:

- 8-8.1 Purpose and Intent.
- 8-8.2 When Required. (Revised 8/6/15)
- 8-8.3 Application Requirements. (Revised 10/7/10, 8/6/15)
- 8-8.4 Procedures. (Revised 8/6/15, 3/3/22, 4/20/23)

ARTICLE IX, ZONING CONDITION AMENDMENTS:

- 8-9.1 Purpose and Intent.
- 8-9.2 When Required. (Revised 4/5/12)
- 8-9.3 Application Requirements. (Revised 6/7/18, 1/7/21)
- 8-9.4 Procedures.

ARTICLE X, HOME OCCUPATION APPLICATIONS: (Created 4/5/12)

- 8-10.1 Purpose and Intent.
- 8-10.2 When Required.
- 8-10.3 Application Requirements.
- 8-10.4 Procedures. (Revised 4/20/23)

ARTICLE XI, MOBILE VENDING APPLICATIONS: (Created 10/8/20)

- 8-11.1 Purpose and Intent.
- 8-11.2 When Required.
- 8-11.3 Application Requirements.
- 8-11.4 Procedures. (Revised 4/20/23)

ARTICLE XII, APPEAL OF ZONING DECISIONS:

- 8-12.1 Appeal of Zoning Decisions. (Revised 5/4/17, 4/20/23)

ARTICLE XIII, CERTIORARI (Created 4/20/23)

- 8-13.1 Authority to Approve Certiorari Documents.
- 8-13.2 Authority to Accept Service.

CHAPTER 9 ZONING AND OVERLAY DISTRICTS

ARTICLE I, ESTABLISHMENT OF DISTRICTS:

- 9-1.1 Establishment of Zoning Districts. (Revised 12/20/04, 7/1/10, 4/2/15, 11/4/21, 10/20/22)
- 9-1.2 Establishment of Overlay Districts. (Revised 4/3/08, 5/5/11, 5/3/12, 1/4/18, 3/15/23)
- 9-1.3 Zoning District Boundaries.
- 9-1.4 Overlay District Boundaries. (Revised 5/3/12, 2/6/14)

ARTICLE II, INTERPRETATION OF DISTRICT BOUNDARIES:

- 9-2.1 Property Lines.
- 9-2.2 Street Centerlines.
- 9-2.3 Government Lines.
- 9-2.4 Lines Parallel to Street Centerlines.
- 9-2.5 Stream or River Centerlines.
- 9-2.6 Director Determination.

CHAPTER 10 GENERAL PROVISIONS AND NONCONFORMING SITUATIONS

ARTICLE I, GENERAL PROVISIONS: (Revised 10/14/02)

- 10-1.1 Application of Regulations.
- 10-1.2 Minimum Requirements.
- 10-1.3 Every Use Must Be On a Lot. (Revised 10/7/21)
- 10-1.4 One Principal Building On a Lot. (Revised 3/5/20)
- 10-1.5 Reduction in Performance Standards Prohibited. (Revised 11/1/12)
- 10-1.6 Setback Reduction. (Revised 11/1/12)
- 10-1.7 Setbacks and Buffers, Government Line. (Revised 11/15/04, 11/1/12)
- 10-1.8 Setbacks and Buffers, Adjacent Local Governments. (Revised 11/15/04)
- 10-1.9 Setbacks and Buffers, Lots Accessed from an Easement. (Revised 11/1/07, 11/1/12)
- 10-1.10 Setback and Planting Requirements for Georgia Highway 400. (Revised 11/1/07, 10/7/10, 11/1/12, 7/5/18)
- 10-1.11 Height Limitations. (Revised 4/20/23)
- 10-1.12 Use Prohibited When Not Specified.

- 10-1.13 Outside Construction. (Revised 11/15/04, 10/7/21)
- 10-1.14 Commercial Maintenance Requirements. (Revised 1/11/06)
- 10-1.15 Setback Exemptions (Created 11/1/12, Revised 10/22/20)
- 10-1.16 Setback Encroachments (Created 11/1/12, Revised 7/18/13)
- 10-1.17 Determination of Setbacks (Created 11/1/12)
- 10-1.18 Determination of Yards (Created 11/1/12)
- 10-1.19 Setback and Zoning Buffer Encroachments for Accessory Structures and Accessory Buildings. (Created 8/19/21)

ARTICLE II, NONCONFORMING SITUATIONS:

- 10-2.1 Nonconforming Lots. (Revised 11/15/04, 7/8/21)
- 10-2.2 Nonconforming Structures. (Revised 11/15/04, 6/1/17, 12/7/17)
- 10-2.3 Nonconforming Uses. (Revised 11/15/04, 5/1/14, 6/1/17, 12/7/17, 9/5/19, 7/9/20)
- 10-2.4 Buildings Under Construction. (Revised 11/15/04)
- 10-2.5 Cost to Cure Variance Due to Condemnation. (Created 5/3/18)

CHAPTER 11 RESIDENTIAL DISTRICTS (Revised 12/13/07, 1/3/13, 5/2/13)

ARTICLE I, RESIDENTIAL DISTRICTS PRIOR TO UDC VERSION 5: (Created 1/3/13)

- 11-1.1 Purpose and Intent. (Revised 9/4/14)
- 11-1.2 Permitted Uses. (Revised 12/1/16, 2/2/17, 9/7/17, 12/7/17, 4/18/19, 3/5/20, 4/15/21, 10/6/22)
- 11-1.3 Performance Standards. (Revised 6/7/18)
- 11-1.4 Design Standards. (Created 7/5/18)

ARTICLE II, SINGLE FAMILY RESIDENTIAL DISTRICT (Res1):

- 11-2.1 Purpose and Intent. (Revised 1/3/12, 9/4/14)
- 11-2.2 Permitted Uses. (Revised 12/1/05, 7/1/10, 4/5/12, 5/3/12, 1/3/13, 2/7/13, 12/1/16, 2/2/17, 9/7/17, 4/18/19, 4/15/21, 10/6/22)
- 11-2.3 Performance Standards. (Revised 12/1/05, 11/1/12, 1/3/13, 10/6/16, 6/1/17, 9/7/17, 6/7/18, 8/12/21, 12/2/21)
- 11-2.4 Design Standards. (Created 7/5/18)
- 11-2.5 Incentives for Large Lots. (Created 7/8/21)

ARTICLE III, SINGLE FAMILY RESIDENTIAL DISTRICT (Res2):

- 11-3.1 Purpose and Intent. (Revised 9/4/14)
- 11-3.2 Permitted Uses. (Revised 12/13/07, 7/1/10, 4/5/12, 5/3/12, 1/3/13, 2/7/13, 12/1/16, 2/2/17, 9/7/17, 4/18/19, 7/9/20, 4/15/21, 10/6/22)
- 11-3.3 Performance Standards. (Revised 11/1/12, 6/1/17, 9/7/17, 6/7/18, 8/12/21, 12/2/21)
- 11-3.4 Design Standards. (Created 7/5/18)

ARTICLE IV, SINGLE FAMILY COMMUNITY RESIDENTIAL DISTRICT (CR2): (Created 4/2/15)

- 11-4.1 Purpose and Intent. (Revised 12/3/15)
- 11-4.2 Permitted Uses. (Revised 12/1/16, 2/2/17, 9/7/17, 4/18/19, 4/15/21, 10/6/22)
- 11-4.3 Performance Standards. (Revised 9/7/17, 6/7/18, 8/12/21, 12/2/21)
- 11-4.4 Design Standards. (Created 7/5/18)

ARTICLE V, SINGLE FAMILY RESIDENTIAL DISTRICT (Res3):

- 11-5.1 Purpose and Intent. (Revised 11/1/07, 9/4/14, 12/3/15)
- 11-5.2 Permitted Uses. (Revised 12/13/07, 7/1/10, 4/5/12, 5/3/12, 1/3/13, 2/7/13, 12/1/16, 2/2/17, 9/7/17, 4/18/19, 4/15/21, 10/6/22)
- 11-5.3 Performance Standards. (Revised 12/1/05, 11/1/07, 5/2/13, 7/18/13, 10/2/14, 6/1/17, 9/7/17, 6/7/18, 8/12/21, 12/2/21)
- 11-5.3 Design Standards. (Created 7/5/18)

ARTICLE VI, SINGLE FAMILY RESIDENTIAL DISTRICT (Res4):

- 11-6.1 Purpose and Intent. (Revised 11/1/07, 9/4/14, 6/1/17)
- 11-6.2 Permitted Uses. (Revised 12/13/07, 7/1/10, 4/5/12, 5/3/12, 1/3/13, 2/7/13, 12/1/16, 2/2/17, 9/7/17, 4/18/19, 4/15/21, 10/6/22)
- 11-6.3 Performance Standards. (Revised 11/1/12, 7/18/13, 6/1/17, 9/7/17, 6/7/18, 7/9/20, 8/12/21, 12/2/21)
- 11-6.4 Special Application Requirements. (Revised 11/1/07, 12/3/15)
- 11-6.5 Design Standards. (Created 7/5/18)

ARTICLE VII, MULTI FAMILY RESIDENTIAL DISTRICT (Res6):

- 11-7.1 Purpose and Intent. (Revised 11/1/07, 9/4/14, 9/7/17, 6/3/21)
- 11-7.2 Permitted Uses. (Revised 12/13/07, 7/1/10, 4/5/12, 5/3/12, 1/3/13, 2/7/13, 9/4/14, 12/1/16, 2/2/17, 9/7/17, 4/18/19, 4/15/21, 6/3/21, 10/6/22)
- 11-7.3 Performance Standards. (Revised 11/1/12, 6/1/17, 9/7/17, 6/7/18, 6/3/21, 8/12/21, 12/2/21)
- 11-7.4 Special Application Requirements. (Revised 11/1/07, 12/3/15)
- 11-7.5 Design Standards. (Created 7/5/18)

ARTICLE VIII, MANUFACTURED/MOBILE HOME PARK DISTRICT (MHP):

- 11-8.1 Purpose and Intent. (Revised 2/7/13, 9/4/14)
- 11-8.2 Permitted Uses. (Revised 7/1/10, 4/5/12, 5/3/12, 1/3/13, 2/7/13, 12/1/16, 2/2/17, 9/7/17, 4/18/19, 4/15/21, 10/6/22)
- 11-8.3 Performance Standards. (Revised 11/1/12, 9/7/17, 6/7/18, 8/12/21, 12/2/21)
- 11-8.4 Site Plan Review & Approval Required. (Revised 2/7/13)
- 11-8.5 General Development Requirements. (Revised 2/7/13)
- 11-8.6 Home Spaces in Manufactured/Mobile Home Parks. (Revised 2/7/13)

ARTICLE IX, SITE DEVELOPMENT AND DESIGN STANDARDS FOR ALL RESIDENTIAL DISTRICTS, EXCLUDING MHP DISTRICT: (Created 7/5/18)

- 11-9.1 Purpose and Intent.
- 11-9.2 Applicability. (Revised 12/6/18, 12/6/19, 3/5/20, 8/12/21)
- 11-9.3 Application Requirements. (Created 12/6/19)
- 11-9.4 Building Materials. (Revised 12/6/19)
- 11-9.5 Lot Standards. (Created 12/6/19, Revised 5/6/21, 3/3/22)
- 11-9.6 Subdivision Standards. (Created 12/6/19)
- 11-9.7 Southeast Forsyth Design Standards. (Created 12/6/19)

ARTICLE X, DESIGN STANDARDS FOR SINGLE-FAMILY ATTACHED AND MULTI-FAMILY RESIDENTIAL: (Created 5/6/21)

- 11-10.1 Purpose and Intent.
- 11-10.2 Applicability.
- 11-10.3 Application Requirements.
- 11-10.4 Architectural Standards

CHAPTER 12 COMMERCIAL AND OFFICE DISTRICTS (Revised 10/2/08, 4/5/12)

ARTICLE I, NEIGHBORHOOD SHOPPING DISTRICT (NS):

- 12-1.1 Purpose and Intent. (Revised 10/6/22)
- 12-1.2 Permitted and Conditional Uses. (Revised 10/2/08, 4/5/12, 5/3/12, 1/3/13, 12/1/16, 2/2/17, 9/7/17, 3/7/19, 4/18/19, 7/11/19, 5/25/21, 5/5/22, 10/6/22, 1/5/23, 11/2/23, 3/7/24, 4/18/24)
- 12-1.3 Performance Standards. (Revised 7/1/10, 11/1/12, 6/7/18, 12/2/21)
- 12-1.4 Site Development Regulations.

ARTICLE II, URBAN VILLAGE DISTRICT (UV):

- 12-2.1 Purpose and Intent.
- 12-2.2 Permitted and Conditional Uses. (Revised 10/2/08, 4/5/12, 5/3/12, 1/3/13, 12/1/16, 2/2/17, 9/7/17, 3/7/19, 4/18/19, 7/11/19, 5/25/21, 5/5/22, 10/6/22, 1/5/23, 11/2/23, 3/7/24, 4/18/24)
- 12-2.3 Performance Standards. (Revised 7/1/10, 11/1/12, 6/7/18, 12/2/21)

12-2.4 Site Development Regulations.

ARTICLE III, COMMERCIAL BUSINESS DISTRICT (CBD):

- 12-3.1 Purpose and Intent. (Revised 1/11/06, 10/6/22)
- 12-3.2 Permitted and Conditional Uses. (Revised 10/2/08, 4/5/12, 5/3/12, 1/3/13, 12/1/16, 12/20/16, 2/2/17, 9/7/17, 3/7/19, 4/18/19, 7/11/19, 5/25/21, 5/5/22, 10/6/22, 1/5/23, 11/2/23, 3/7/24, 4/18/24)
- 12-3.3 Performance Standards. (Revised 7/1/10, 11/1/12, 6/7/18, 12/2/21)
- 12-3.4 Site Development Regulations.

ARTICLE IV, HIGHWAY BUSINESS DISTRICT (HB):

- 12-4.1 Purpose and Intent.
- 12-4.2 Permitted and Conditional Uses. (Revised 10/2/08, 4/5/12, 5/3/12, 1/3/13, 12/1/16, 12/20/16, 2/2/17, 9/7/17, 3/7/19, 4/18/19, 7/11/19, 11/7/19, 5/25/21, 5/5/22, 10/6/22, 1/5/23, 11/2/23, 3/7/24, 4/18/24)
- 12-4.3 Performance Standards. (Revised 7/1/10, 11/1/12, 6/7/18, 12/2/21)
- 12-4.4 Site Development Regulations.

ARTICLE V, HEAVY COMMERCIAL DISTRICT (HC):

- 12-5.1 Purpose and Intent.
- 12-5.2 Permitted and Conditional Uses. (Revised 10/2/08, 4/5/12, 5/3/12, 1/3/13, 12/1/16, 12/20/16, 2/2/17, 9/7/17, 3/7/19, 4/18/19, 7/11/19, 11/7/19, 5/25/21, 5/5/22, 10/6/22, 1/5/23, 11/2/23, 3/7/24, 4/18/24)
- 12-5.3 Performance Standards. (Revised 7/1/10, 11/1/12, 6/7/18, 12/2/21)
- 12-5.4 Site Development Regulations.

ARTICLE VI, BUSINESS PARK (BP):

- 12-6.1 Purpose and Intent.
- 12-6.2 Permitted and Conditional Uses. (Revised 10/2/08, 4/5/12, 5/3/12, 1/3/13, 12/1/16, 12/20/16, 2/2/17, 9/7/17, 3/7/19, 4/18/19, 7/11/19, 5/25/21, 5/5/22, 10/6/22, 1/5/23, 11/2/23, 3/7/24, 4/18/24)
- 12-6.3 Performance Standards. (Revised 7/1/10, 11/1/12, 6/7/18, 12/2/21)
- 12-6.4 Site Development Regulations.

ARTICLE VII, OFFICE AND INSTITUTIONAL DISTRICT (O&I):

- 12-7.1 Purpose and Intent.
- 12-7.2 Permitted and Conditional Uses. (Revised 10/2/08, 4/5/12, 5/3/12, 1/3/13, 12/1/16, 12/20/16, 2/2/17, 9/7/17, 3/7/19, 4/18/19, 7/11/19, 5/25/21, 5/5/22, 10/6/22, 1/5/23, 11/2/23, 3/7/24, 4/18/24)
- 12-7.3 Performance Standards. (Revised 7/1/10, 11/1/12, 6/7/18, 12/2/21)
- 12-7.4 Site Development Regulations.

ARTICLE VIII, OFFICE RESIDENTIAL DISTRICT (OR):

- 12-8.1 Purpose and Intent. (Revised 12/1/16)
- 12-8.2 Permitted and Conditional Uses. (Revised 10/2/08, 4/5/12, 5/3/12, 1/3/13, 12/1/16, 12/20/16, 2/2/17, 9/7/17, 3/7/19, 4/18/19, 7/11/19, 10/8/20, 5/25/21, 5/5/22, 10/6/22, 1/5/23, 11/2/23, 3/7/24, 4/18/24)
- 12-8.3 Performance Standards. (Revised 7/1/10, 11/1/12, 6/7/18, 12/2/21)
- 12-8.4 Site Development Regulations.

ARTICLE IX, OFFICE COMMERCIAL MULTIPLE STORY DISTRICT (OCMS):

- 12-9.1 Purpose and Intent. (Revised 6/7/18)
- 12-9.2 Permitted and Conditional Uses. (Revised 10/2/08, 4/5/12, 5/3/12, 1/3/13, 12/1/16, 12/20/16, 2/2/17, 9/7/17, 3/7/19, 4/18/19, 7/11/19, 5/25/21, 5/5/22, 10/6/22, 1/5/23, 11/2/23, 3/7/24, 4/18/24)
- 12-9.3 Performance Standards. (Revised 7/1/10, 11/1/12, 6/7/18, 12/2/21)
- 12-9.4 Site Development Regulations.

ARTICLE X, GENERAL SITE DEVELOPMENT AND DESIGN REGULATIONS FOR ALL COMMERCIAL AND OFFICE DISTRICTS:

- 12-10.1 Purpose and Intent.
- 12-10.2 Applicability.
- 12-10.3 Utilities.

- 12-10.4 Grading and Site Development. (Revised 9/7/06)
- 12-10.5 Curb Cuts and Access Specifications. (Revised 11/15/04)
- 12-10.6 Interparcel Connections. (Revised 11/1/07, 6/7/18)
- 12-10.7 Location of Loading and Unloading Areas.
- 12-10.8 Location of Parking Areas.
- 12-10.9 Open Display of Vehicles, Equipment, and Merchandise. (Revised 11/1/07)
- 12-10.10 Screening of Outside Storage Yards. (Revised 2/1/07)
- 12-10.11 Screening of Dumpsters.
- 12-10.12 Outdoor Lighting. (Revised 11/15/04)
- 12-10.13 Building Materials.
- 12-10.14 Building and Utility Appurtenances.
- 12-10.15 Landscaping. (Revised 11/1/07, 12/1/11, 9/7/17)
- 12-10.16 Signage. (Revised 9/7/06)
- 12-10.17 Plans. (Revised 12/1/11)
- 12-10.18 Maintenance.
- 12-10.19 Fencing (Revised 2/1/07)

ARTICLE XI, ADDITIONAL REQUIREMENTS FOR LARGE-SCALE RETAIL ESTABLISHMENTS 40,000 SQUARE FEET OR GREATER: (Revised 1/11/06)

- 12-11.1 Purpose and Intent. (Revised 10/6/22)
- 12-11.2 Restrictive Covenants.
- 12-11.3 Delivery and Garbage Pick-up.
- 12-11.4 Infrastructure Requirements.
- 12-11.5 Site Design Guidelines and Requirements. (Revised 11/1/07, 7/1/10, 9/7/17)
- 12-11.6 Architectural Design Standards. (Revised 11/1/07, 11/2/23)

ARTICLE XII, ADDITIONAL REQUIREMENTS FOR LARGE-SCALE RETAIL ESTABLISHMENTS 75,000 SQUARE FEET OR GREATER: (Revised 1/11/06)

- 12-12.1 Re-use of Properties.
- 12-12.2 Vacancy Maintenance Requirements.
- 12-12.3 Location Criteria. (Revised 10/6/22)

ARTICLE XIII, ADDITIONAL LOCATION AND ZONING REQUIREMENTS FOR COMMERCIAL ESTABLISHMENTS IN SOUTH FORSYTH: (Created 12/3/20)

- 12-13.1 Intent.
- 12-13.2 Delineation of South Forsyth.
- 12-13.3 Design Plan Administrative Review. (Revised 10/6/22)
- 12-13.4 Applicability.
- 12-13.5 Landscaping and Pedestrian Improvements.
- 12-13.6 Parking.
- 12-13.7 Access.
- 12-13.8 Commercial Amenity.
- 12-13.9 Building Materials.
- 12-13.10 Massing.
- 12-13.11 Roofing.
- 12-13.12 Windows.
- 12-13.13 Screening.
- 12-13.14 Reserved. (Revised 11/2/23)
- 12-13.15 Signs. (Revised 1/5/23)
- 12-13.16 Fencing.
- 12-13.17 Retaining Walls.
- 12-13.18 Self-Service Storage Facilities.
- 12-13.19 Fuel Stations. (Revised 11/2/23)
- 12-13.20 Vehicle Rental/Sales/Service Establishments and Car Washes.
- 12-13.21 Parking Structures. (Revised 11/2/23)

CHAPTER 13 DESIGN GUIDELINES FOR ACTIVITY CENTERS

ARTICLE I, PURPOSE AND INTENT: (Revised 11/15/04)

ARTICLE II, DESIGN STANDARDS:

- 13-2.1 Detention Basins.
- 13-2.2 Connectivity and Roadway Design Criteria.
- 13-2.3 Building Height and Mass. (Revised 6/7/18)
- 13-2.4 Arrangement and Siting of Buildings.
- 13-2.5 Compatibility.
- 13-2.6 Building Appearance and Architectural Details. (Revised 11/1/12)
- 13-2.7 Signage.
- 13-2.8 Parking.
- 13-2.9 Landscaping, Trees, and Natural Environment.
- 13-2.10 Public Spaces and Streetscape Improvements.
- 13-2.11 Pedestrian and Bicycle Access and Connections.
- 13-2.12 Transit Access and Connections.
- 13-2.13 Lighting. (Revised 11/15/04)

CHAPTER 14 INDUSTRIAL AND MINING DISTRICTS (Revised 10/2/08, 4/5/12, 5/3/12)

ARTICLE I, RESTRICTED INDUSTRIAL DISTRICT (M1):

- 14-1.1 Purpose and Intent.
- 14-1.2 Permitted and Conditional Uses. (Revised 10/2/08, 4/5/12, 5/3/12, 1/3/13, 12/1/16, 2/2/17, 9/7/17, 3/7/19, 4/18/19, 7/11/19, 11/7/19, 7/9/20, 10/8/20, 10/6/22, 1/5/23, 11/2/23)
- 14-1.3 Performance Standards. (Revised 7/1/10, 11/1/12, 6/7/18, 10/7/21, 12/2/21)
- 14-1.4 Site Development Regulations.

ARTICLE II, HEAVY INDUSTRIAL DISTRICT (M2):

- 14-2.1 Purpose and Intent.
- 14-2.2 Permitted and Conditional Uses. (Revised 10/2/08, 4/5/12, 5/3/12, 1/3/13, 12/1/16, 2/2/17, 9/7/17, 3/7/19, 4/18/19, 7/11/19, 11/7/19, 10/8/20, 10/6/22, 1/5/23, 11/2/23)
- 14-2.3 Performance Standards. (Revised 7/1/10, 6/7/18, 12/2/21)
- 14-2.4 Site Development Regulations.
- 14-2.5 Application Requirements for Conditional Uses.

ARTICLE III, MINING OPERATIONS DISTRICT (MINE):

- 14-3.1 Purpose and Intent.
- 14-3.2 Permitted Uses. (Revised 10/2/08, 4/5/12, 5/3/12, 12/1/16, 12/20/16, 2/2/17, 9/7/17, 3/7/19, 4/18/19, 7/11/19, 11/7/19, 10/8/20, 10/6/22, 1/5/23, 11/2/23)
- 14-3.3 Performance Standards. (Revised 7/1/10, 6/7/18, 12/2/21)
- 14-3.4 Site Development Regulations.
- 14-3.5 Application Requirements.

ARTICLE IV, GENERAL SITE DEVELOPMENT AND DESIGN REGULATIONS FOR INDUSTRIAL AND MINING DISTRICTS:

- 14-4.1 Purpose and Intent.
- 14-4.2 Applicability.
- 14-4.3 Utilities.
- 14-4.4 Grading and Site Development. (Revised 9/7/06, 12/1/11)
- 14-4.5 Curb Cuts and Access Specifications. (Revised 12/1/11)
- 14-4.6 Interparcel Connections.
- 14-4.7 Location of Loading and Unloading Areas.
- 14-4.8 Screening of Outside Storage Yards.
- 14-4.9 Screening of Dumpsters. (Revised 11/15/04)
- 14-4.10 Outdoor Lighting. (Revised 11/15/04)

- 14-4.11 Building Materials.
- 14-4.12 Building and Utility Appurtenances.
- 14-4.13 Landscaping. (Revised 9/7/06, 12/1/11)
- 14-4.14 Signage. (Revised 9/7/06)
- 14-4.15 Plans. (Revised 12/1/11)

CHAPTER 15 AGRICULTURAL DISTRICTS (Revised 10/2/08, 7/1/10, 4/5/12, 5/3/12, 8/3/23)

ARTICLE I, AGRICULTURAL DISTRICT (A1):

- 15-1.1 Purpose and Intent.
- 15-1.2 Permitted Uses. (Revised 10/2/08, 7/1/10, 10/7/10, 4/5/12, 5/3/12, 1/3/13, 9/4/14, 12/1/16, 2/2/17, 9/7/17, 3/6/18, 4/4/19, 4/18/19, 8/6/20, 7/8/21, 10/6/22, 8/3/23, 4/18/24, 5/2/24)
- 15-1.3 Performance Standards. (Revised 6/7/18, 8/6/20, 7/8/21, 11/4/21, 12/2/21)
- 15-1.4 Incentives for Large Lots. (Created 7/8/21.)

ARTICLE II, AGRICULTURAL-RESIDENTIAL DISTRICT (AG-RES):

- 15-2.1 Purpose and Intent.
- 15-2.2 Permitted Uses. (Revised 10/2/08, 7/1/10, 4/5/12, 5/3/12, 1/3/13, 9/4/14, 12/1/16, 2/2/17, 9/7/17, 3/6/18, 4/4/19, 4/18/19, 7/8/21, 10/6/22, 8/3/23, 4/18/24, 5/2/24)
- 15-2.3 Performance Standards. (Revised 11/1/12, 6/7/18, 12/2/21)

ARTICLE III, REQUIREMENTS FOR SPECIAL EVENTS AND SPECIAL EVENT FACILITIES ON A-1 PROPERTY: (Created 9/4/14. Revised 8/6/20)

- 15-3.1 Purpose and Intent. (Revised 8/6/20)
- 15-3.2 Special Events. (Revised 8/6/20)
- 15-3.3 Special Event Facilities. (Created 8/6/20)
- 15-3.4 Hotel/Motel Excise Taxes. (Created 8/6/20)

ARTICLE IV, AGRITOURISM: (Created 7/8/21)

- 15-4.1 Purpose and Intent.
- 15-4.2 Requirements.

ARTICLE V, COTTAGE FOOD OPERATIONS: (Created 8/3/23)

- 15-5.1 Purpose and Intent
- 15-5.2 Requirements

CHAPTER 16 SUPPLEMENTARY REGULATIONS FOR SPECIFIC USES (Revised 10/2/08, 4/5/12)

ARTICLE I, AIRPORTS AND HELIPORTS: (Revised 10/2/08)

- 16-1.1 Generally. (Revised 10/2/08)
- 16-1.2 Types of Permits. (Revised 10/2/08)
- 16-1.3 Permit Issuance, General Airport Uses.
- 16-1.4 Permit Issuance, Limited Airport Uses.
- 16-1.5 Permit Issuance, Heliport Use. (Revised 10/2/08)

ARTICLE II, COMMUNICATION TOWERS AND COMMUNICATION ANTENNA PERMITS:

- 16-2.1 Purpose and Intent.
- 16-2.2 Applicability.
- 16-2.3 General Requirements.
- 16-2.4 Application Requirements.
- 16-2.5 Zoning Requirements. (Revised 11/15/04)
- 16-2.6 Performance and Construction Standards. (Revised 11/15/04)
- 16-2.7 Variances.
- 16-2.8 Master Right of Way Agreement for Mini Cell. (Created 1/3/19, Revised 10/1/19)

ARTICLE III, HOME BUSINESSES:

- 16-3.1 Classification of Home Businesses. (Revised 11/15/04, 6/2/11, 4/5/12, 9/5/19, 8/3/23, 10/5/23, 11/2/23)
- 16-3.2 General Requirements and Performance Criteria. (Revised 11/15/04, 4/5/12)
- 16-3.3 Procedures. (Revised 11/1/07, 12/1/11, 4/5/12)

ARTICLE IV, SUPPLEMENTARY REGULATIONS FOR SPECIFIC USES:

- 16-4.1 Accessory Structures in Residential Districts. (Revised 9/7/06, 12/2/10, 1/6/11, 5/4/23)
- 16-4.2 Accessory Apartments, Attached. (Revised 9/7/06, 2/7/13)
- 16-4.3 Accessory Apartments, Detached. (Revised 9/7/06)
- 16-4.4 Backyard Chickens. (Created 4/15/21, Revised 5/2/24)
- 16-4.5 Build-to-Rent. (Created 10/6/22)
- 16-4.6 Commercial Athletic Fields, Outdoor.
- 16-4.7 Commercial Recreational Facilities, Outdoor. (Revised 9/7/06)
- 16-4.8 Condominiums. (Revised 9/25/03, 5/6/21)
- 16-4.9 Senior Housing. (Revised 12/13/07, 4/4/19, 7/9/20, 6/3/21, 5/2/24)
- 16-4.10 Convenience Stores. (Revised 12/2/21, 11/2/23)
- 16-4.11 Demolition of Historic Structures.
- 16-4.12 Reserved.
- 16-4.13 Dumpsters. (Created 10/7/21)
- 16-4.14 Fences and Walls. (Revised 11/1/07, 11/1/12)
- 16-4.15 Horses. (Revised 9/25/03, 3/7/24)
- 16-4.16 Hotels, Motels, and Extended Stay Hotels and Motels. (Created 9/7/17, 4/18/24)
- 16-4.17 Junk Vehicles. (Revised 5/25/21)
- 16-4.18 Junk Yards.
- 16-4.19 Livestock. (Revised 9/25/03)
- 16-4.20 Manufactured/Mobile Homes. (Revised 11/15/04, 2/7/13, 6/3/21)
- 16-4.21 Manufactured/Mobile Homes for Health Hardships and Elderly Housing. (Revised 9/25/03, 2/7/13)
- 16-4.22 Removal. (Revised 11/15/04, 2/7/13)
- 16-4.23 Micro-breweries and Micro-distilleries. (Created 3/7/19)
- 16-4.24 Mobile Food Units. (Created 10/8/20)
- 16-4.25 Mobile Vendors. (Created 10/8/20)
- 16-4.26 Outdoor Lighting. (Revised 7/17/08, 12/20/16, 12/2/21, 11/2/23)
- 16-4.27 Places of Worship. (Created 2/2/17)
- 16-4.28 Poultry Houses. (Revised 12/20/16)
- 16-4.29 Sand Dredging Within Creek Banks (Revised 12/20/16)
- 16-4.30 Seasonal Sales and Temporary Vending (Created 10/8/20)
- 16-4.31 Self-Service Storage. (Revised 12/20/16, 9/7/17)
- 16-4.32 Sheds. (Created 11/4/21)
- 16-4.33 Short-term Rental. (Created 4/18/19, Revised 10/3/19)
- 16-4.34 Reserved.
- 16-4.35 Townhouses. (Revised 11/15/04, 11/1/12)
- 16-4.36 Transportation and Utility Facilities.
- 16-4.37 Vehicle Sales Dealerships or Vehicle Rental Establishments. (Revised 12/1/16, 5/25/21)

CHAPTER 17 PARKING AND LOADING REGULATIONS

ARTICLE I, PURPOSE AND APPLICABILITY:

- 17-1.1 Purpose and Intent.
- 17-1.2 Applicability.

ARTICLE II, REQUIRED PARKING:

- 17-2.1 Required Minimum Number of Parking Spaces. (Revised 9/7/06, 2/7/13, 12/1/16, 12/20/16, 2/2/17, 9/7/17, 7/11/19)
- 17-2.2 Interpretations of Parking Requirements.
- 17-2.3 Reduction of Required Parking for Off-Site Arrangements.
- 17-2.4 Reduction of Required Parking for Mixed or Joint Use of Parking Spaces.

- 17-2.5 Reduction of Required Parking for Alternative Transportation Arrangements.
- 17-2.6 Reduction of Required Parking When On-Street Parking is Permitted.
- 17-2.7 Parking Maximums. (Revised 6/7/11)
- 17-2.8 Parking Space and Isle Specifications. (Revised 11/1/07, 6/2/11)

ARTICLE III, LOADING AREAS:

- 17-3.1 Loading Areas Required for Specified Uses. (Revised 9/7/17)
- 17-3.2 Loading Area Specifications.
- 17-3.3 Minimum Number of Off-Street Loading Spaces Required.

ARTICLE IV, GENERAL PARKING AND LOADING AREA SPECIFICATIONS:

- 17-4.1 Location of Parking and Loading Areas. (Revised 12/1/11)
- 17-4.2 Accessory Uses of Parking Lots and Loading Areas.

ARTICLE V, PARKING AND LOADING AREA IMPROVEMENT REQUIREMENTS:

- 17-5.1 Access.
- 17-5.2 Drainage.
- 17-5.3 Surfacing. (Revised 11/15/04, 6/2/22, 11/3/22)
- 17-5.4 Striping.
- 17-5.5 Lighting. (Revised 11/15/04)
- 17-5.6 Signs.
- 17-5.7 Landscaping. (Revised 2/1/07)

ARTICLE VI, SPECIAL PARKING REQUIREMENTS:

- 17-6.1 Accessible Parking Spaces. (Revised 11/15/04)
- 17-6.2 Stacking Spaces for Drive-Through Facilities. (Revised 1/5/23)
- 17-6.3 Semi-Tractor Trailer Parking.
- 17-6.4 Commercial Vehicles in Agricultural Zoning Districts. (Revised 06/2/11)
- 17-6.5 Construction Related Parking (Created 7/9/20)

ARTICLE VII, PLANS:

CHAPTER 18 SUBDIVISIONS AND LAND DEVELOPMENT

ARTICLE I, PURPOSE AND ADMINISTRATIVE PROVISIONS:

- 18-1.1 Title.
- 18-1.2 Purposes. (Revised 8/12/21)
- 18-1.3 Authority and Delegation. (Revised 11/1/07, 12/1/11, 7/18/13)
- 18-1.4 Applicability and Prohibitions.
- 18-1.5 Exemptions from Plat Approval. (Revised 3/26/01)
- 18-1.6 Variances.
- 18-1.7 Appeals. (Revised 11/15/04)
- 18-1.8 Enforcement, Violations, and Penalties. (Revised 12/1/11)

ARTICLE II, GENERAL PROVISIONS:

- 18-2.1 Land is One Tract until Subdivided. (Revised 11/1/07, 11/1/12)
- 18-2.2 Lot Combinations. (Revised 11/1/12, 10/6/16)
- 18-2.3 Boundary Line Adjustments. (Revised 11/1/12)
- 18-2.4 Access Requirements. (Revised 11/15/04)

ARTICLE III, STREETS AND DEDICATIONS IN MAJOR SUBDIVISIONS:

- 18-3.1 Requirements for Streets. (Revised 11/15/04, 12/1/11)
- 18-3.2 Dedications, Generally.

ARTICLE IV, DESIGN REQUIREMENTS FOR LOTS:

- 18-4.1 Adequate Building Area Required. (Revised 11/1/12)

- 18-4.2 Lot Remnants Shall Not Be Permitted.
- 18-4.3 Service Areas.
- 18-4.4 Lot Area.
- 18-4.5 Lot Width.
- 18-4.6 Side Lot Lines.
- 18-4.7 Corner Lots. (Revised 11/1/07, 11/1/12, 4/20/23)
- 18-4.8 Lot Depth.
- 18-4.9 Double Frontage Lots. (Revised 11/15/04)
- 18-4.10 Locations Adjacent to Major Street. (Revised 11/15/04, 11/1/12)
- 18-4.11 Drainage. (Revised 11/1/07)
- 18-4.12 Natural Features and Assets.
- 18-4.13 Flag Lots and Tracts Prohibited.

ARTICLE V, REQUIRED IMPROVEMENTS:

- 18-5.1 Required Improvements.
- 18-5.2 Improvements Mandatory.
- 18-5.3 Plans Required.
- 18-5.4 Engineered Drawings.
- 18-5.5 Survey Monuments for Subdivisions.
- 18-5.6 Streets.
- 18-5.7 Street Signs.
- 18-5.8 Curbs and Gutters.
- 18-5.9 Sidewalks, When Required.
- 18-5.10 Sidewalks, Location.
- 18-5.11 Improvements on Abutting Public Streets.
- 18-5.12 Reserve Strips.
- 18-5.13 Grading.
- 18-5.14 Drainage System. (Revised 11/1/07)
- 18-5.15 Drainage Easements and Riparian Buffers. (Revised 11/1/07)
- 18-5.16 Water Main Requirements. (Revised 11/1/07)
- 18-5.17 Water System Requirements. (Revised 12/1/11, 4/5/12)
- 18-5.18 Sewage System. (Revised 2/23/04, 4/5/12, 3/3/22)
- 18-5.19 Water Impounding Structures. (Revised 11/1/07)
- 18-5.20 Oversizing of Improvements and Utilities.
- 18-5.21 Fire Flow and Fire Access. (Revised 11/1/07)
- 18-5.22 Subdivision Improvement Guarantees.
- 18-5.23 Common Area. (Revised 11/15/04, 4/2/15)
- 18-5.24 Maintenance of Common, Non-Public Facilities. (Revised 11/1/07, 1/3/19)
- 18-5.25 Utilities. (Revised 11/15/04)
- 18-5.26 Common Mailbox Facilities (Created 10/22/20)

ARTICLE VI, APPLICATION REQUIREMENTS AND PROCEDURES:

- 18-6.1 Application Requirements. (Revised 12/1/11, 11/1/12, 7/9/20)
- 18-6.2 Sketch Plat. (Revised 11/1/07)
- 18-6.3 Construction Plans. (Revised 11/1/07, 12/1/11, 5/3/18)
- 18-6.4 Final Plat. (Revised 11/1/07, 12/1/11, 4/2/15, 10/1/15)

ARTICLE VII, SUPPLEMENTARY PROVISIONS FOR MINOR SUBDIVISIONS:

- 18-7.1 Flag Lots. (Revised 3/26/01)
- 18-7.2 Access. (Revised 11/15/04)
- 18-7.3 Limitations on Minor Subdivisions. (Revised 11/1/07)

ARTICLE VIII, INTRAFAMILY LAND TRANSFERS:

- 18-8.1 Eligibility.
- 18-8.2 Plat and Procedural Requirements. (Revised 12/1/11)

ARTICLE IX, PRIVATE STREETS:

- 18-9.1 Private Streets Permitted. (Revised 5/12/03)
- 18-9.2 General Provisions.
- 18-9.3 Street Names and Easements for Private Streets. (Revised 3/26/01)
- 18-9.4 Maintenance. (Revised 3/3/16)
- 18-9.5 Specifications for Plats Involving Private Streets.
- 18-9.6 Requirement for Purchaser's Acknowledgement of Private Responsibilities.

ARTICLE X, GENERAL BUFFER REGULATIONS: (Created 11/1/07)

- 18-10.1 Buffer Protection Requirements.
- 18-10.2 Augmentation.
- 18-10.3 Prohibited Encroachments. (Revised 11/1/12, 8/12/21)
- 18-10.4 Buffer Measurement.
- 18-10.5 Buffer Controls by Type. (Revised 10/7/10, 12/1/11, 11/1/12, 1/3/13)

ARTICLE XI, STREAM BUFFER REQUIREMENTS: (Created 11/1/07)

- 18-11.1 Applicability.
 - 18-11.2 Stream Buffer Requirements. (Revised 12/1/11)
 - 18-11.3 Administration of Stream Buffer Requirements.
- ARTICLE XII, ADDITIONAL UNDISTURBED AREA REGULATIONS: (Created 8/12/21)

- 18-12.1 Applicability.

ARTICLE XIII, OPEN SPACE AND LOW IMPACT STORMWATER DESIGN: (Created 8/12/21)

- 18-13.1 Purpose and Intent.
- 18-13.2 Applicability.
- 18-13.3 Incentive Requirements.

CHAPTER 19 CONSERVATION SUBDIVISIONS

ARTICLE I, PURPOSE AND INTENT: (Revised 11/1/07, 4/15/21)

ARTICLE II, APPLICABILITY OF CHAPTER 18 AND CHAPTER 11 TO CONSERVATION SUBDIVISIONS:
(Revised 11/1/07)

ARTICLE III, OPEN SPACE AND CONSERVATION AREAS: (Revised 4/15/21)

- 19-3.1 Required Specifications. (Revised 11/1/07, 11/7/19, 4/15/21)
- 19-3.2 Standards for Open Space. (Revised 11/1/07, 11/7/19, 4/15/21)

ARTICLE IV, DETERMINING LOT YIELD: (Created 4/15/21)

- 19-4.1 Maximum Number of Lots.

ARTICLE V, SITE DESIGN STANDARDS: (Revised 11/1/07, 11/1/12, 1/4/18, 4/4/19, 4/15/21)

- 19-5.1 Site Design Standards. (Revised 4/15/21)
- 19-5.2 Sewage Treatment and Disposal Systems. (Revised 11/1/07, 4/15/21)

ARTICLE VI, DESIGN STANDARDS AND GUIDELINES FOR STREETS:

- 19-6.1 Introduction. (Revised 11/1/07, 4/15/21)

ARTICLE VII, PROCEDURES:

- 19-7.1 Pre-application Conference. (Revised 11/1/07, 12/1/11, 4/15/21)
- 19-7.2 Existing Features and Site Analysis Report. (Revised 11/1/07, 11/7/19, 4/15/21)
- 19-7.3 Site Visit. (Created 4/15/21)
- 19-7.4 Yield Plan or Adjusted Tract Acreage Method. (Created 11/1/07, Revised 4/15/21)

ARTICLE VIII, EASEMENTS AND OWNERSHIP: (Created 4/15/21)

- 19-8.1 Conservation Easement Required. (Revised 11/1/07)
- 19-8.2 Guidelines for Drafting Conservation Easements.
- 19-8.3 Required Ownership of Open Space.
- 19-8.4 Homeowners Association. (Revised 11/1/07, 4/15/21)
- 19-8.5 Fee Simple Dedication to Forsyth County. (Revised 12/1/11)

ARTICLE IX, CRITERIA FOR APPROVAL:

- 19-9.1 Evaluation Criteria for Approval. (Revised 11/1/07, 4/15/21)
- 19-9.2 Grounds for Denial. (Revised 11/1/07, 4/15/21)

CHAPTER 20 PLANNED UNIT DEVELOPMENTS (Revised 5/17/04)

ARTICLE I, PURPOSE AND INTENT AND APPLICABILITY:

- 20-1.1 Purpose and Intent.
- 20-1.2 Development as a Unit.

ARTICLE II, USES WITHIN PLANNED UNIT DEVELOPMENT DISTRICTS:

- 20-2.1 Generally.
- 20-2.2 Recommendations.

ARTICLE III, PERFORMANCE STANDARDS:

- 20-3.1 Minimum Acreage.
- 20-3.2 Dimensional Requirements. (Revised 11/1/12)
- 20-3.3 Residential Density.
- 20-3.4 Recommendations for Design. (Revised 4/18/24)

ARTICLE IV, APPLICATION REQUIREMENTS AND PROCEDURES: (Revised 5/17/04)

- 20-4.1 Revisions.

ARTICLE V, PERMITS AND CERTIFICATES:

- 20-5.1 Building Permits. (Revised 12/1/11)
- 20-5.2 Certificate of Occupancy. (Revised 12/1/11)
- 20-5.3 Other Permits or Certificates.
- 20-5.4 Control of Area Following Completion.

CHAPTER 20(B) SPECIALTY DISTRICT (Revised 12/20/04, 11/4/21)

ARTICLE I, MASTER PLANNED DISTRICT (MPD): (Revised 11/4/21)

- 20B-1.1 Purpose and Intent.
- 20B-1.2 Uses Permitted. (Revised 9/7/17, 12/1/22, 7/6/23)
- 20B-1.3 General Conditions.
- 20B-1.4 Procedures. (Revised 11/4/2021, 12/1/22, 5/4/23, 11/2/23)
- 20B-1.5 Criteria for Approval. (Revised 9/7/17, 11/4/21, 12/1/22, 11/2/23)
- 20B-1.6 Amendments.
- 20B-1.7 Enhanced Entitlements. (Created 7/6/23. Revised 3/7/24)

ARTICLE II, MIXED-USE CENTER DISTRICT (MCD): (Created 11/4/21)

- 20B-2.1 Purpose and Intent.
- 20B-2.2 Uses Permitted.
- 20B-2.3 Design Criteria. (Revised 11/2/23)
- 20B-2.4 Incentives.
- 20B-2.5 General Conditions.
- 20B-2.6 Procedures. (Revised 5/4/23, 11/2/23)
- 20B-2.7 Amendments.

- ARTICLE III, MIXED RESIDENTIAL DISTRICT (MRD): (Created 10/20/22)
20B-3.1 Purpose and Intent.
20B-3.2 Uses Permitted.
20B-3.3 Design Criteria.
20B-3.4 General Conditions.
20B-3.5 Procedures. (Revised 5/4/23, 11/2/23)
20B-3.6 Amendments.

CHAPTER 21 OVERLAY DISTRICTS

- ARTICLE I, GENERAL PROVISIONS:
21-1.1 Purpose. (Revised 11/15/04)
21-1.2 Applicability.

- ARTICLE II, PROTECTED WATER SUPPLY WATERSHED OVERLAY DISTRICT:
21-2.1 Minimum Criteria for the Big Creek Small Water Supply Watersheds. (Revised 7/1/10)
21-2.2 Minimum Criteria for the Etowah and Upper Chattahoochee Large Water Supply Watersheds.

- ARTICLE III, PROTECTED GROUNDWATER RECHARGE DISTRICT:
21-3.1 Permitted Uses. (Revised 2/7/13)
21-3.2 Exemptions.

- ARTICLE IV, THE ETOWAH RIVER CORRIDOR PROTECTION DISTRICT:
21-4.1 Permitted Uses.
21-4.2 Exemptions.

- ARTICLE V, WETLAND PROTECTION DISTRICT:
21-5.1 Permitted Uses.

- ARTICLE VI, ATLANTA HIGHWAY-McFARLAND PARKWAY-MULLINAX ROAD OVERLAY DISTRICT.
(Revised 6/21/04, 5/5/11, 5/3/12, 12/1/16, 4/5/18, 10/4/18)
21-6.1 Purpose.
21-6.2 District delineation.
21-6.3 Permitted uses. (Revised 5/5/22)
21-6.4 Design plan review. (Revised 4/5/18)
21-6.5 Site Design Standards. (Revised 12/1/16, 12/20/16, 9/7/17, 10/4/18, 7/11/19, 1/5/23)

- ARTICLE VII, CASTLEBERRY-BETHELVIEW CROSSROADS OVERLAY ZONING DISTRICT: (Revised 1/4/07, 4/5/18)
21-7.1 Purpose.
21-7.2 Delineation of District.
21-7.3 Permitted Uses.
21-7.4 Design Plan Administrative Review. (Revised 6/16/11, 12/1/11, 4/5/18)
21-7.5 Site Design Standards. (Revised 12/1/11)
21-7.6 Architectural Design Standards. (11/2/23)
21-7.7 Signage. (Revised 1/5/23)
21-7.8 Miscellaneous Provisions.

- ARTICLE VIII, PEACHTREE PARKWAY-BETHELVIEW ROAD OVERLAY DISTRICT: (Revised 2/1/07, 5/3/12, 4/5/18)
21-8.1 Purpose.
21-8.2 Delineation of District. (Revised 5/3/12)
21-8.3 Permitted Uses. (Revised 5/3/12, 12/2/21, 5/5/22)
21-8.4 Design Plan Administrative Review. (Revised 6/16/11, 12/1/11, 4/5/18)
21-8.5 Site Design Standards. (Revised 5/3/12)
21-8.6 Architectural Design Standards. (Revised 5/3/12, 12/20/16, 11/2/23)

21-8.7 Signage.

ARTICLE IX, RONALD REAGAN/UNION HILL OVERLAY DISTRICT: (Revised 4/3/08)

- 21-9.1 Purpose.
- 21-9.2 Boundaries and Description of Area.
- 21-9.3 Relationship to Underlying Zoning and Other Regulations.
- 21-9.4 Sub-Area 1 (Regional Mixed-Use). (Revised 11/1/12)
- 21-9.5 Sub-Area 2 (Village Commercial and Mixed-Use).
- 21-9.6 Sub-Area 3 (Residential with Limited Commercial).
- 21-9.7 Architectural Design Standards. (Revised 12/20/16, 11/2/23)
- 21-9.8 General Regulations. (Revised 11/1/12, 8/16/18, 11/2/23)
- 21-9.9 Applicability. (Revised 5/5/11)
- 21-9.10 Administrative Interpretations. (Revised 12/1/11, 11/1/12)

ARTICLE X, CAMPGROUND-POST-CASTLEBERRY-SHILOH-PITTMAN ROAD OVERLAY DISTRICT:
(Created 5/3/12)

- 21-10.1 Purpose.
- 21-10.2 District delineation.
- 21-10.3 Permitted Uses. (Created 5/5/22)
- 21-10.4 Board Fences along Roadways.
- 21-10.5 Landscaping along Roadways.
- 21-10.6 Signage. (Created 1/5/23)
- 21-10.7 Design plan review. (Revised 11/2/23)

ARTICLE XI, BUFORD HIGHWAY OVERLAY DISTRICT: (Created 2/6/14, Revised 5/19/16, 4/5/18, 9/6/18)

- 21-11.1 Purpose.
- 21-11.2 Delineation of District. (Revised 4/5/18)
- 21-11.3 Permitted Uses. (Revised 12/1/16, 4/5/18, 12/2/21)
- 21-11.4 Design Plan Administrative Review. (Revised 4/5/18)
- 21-11.5 Site Design Standards. (Revised 4/5/18, 9/6/18, 10/22/20)
- 21-11.6 Architectural Design Standards (Created 5/19/16, Revised 7/11/19, 12/2/21, 11/2/23)
- 21-11.7 Signage. (Revised 12/20/16, 4/5/18, 1/5/23)
- 21-11.8 Fuel Stations. (Revised 11/2/23)
- 21-11.9 Vehicle Sales, Service, Parts and Repair Facilities. (Revised 6/7/18)
- 21-11.10 Vehicle Sales, Parts and Repair Facilities, not including Vehicle Sales. (Revised 7/11/19)
- 21-11.11 Flags (Created 5/19/16)

ARTICLE XII, COAL MOUNTAIN OVERLAY DISTRICT: (Created 7/6/17, Revised 4/5/18)

- 21-12.1 Purpose.
- 21-12.2 Delineation of District. (Revised 4/5/18, 6/7/18)
- 21-12.3 Permitted Uses. (Revised 4/5/18)
- 21-12.4 Design Plan Administrative Review. (Revised 4/5/18)
- 21-12.5 Site Design Standards. (Revised 4/5/18, 7/11/19, 4/1/21, 11/2/23, 4/18/24)
- 21-12.6 Signage. (Revised 4/5/18, 4/1/21, 1/5/23)
- 21-12.7 Lighting. (Revised 11/1/18)
- 21-12.8 Architectural Design Standards. (Revised 4/5/18, 6/7/18, 7/9/20, 11/2/23)

ARTICLE XIII, COAL MOUNTAIN TOWN CENTER OVERLAY DISTRICT: (Created 3/15/23)

- 21-13.1 Purpose.
- 21-13.2 Delineation of District and Relationship to Other Regulations.
- 21-13.3 Design Review Procedures and Guidelines.
- 21-13.4 Design Standards. (Revised 11/2/23)
- 21-13.5 Open Space.
- 21-13.6 SA-1 Mixed Use Subarea.
- 21-13.7 SA-2 Transitional Subarea.
- 21-13.8 SA-3 Residential Subarea.

CHAPTER 22 ENFORCEMENT AND LEGAL STATUS PROVISIONS

ARTICLE I, PREVENTATIVE ACTION:

- 22-1.1 Injunction.
- 22-1.2 Civil Penalties.

ARTICLE II, REMEDIAL ACTIONS:

- 22-2.1 Criminal Penalties. (Revised 9/25/03)

ARTICLE III, CONFLICT WITH OTHER ORDINANCES:

ARTICLE IV, REPEAL OF CONFLICTING RESOLUTIONS AND/OR ORDINANCES:

ARTICLE V, VALIDITY AND SEPARABILITY:

ARTICLE VI, ADOPTION AND EFFECTIVE DATE: (Revised 12/21/17)

CHAPTER ONE

**A RESOLUTION AND ORDINANCE
BY
THE BOARD OF COMMISSIONERS
OF
FORSYTH COUNTY**

A Resolution and Ordinance to repeal Ordinance Number **30J** which is the Comprehensive Zoning and Land Use Resolution and Ordinance for Forsyth County, Georgia; to replace Ordinance Number 30 with a new set of zoning and land use regulations known as the Unified Development Code; to provide an effective date.

WHEREAS the Constitution of the State of Georgia, approved by the voters of the State in November, 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph IV thereof, that the governing authority of the County may adopt plans and exercise the power of zoning; and

WHEREAS, The Georgia General Assembly has enacted the Georgia Planning Act of 1989, (Georgia Laws, 1989, pp. 1317-1391, Act 634) which among other things provides for local governments to adopt plans and regulations to implement plans for the protection and preservation of natural resources, the environment, vital areas, and land use; and

WHEREAS, the Georgia Department of Community Affairs has promulgated Minimum Standards and Procedures for Local Comprehensive Planning (Chapter 110-3-2 of Rules of the Georgia Department of Community Affairs) to implement the Georgia Planning Act of 1989, said standards and procedures were ratified by the Georgia General Assembly, and said rules require local governments to describe regulatory measures and land development regulations needed to implement local Comprehensive Plans; and

WHEREAS, the Georgia Department of Natural Resources has promulgated Rules for Environmental Planning Criteria, commonly known as the "Part Five" Standards, said rules were ratified by the Georgia General Assembly, and said rules require local governments to plan for the protection of the natural resources, the environment, and vital areas of the state; and

WHEREAS, the Board of Commissioners of Forsyth County has adopted a Comprehensive Plan in accordance with the requirements of the Georgia Planning Act of 1989, Rules of the Georgia Department of Community Affairs, and Rules of the Georgia Department of Natural Resources, and said plan has been revised from time to time; and

WHEREAS, the Board of Commissioners of Forsyth County adopted the Comprehensive Zoning and Land Use Resolution of Forsyth County, Georgia, on December 10, 1979, and it has been amended a number of times; and

WHEREAS, the Update of the Land Use Element from the Forsyth County Comprehensive Plan specifies a number of goals and policies that are not currently implemented by the County's land use regulations; and

WHEREAS the Board of Commissioners wishes to assure compliance with its Comprehensive Plan; and

WHEREAS, the Board of Commissioners appointed a committee of citizens and developers to prepare, with staff and consultant assistance, a complete revision of the Comprehensive Zoning and Land Use Resolution of Forsyth County; and

WHEREAS, the Board of Commissioners desires to promote the health, safety, welfare, morals, convenience, order, and prosperity of Forsyth County and its citizens; and

WHEREAS, the Board of Commissioners wishes to promote responsible growth, lessen congestion in the public thoroughfares, secure safety from fire and health dangers, and promote desirable living conditions; and

WHEREAS, the Board of Commissioners wishes to assure adequate light and air, and the sound development and use of land which provides adequate transportation, water supply, drainage, sanitation, educational opportunity and recreation; and

WHEREAS, the Board of Commissioners desires to regulate the height, bulk, and the size of buildings and structures; and

WHEREAS, the Board of Commissioners wishes to classify land uses, establish procedures and regulations for the subdivision and development of land, and regulate the distribution and density of uses on the land to avoid the undue concentration of population, prevent the encroachment of incompatible land uses within residential areas, and preserve property values; and

WHEREAS, the Board of Commissioners wishes to provide for attractive, economically viable areas for business and industry; and

WHEREAS, the Board of Commissioners wishes to provide for economically sound and stable land development by assuring the provision in land developments of adequate streets, utilities, services, traffic access and circulation, public open spaces and maintenance continuity; and

WHEREAS, the Board of Commissioners desires to provide illustrations to accompany the Code that will aid citizens and property owners in the understanding of the Code; and

WHEREAS, the Board of Commissioners finds that the regulations contained in this Unified Development Code are the minimum necessary to accomplish the various public purposes; and

WHEREAS, the General Assembly of the State of Georgia enacted Ga. Laws 1985, page 1139, Act. No. 662, providing for an amendment to Title 36 of the Official Code of Georgia Annotated, codified as O.C.G.A. sections 36-66-1 et seq., so as to provide procedures for the exercise of zoning powers by counties; and,

WHEREAS, the General Assembly of the State of Georgia in said Act 662 provided for an amendment to Title 36 of the Official Code of Georgia by adding thereto Chapter 66, codified as O.C.G.A. sections 36-66-1 et seq., providing for zoning procedures and in particular specifying the minimum days for notice, advertisement, and posting of signs relating to zoning hearings, for requiring such hearings, and for other purposes; and,

WHEREAS appropriate public notice and hearing have been accomplished;

NOW THEREFORE BE IT RESOLVED AND ORDAINED by the Board of Commissioners of Forsyth County, Georgia, and it is hereby resolved and ordained by the authority of the same, that the following chapters and sections known collectively as the Unified Development Code of Forsyth County be enacted into law.

CHAPTER TWO

SHORT TITLE AND CONTENTS

2-1.1 **Short Title.** This enactment shall be known as the "Unified Development Code of Forsyth County, Georgia."

2-1.2 **Contents.** A table of contents shall be provided as a precedent to this Code to aid readers in the location of its particular contents.

CHAPTER THREE

DEFINITIONS

ARTICLE I. GENERAL PROVISIONS REGARDING DEFINITIONS:

- 3-1.1 The word "shall" is always mandatory and not merely directory.
- 3-1.2 Words used in the present tense include the future tense.
- 3-1.3 When not inconsistent with the context, words used in the singular number shall include the plural and those in the plural number shall include the singular.
- 3-1.4 Terms not defined in this Code shall have their customary dictionary definitions unless the context indicates otherwise.
- 3-1.5 Where the term "County Attorney" is used it shall mean either the County Attorney or any attorney designated by the Board of Commissioners acting on behalf of the County.
- 3-1.6 Any terms related to solid waste disposal or alteration shall have the meaning attributed to those terms in Ordinance No. 84, (Solid Waste Management Ordinance) or O.C.G.A. 12-8-22, as that section now reads, or hereafter may be amended.
- 3-1.7 Any terms used herein, not defined in Ordinance No. 84 (Solid Waste Management Ordinance) or O.C.G.A. 12-8-22, shall have the meaning as attributed in Chapter 391-3-4, Rules of Georgia Department of Natural Resources, Environmental Protection Division as may be amended from time to time.

ARTICLE II. SPECIFIC DEFINITIONS:

Abutting: Having property lines in common, or having property separated by only an alley. Separation by a street right-of-way is not considered abutting.

Accessory Apartment, Attached: A second dwelling unit that is added to the structure of an existing site-built single family dwelling, for use as a complete, independent living facility for a single household, with provisions within the attached accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is considered an accessory use to the principal dwelling.

Accessory Apartment, Detached: A second dwelling unit that is added to an existing accessory structure (e.g., residential space above a detached garage), or as a new freestanding accessory building (e.g., manufactured home), for use as a complete, independent living facility for a single household, with provision within the attached accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is considered an accessory use to the principal dwelling.

Accessory Building: A building subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building.

Accessory Structure: A structure subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building and located on the same lot as the principal building.

Accessory Use: A use of the land or building or portion thereof customarily incidental and subordinate to the principal use and located on the same lot with such principal use.

Active Recreational Facilities: Equipment and areas prepared for active use for recreational and leisure purposes, including but not limited to: playground equipment (swing sets and climbing structures); pools; courts for basketball, volleyball, and tennis; community buildings for recreational events and accessory uses. Trails and bikeways through open spaces shall not be considered Active Recreational Facilities if constructed of pervious materials. Open fields utilized for soccer, baseball, or football shall not be considered Active Recreational Facilities.

Agriculture: The commercial cultivation or growth from or on the land of horticultural, floricultural, forestry, dairy, livestock, poultry, and apiarian products. Included within the definition of "agriculture" shall be the importation, storage, or distribution in bulk, unpackaged form of raw materials directly to persons engaged in agriculture. "Raw materials" for purposes of this definition shall include organic materials such as straw, hay, animal feeds, sawdust, mulches, and like items. "Raw materials" shall also include inorganic dolomitic lime. "Raw materials" shall not include farm equipment, building materials, chemicals, fertilizer, manure not produced on the premises, packaged materials not produced on the premises, materials distributed for resale not produced on the premises, or materials not expended in the production of the above listed products.

Agritourism: A producer of an agricultural commodity that allows the public to visit the working agricultural operation for the purposes of experiencing, including but not limited to, education, entertainment, relaxation, hospitality, shopping and dining.

Aircraft: Any machine that may be heavier or lighter than air, which is used or designated for navigation or flight in the air. This definition does not include helicopters.

Airport: Any area of land, water, or mechanical structure which is used for the landing and takeoff of aircraft and includes any appurtenant structures and areas which are used or intended to be used for airport buildings, other airport facilities, rights-of-way, or easements, but not to include heliports.

Alteration: Any change in the supporting members of a building or structure such as bearing walls columns, and girders, except such emergency change as may be required for safety purposes; any addition to a building; any change in use; or, any movement of a building from one location to another.

Alley: A strip of land dedicated to public use providing vehicular and pedestrian access to the rear of properties which abut and are served by a public road or street.

Alternative tower structure: Clock towers, bell towers, steeples attached to places of worship, water towers, light/power poles, electric transmission towers, man-made trees (without accessory buildings/structures), and similar natural or man-made alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Apartment House: A structure containing three or more dwelling units.

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

Assisted Living Facility: A residential facility that provides assistance with non-medical aspects of daily activities in an atmosphere of separate, private living for seniors. Twenty-four hour supervision is provided and is designed for seniors who need some level of support for daily living. Personal care services include, but are not limited to, meals, housekeeping, transportation, laundry, grooming, medication management and other functions of daily living. These facilities may be freestanding or part of a CCRC.

Auction: A public sale of property to the highest bidder; or a facility dedicated to a public sale of property to the highest bidder.

Automobile Services Establishment, Major: An establishment providing major repair or body work services, including, but not limited to, collision repair, other body work, painting services, tire recapping; any services that would otherwise be considered minor automobile services, but are not performed in fully enclosed service bay(s) with operable door(s). Towing services shall constitute a permissible accessory use to this type of establishment provided no open storage yard or impound storage occurs on the property.

Automobile Services Establishment, Minor: An indoor establishment with fully enclosed service bay(s) with operable door(s) for performing indoor vehicle repair and maintenance, including but not limited to brakes, oil changes, lubrication, transmission, engine, belts, hoses, inspections, and tire mounting and installation. Any establishment performing such services other than in fully enclosed service bay(s) with operable door(s) shall be deemed a major automobile services establishment. Towing services shall constitute a permissible accessory use to this type of establishment provided no open storage yard or impound storage occurs on the property.

Backyard Chicken: A female hen or pullet (*Gallus gallus domesticus*) raised for the purpose of companionship as a pet, a source of eggs and/or meat, but not for commercial purposes.

Balcony: A platform projecting from the wall of an upper-story building with railing along its outer edge, with access from a door or window.

Bed and Breakfast Inn: A private owner occupied residence with one (1) to three (3) guestrooms offering temporary lodging and one (1) or more meals to the traveling public while away from their normal places of residence. The bed and breakfast is subordinate and incidental to the main residential use of the building. Individual guests are prohibited from staying overnight at a particular bed and breakfast establishment for more than ten (10) days in any one (1) year period.

Bedroom: A room intended for, or capable of, being used for sleeping and is at least seventy square feet in area. A room designated on building plan submittals as a “den,” “study,” “loft,” “bonus room,” or other extra room satisfying the criteria in this definition and is not a kitchen, living room, or bath, and which may contain closets or access to a bathroom, may be considered a bedroom for purposes of computing bedroom area and building code compliance.

Block: An area of land within a subdivision that is entirely surrounded by public streets, public lands, railroad rights-of-way, watercourses, or other well defined and fixed boundaries.

Block Corner: The corner of any subdivision block where two streets intersect.

Board: Board of Commissioners

Boarding House: A dwelling unit or part thereof in which, for compensation, lodging and meals are provided; personal and financial services may be offered as well. However, a Dwelling Unit that is rented for periods of less

than thirty (30) days shall not convert the use to a Boarding House use if the owner or custodian of same has applied for and obtained a Short-term Rental Conditional Use Permit pursuant to the provisions of this Code.

Brewery: A premises where beer and malt beverage are manufactured.

Buffer: This pertains to all buffers. Natural vegetated and/or landscaped areas used to physically and visually separate land uses to mitigate adverse impacts from adjacent permitted uses including, but not limited to, noise, odor, dust, fumes, glare, or unsightly storage of merchandise and/or materials.

Buffer, Disturbed: A buffer that is allowed to be altered through grading and/or clearing of vegetation during the development of a site.

Buffer, Exterior: An existing and/or augmented buffer, where prescribed, that may be disturbed for grading and/or development of a site. Where required, exterior buffers shall abut all lot lines and rights-of-way.

Buffer, GA 400: An undisturbed buffer along the limited-access portion of the GA 400 corridor.

Buffer, Large Scale Retail: An existing and/or augmented buffer that meets country buffer standards and shall remain undisturbed as applied to large scale retail establishments when the subject property abuts a residential, agricultural, or OR zoning district.

Buffer, Stream: An undisturbed buffer located on both sides of all State Waters, measured horizontally from the top of the bank.

Buffer, Side and Rear: An undisturbed and/or augmented buffer as applied to commercial, industrial, and mining zoning districts when subject property abuts a residential, agricultural, or OR zoning district.

Buffer, Undisturbed: A buffer that is unaltered from clearing and grading processes.

Build-to-rent: A planned residential development where, at the time an application for a change in zoning is submitted to the County, within minor subdivisions, more than 50% of the dwellings within the development or any phase of the development are intended to be offered for rental only, or within major subdivisions, 10% or more of the dwellings in a development or any phase of a development are intended to be offered for rental only.

Building: Any structure having a roof supported by columns, walls, or by other means, and intended for shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Building Envelope: The three-dimensional space in which a building or structure may be constructed that is created by required setbacks, height restrictions and any other required physical limitations of a lot.

Building Height: The vertical distance on the front face of a building or structure from the finished grade at the lowest point at the foundation adjacent to the front side of the structure to the highest finished roof surface in the case of flat roofs; or in the case of a gable, hip, or gambrel roof, the mean height between the eaves and the ridge of a gable, hip or gambrel roof.

Business Park: A tract of land, or a subdivision of land, with two or more separate industrial buildings or related uses planned, designed, constructed, or managed on an integrated and coordinated basis with special attention to on-site traffic patterns, parking, utilities, building design and orientation, and open space.

Business Service Establishment: A facility engaged in support functions to establishments operating for a profit on a fee or contract basis including but not limited to: advertising agencies, consumer credit and/or collection agency, photocopying, blueprinting and duplication services, mailing agencies, computer and data processing services, detective agencies, consulting firms, accounting, auditing and bookkeeping services, personal supply services, employment agencies, and interior decorators.

Camouflaged Communication Tower: A tower designed to unobtrusively blend into the existing surroundings and be disguised so as to not have the appearance of a communication tower. Such structures shall be considered communication towers and not spires, belfries, cupolas, or other appurtenances usually required to be placed above the roof level for purposes of applying height limitations. It is recognized that due to their height, such structures must be designed with sensitivity to elements such as building bulk, massing, and architectural treatment of both the tower and surrounding development. Camouflaged towers on developed property must be disguised to appear as either a part of the structure housing the principal use or an accessory structure that is normally associated with the principal use occupying the property. Camouflaged communication towers developed on unimproved property must be disguised to blend in with the existing vegetation. An example of a camouflaged communication tower would be a tower that is constructed in the form and shape of a tree in order to appear to be part of a forested area, or a tower constructed to appear to be or to actually be a component of a bell or clock tower on sites with existing industrial or institutional development, or to be or appear to be a component of a steeple on sites with existing places of worship.

Campground: A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters. In this instance, "temporary" refers to occupancy for not more than thirty (30) continuous days.

Car wash, Self-Service: A business establishment which provides for the washing and/or waxing of any vehicle by the customer. Customers exit the vehicle in order to clean the vehicle. The business shall be considered a drive-through.

Car wash, Staffed: A business establishment which provides for the washing and/or waxing of any vehicle either by employees, automated machinery or any combination thereof. Employees may provide additional services such as drying or detailing. The business shall be considered a drive-through.

Center Line: That line surveyed and monumented by the governing body as the center line of the street; or if such center line has not been surveyed, it shall be that line running midway within the pavement of the road or that line running midway within the travel way if unpaved.

Certification: A signed, written statement from the proper County authority stating that specific constructions, inspections, or tests where required have been performed and that such comply with the applicable requirements of this Code or regulations adopted pursuant thereto.

Clinic: An institution or professional office, other than a hospital or nursing home, where persons are counseled, examined, and/or treated by one or more persons providing any form of healing or medical health service. Persons providing these services may offer any combination of counseling, diagnostic, therapeutic or preventative treatment, instruction, or services, and which may include medical, physical, psychological, or mental services and facilities for primarily ambulatory persons. A clinic allows lodging and care in cases of medical necessity.

Club or Lodge, Nonprofit: A building or premises used by non-profit associations or organizations of an educational, fraternal, or social character. Representative organizations include elks, veterans of foreign wars, and lions. The term shall not include casinos, nightclubs, bottle clubs, or other establishments operated or maintained for profit.

Co-location: The placement of antennas of two or more service providers upon a single tower or other structure.

Commercial Athletic Field, Outdoor: Any commercial enterprise that provides access to athletic fields to the general public for a fee, and where activity on the athletic fields, including, but limited to, soccer, baseball, softball, football, lacrosse, cricket or similar sports, occurs wholly outdoors. Stadiums and other types of covered fields are expressly excluded from this definition.

Commercial Recreational Facility, Indoor: A use that takes place within an enclosed building that involves the provision of sports and leisure activities to the general public for a fee, including but not limited to the following: assembly halls, auditoriums, meeting halls, conference centers, art galleries and museums, amusement halls, ice and roller skating rinks, physical fitness centers and health clubs.

Commercial Recreational Facility, Outdoor: A use of land and/or buildings that involves the provision of sports and leisure activities to the general public for a fee, including but not limited to the following: stadiums, amphitheaters, circuses and carnivals, fairgrounds, drive-in theaters, golf driving ranges, miniature golf courses, batting cages, race tracks for animals or motor-driven vehicles, trout ponds, botanical and zoological gardens, recreational vehicle parks, ultra-light flight parks, and bungee jumping. A golf course and private club that is built as part of a single-family residential subdivision and that operates in a quasi-public manner is not considered to be an outdoor commercial recreational facility.

Communication Antenna: An antenna designed to transmit or receive communications as authorized by Federal Communications Commission.

Communication Tower: Any structure that is designed and constructed primarily for the purpose of supporting communication (transmission or receiving) equipment, including but not limited to self-supporting lattice towers, guy towers, or monopole towers. The term communication tower includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telecommunication towers, satellite fiber optic towers, man-made trees (with accessory buildings/structures) and other similar structures. The term communication tower shall not include amateur radio operators' equipment, as licensed by the Federal Communications Commission. No tower shall exceed 200 feet in height (including antenna) when freestanding, or twenty (20) percent above the building height when placed on top of buildings.

Community Onsite Sewage Management System: A method of sewage treatment which may be similar to a Septic Tank System, but a Community Onsite Sewage Management System routes sewage, wastewater, or effluent (whether for storage, pumping and transporting, percolation, or continuation of the function or process of a Septic Tank or Septic Tank System) from one or more lots to a drain field, collection point, settling tank, back-up drain field, or other equipment or component for sewage disposal or storage which is located on another lot, tract or property. Treatment or partial treatment of sewage shall not disqualify a system from falling within this definition. Community Onsite Sewage Management Systems are prohibited

Competent Substantial Evidence: Such reliable and complete evidence as would enable the reviewing authority to make an informed decision. Such evidence may include signed and sealed reports, and opinions prepared by licensed professionals or qualified experts.

Comprehensive Plan or Plan: Any plan adopted by the Forsyth County Board of Commissioners, or any plan adopted by a regional development center covering Forsyth County, or portion of such plan or plans. This definition shall be construed liberally to include the major thoroughfare plan, master parks and recreation plan, or any other study, document, or written recommendation pertaining to subjects normally within the subject matter of a Comprehensive Plan as provided by the Georgia Planning Act of 1989 as may be amended from time to time.

Conditional Use: A use that would not be appropriate generally or without restriction throughout the particular zoning district and is not automatically permitted by right within a zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, may be found and approved by the Board of Commissioners within a particular zoning district.

Condominium (Building): A building containing multiple attached dwellings, where each dwelling unit is designed for or occupied by a single family or household, and where the tenant holds full title to the unit and joint ownership in the common grounds.

Conservation Areas, Primary: Any property qualifying as conservation use property under O.C.G.A. Section 48-5-7.4, as may be amended from time to time; and habitats for endangered or threatened species, wetlands, flood plains, State Waters, shorelines and associated buffers, steep mountain slopes and steep slopes of thirty-five (35%) percent or greater as defined by this Code, located outside of building envelopes and lots established for building purposes.

Conservation Areas, Secondary: Open meadows and/or pastures of at least three (3) contiguous acres; orchards; existing forests of three (3) contiguous acres or more; specimen tree stands as defined by the Forsyth County Tree Ordinance; aquifer recharge areas; slopes between twenty-five (25%) percent and thirty-five (35%) percent; historic and archeological sites; trails; and trailheads constructed with pervious materials connecting to identified County trails.

Conservation Easement: A legally enforceable agreement between a property owner and the holder of the easement, in a form acceptable to the County Attorney and recorded in the office of the Clerk of The Superior Court of Forsyth County. A conservation easement restricts the existing and future use of the defined tract or lot to conservation use, agriculture, passive recreation, or other use approved by the Forsyth County Board of Commissioners and prohibits further subdivision or development. Such agreement also provides for the maintenance of open spaces and any improvements on the tract or lot. Such agreement cannot be altered except with the express written permission of the easement holder and any other co-signers. A conservation easement may also establish other provisions and contain standards that safeguard the tract or lot's special resources from negative changes.

Conservation Subdivision: A subdivision, as defined by this Code, where open space is the central organizing element of the subdivision design and that identifies and permanently protects all primary and all or some of the secondary conservation areas within the boundaries of the subdivision.

Construction/Demolition Waste Landfill: A disposal facility accepting waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings, and other structures. Such wastes include, but are not limited to, asbestos containing waste, wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill material and other nonputrescible wastes which have a low potential for groundwater contamination.

Contiguous Common Parcels: Parcels adjoining or touching other land at a common point and having a common owner, regardless of whether or not portions of the parcels have separate tax lot numbers, or were purchased in different land lots, or were purchased at different times.

Continuance: The postponement or adjournment of proceedings to a later specified date.

Continuing Care Retirement Community (CCRC): A development, controlled by either a public body, institutional body, or corporation, comprised of senior housing and any combination of non-medical and medical resident services. A CCRC may include senior independent living, assisted living or skilled nursing facilities, or any combination thereof. Housing may be provided as single family detached dwellings, single family attached dwellings, multifamily dwellings, and/or an institutional setting.

Contractor's Establishment: An establishment engaged in the provision of construction activities, including but not limited to, plumbing, electrical work, building, grading, paving, roofing, carpentry, and other such activities, including the overnight parking of commercial vehicles. Also, this definition includes landscaping companies, as defined by this Code. Any outside storage of materials constitutes an Open Storage Yard and shall be subject to such regulations applicable thereto.

Convalescent home: An installation other than a hospital where two or more persons afflicted with illness, injury, or an infirmity are housed or lodged, and furnished with nursing care.

Convenience Store: A retail store with a retail floor area of less than 10,000 square feet that sells a limited variety of groceries, household goods, and personal care items, and may also sell fuel; does not include automotive service establishments.

Cottage Food Operation: A premise where cottage food products, as defined by the State of Georgia, are prepared.

County Commission: The Forsyth County Board of Commissioners or "Board".

County Health Department: The Forsyth County Health Department.

Cul-de-sac: A dead-end street of limited length having a primary function of serving adjoining land, and constructed with a turnaround at its end.

Cul-de-sac, Temporary: A nonpermanent vehicular turn around located at the termination of a street or alley.

Cut: A portion of land surface or area from which earth is removed by excavating; the depth below original ground surface to excavated surface.

Cutoff Fixture: An outdoor light fixture shielded or constructed in such a manner that it emits up to, but no more than, 2.5% light spillage above the horizontal plane of the fixture.

Day Care Center: Any establishment operated by an individual, partnership, society, agency, corporation, institution or group, and licensed by or registered with the State of Georgia as a day care center, which enrolls therein for pay, for supervision and care, seven or more children or adults. Such facility may provide supervision, care, education, recreation and specialized programs but does not provide overnight accommodations.

Day Care Home, Family: An accessory use within a private residence, licensed by or registered with the State of Georgia as a family day care home, operated by the occupant of the dwelling who enrolls for pay, for supervision and care without overnight accommodations, at least three but not more than six children or adults. An arrangement of care for less than three children or adults is not required by the state of Georgia to be licensed and is thus exempt from definition as a "Day Care."

Deceleration Lane: An added roadway lane, of a specified distance and which may include a taper, as approved by the Director of Engineering, that permits vehicles to slow down and leave the main vehicle stream.

Decibel: A unit measuring the intensity or loudness of sound.

Dedication: The deliberate appropriation of land by an owner for any general and public use or purpose, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

Dedication Plat: A plat that indicates property to be dedicated for public right-of-way or land for public use.

Defer: To postpone an application until a later specified date.

Density: The number of dwelling units developed, or to be developed, per gross acre of land, or the gross square footage of a building per acre of land.

Development: Any manmade change on improved or unimproved real estate, including but not limited to, buildings, structures, mining, dredging, filling, grading, paving, excavation, drilling, or permanent storage of materials or equipment.

Director: The Director of the Department of Planning and Community Development of Forsyth County, Georgia, or his/her designee.

Director of Building and Economic Development: The Director of the Department of Building and Economic Development of Forsyth County, Georgia, or his/her designee.

Director of Engineering: The person employed or otherwise retained or designated by Forsyth County to review engineering aspects of land subdivision and developments.

Director of Water & Sewer: The Director of the Department of Water & Sewer of Forsyth County, Georgia, or his/her designee.

Distillery: A premises where distilled spirits are manufactured.

Diversion: A channel with or without a supporting ridge on the lower side, constructed to divert water to a desirable outlet across or at the bottom of a slope.

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

Drive-through: A retailer service establishment wherein service is provided or goods are sold to the customer while the customer remains in their vehicle or remains in an on-site waiting area during the course of the transaction. The term shall not include fuel stations, nor establishments without stacking lanes that provide short term parking for Curbside pick-up.

Dumpster: Any container, trailer, roll-off, or similar unit, with or without wheels, that is used for temporary storage, containment, and/or transportation of inert debris, construction and demolition waste, or putrescible waste. This shall not apply to ordinary household trash bins or household recycling bins.

Dwelling, Single-Family Attached: (See Townhouse).

Dwelling, Single-Family Detached: A completely independent residential structure, occupying its own structure from ground to roof, designed for or occupied exclusively by one (1) family and meeting or exceeding the local building code for on-site construction, and separated from other single-family detached dwellings by yards.

Dwelling, Two-Family (Duplex): A single structure, meeting or exceeding the local building code for on-site construction, consisting of two independent dwelling units attached on one side, each designed for or occupied exclusively by two (2) families in separate dwelling units each with its own separate entrance, located either on a single lot or two lots (each unit under fee simple ownership) with the common lot line drawn along the line of the common wall of the two attached units.

Dwelling Unit: One or more rooms connected together and constituting a separate, independent housekeeping establishment for use on a basis involving owner occupancy or rental or lease on a monthly or longer basis, with provisions for cooking, eating and sleeping, and physically set apart from any other rooms or dwelling units in the same structure, except that leasing or renting a Dwelling Unit that is located on agriculturally and agriculturally-residentially zoned property, for periods of less than thirty (30) days shall not convert the use to an impermissible Boarding House if the owner or custodian of same has applied for and obtained a Short-term Rental Conditional Use Permit. Notwithstanding anything in this Code to the contrary, Boarding Houses may be rented on a weekly basis.

Easement: An incorporeal interest in land owned and possessed by another, permitting its limited use or enjoyment on, over, or under said land without actual occupancy.

Electronic Game Playing Centers: An establishment with the majority of its customer area dedicated to any combination of coin operated amusement machines as defined by the state of Georgia.

Embankment: A man-made structure of soil, rock or other material.

Erosion: The wearing away of land surface by the action of wind, water or gravity.

Escrow Account: A type of subdivision improvement guarantee where the subdivider deposits either cash, a note, a bond, or some other instrument readily convertible to cash for specific face value specified by the Director of Engineering to cover the costs of required improvements.

Escort Service: Service provided by any person who, for a fee, commission, salary, hire, profit, payment or other monetary consideration, furnishes or offers to furnish names of or who introduces, furnishes or arranges for persons who are compensated to (1) accompany other persons to or about social affairs, entertainment, or places of amusement, or (2) who may consort with others about any place of public resort or within any private quarters.

Etowah River Corridor Protection District: All land, inclusive of islands, not regulated under the Metropolitan River Protection Act (O.C.G.A. 12-5-440 through 12-5-457), in areas of a protected river and being within one hundred (100) feet horizontally on both sides of the river, as measured from the river banks.

The 100-foot buffer shall be measured horizontally from the uppermost part of the river bank, usually marked by a break in slope. Although not within the measured 100 foot wide buffer, the area between the top of the bank and the edge of the river shall be treated by Forsyth County in the same manner as the river corridor and shall be included within the River Corridor Protection Plan.

Because stream channels move due to natural processes such as meandering, river bank erosion, and jumping of channels, the river corridor may shift with time. For the purposes of these standards, the river corridor shall be considered to be fixed at its position at the beginning of each review period for the Forsyth County Comprehensive Plan. Any shift in the location of the protected river after the start of the review period will require a revision of the boundaries of the river corridor at the time of the next review by the Department of Community Affairs.

In the context of "conservation use property," in Chapter 14 and "conservation subdivisions" in Chapter 19, "river corridor" shall also mean any area, proximal to rivers and perennial streams, shown on a published Federal Emergency Management Agency flood insurance map to be in the 100-year floodplain and that meets the definition of "natural conditions" as defined in this Code.

Excavation: See "Cut."

Existing Grade: The vertical location of the existing ground surface prior to cutting, excavation, or filling.

Existing Private Sewage Treatment Plant: Any facility designed for the treatment of sewage, except for a Community On Site Sewage Management System, that serves two or more structures or dwellings. Such a facility is constructed, owned, maintained and operated by an entity or person other than a municipality or governmental agency. Such a facility is considered existing if a permit by the appropriate State regulatory agency was issued, a DDR has

been submitted to the appropriate State regulatory agency, or the facility was approved by the Board of Commissioners, prior to the amendments to the Unified Development Code dated February 23, 2004.

Extraction: A use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operations, and mining. Specifically excluded from this definition are grading and removal of dirt associated with an approved site plan or subdivision, or excavations associated with, and for the improvement of, a bona fide agricultural use.

Family: An individual, or two (2) or more persons related by blood, marriage, adoption, or guardianship, or a group of up to five (5) unrelated persons operating as a family unit, occupying a single dwelling unit and using the same cooking facilities; provided, however, that domestic servants employed on the premises or two (2) roomers or boarders, may be housed on the premises without being counted as a separate family of families. A family is distinguished from a group occupying a boarding house, rooming house, hotel, nursing home, or convalescent home, or similar homes, regardless of whether said home provides charitable services or operates for profit.

Farm: An area of land principally devoted to agriculture.

Farm Supply Store: An establishment engaged in the retail sale of animal feeds, fertilizers, agricultural chemicals, pesticides, seeds and other such farm supplies.

Fast Food Restaurant: Any restaurant whose design or principal method of operation includes four or more of the following characteristics: 1) 45% or more of the floor area is devoted to food preparation, employee work space, and customer service area; 2) A permanent menu board is provided from which to select and order food; 3) If a chain or franchised restaurant, standardized floor plans are used over several locations; 4) Customers pay for food before consuming it; 5) A self-service condiment bar is provided; 6) Trash receptacles are provided for self-service bussing.; 7) Furnishing plan indicates hard-finished, stationary seating arrangements; or 8) The majority of the main course food items are packaged to leave the premises prior to the customer order, rather than being prepared after the customer order.

Fence: A structural barrier for enclosure, screening, or demarcation.

Final Plat: The final drawing of a subdivision and, as applicable, dedication, prepared for filing for record with the Clerk of the Forsyth County Superior Court, and containing all elements and requirements set forth in Chapter Eighteen of this Code.

Finance, Insurance, and Real Estate Establishment: Such uses include but are not limited to banks, savings and loan institutions and credit unions, security and commodity exchanges, insurance agents, brokers, and service, real estate brokers, agents, managers, and developers, trusts, and holding and investment companies.

Finished Grade: The final grade or elevation of the ground surface forming the proposed design.

Foot-candle: A unit of measure for illuminance on a surface that is everywhere one foot from a point source of light of one candle, and equal to one lumen per square foot of area.

Fuel Dispensing Unit: A device that distributes a measured portion of fuel.

Fuel Station: A retail establishment operated for the purpose of selling fuel to the general public, which includes facilities for the on-premises dispensing of fuel.

Full Cutoff Fixture: An outdoor light fixture shielded or constructed in such a manner that it emits no light above the horizontal plane of the fixture.

Geographic Antenna Placement Area: The general vicinity within which the placement of an antenna is necessary to meet the engineering requirements of an applicant's cellular network or other broadcasting need.

Greenhouse: A building designed or used for growing or propagating plants, with walls or roof usually designed to transmit light.

Government Agency: Any department, commission, independent agency, or instrumentality of the United States or of the State of Georgia, or any County, city, authority, district, or other governmental unit.

Grading: The stripping, cutting, filling, stockpiling, or any combination thereof, and activities where the land itself in its cut or filled.

Grading Permit: A permit issued to authorize earth work to be performed under the terms of this Code.

Grassed Waterway: A natural or constructed waterway, usually broad and shallow, with approved erosion-resistant vegetation thereon, established to conduct surface water from a field, diversion, or other site feature.

Guest House: A lodging unit for temporary guests in an accessory building. No such lodging unit shall contain independent cooking or kitchen facilities and shall not be rented or otherwise used as a separate dwelling, except that a Guest House may be rented if the owner or custodian of same has applied for and obtained a Short-term Rental Conditional Use Permit pursuant to the provisions of this Code.

Habitat for Endangered or Threatened Species: An area verified by the Georgia Department of Natural Resources as 1) actually containing naturally-occurring individuals of a species that has been listed as endangered or threatened under the Federal Endangered Species Act, as amended, and 2) being likely to support the continued

existence of that species by providing for a significant portion of that species' biological requirements, and that meets the definition of "natural conditions" as defined by this Code.

Hazardous Waste: Any solid waste which has been defined as a hazardous waste in regulations, promulgated by the administrator of the United States Environmental Protection Agency pursuant to federal act, which are in force and effect on February 1, 1988, codified as 40 C.F.R. Section 261.3. as may be amended from time to time.

Health Department: The Forsyth County Health Department.

Helicopter: An aircraft whose support in the air is derived chiefly from the aerodynamic forces acting on one or more rotors turning about substantially vertical axis.

Helipad: A location where helicopters take off and land. Helipads do not include facilities for maintenance, repair, fueling, storage of helicopters, or other incidental uses.

Heliport: A facility used routinely and regularly for the landings and takeoffs of one or more helicopters. Heliports may include service areas devoted to terminals, maintenance, and repair, fueling, and/or helicopter storage.

High Erosion Susceptibility: Lands shown in the Comprehensive Plan of Forsyth County as containing soils that are highly erodible, or soils described in the County Soil Survey as possessing severe erosion potential.

Historic Property: Any parcel shown as a historic property, building, structure, or site on the Historic Resources Survey of Forsyth County, or any other property, building, structure, or site that can be shown to be significant with respect to the County's, state's or nation's history, including homes, carriage houses, and servants' houses, among others.

Home Business: Refer to Professional Home Offices, section 16-3.1(A); and Home Occupations, section 16-3.1(B).

Home Owners Association: An organization formed for the maintenance and operation of the common areas of a development, where membership in the association is automatic with the purchase of a dwelling unit or lot within the development, with the ability to legally assess each owner of a dwelling unit or lot and which has authority to place a lien against all dwelling units and lots within the development.

Horse Stable, Commercial: A facility where horses that are owned by someone other than the owner of the facility may be housed, boarded, lodged, fed, hired, trained, sold, rented, and/or bred for a fee; where horses owned by the owner of the facility are used for a fee; or where riding lessons, clinics, rodeos, shows, competitions, and similar activities are offered.

Horse Stable, Non-Commercial: A place where horses are kept for the use and enjoyment of the occupant or owner of the property.

Hotel: A facility offering transient lodging accommodations to the general public and additional services such as restaurants, meeting rooms, entertainment, and recreational facilities may also be provided. For the purposes of this code, hotels and extended stay hotels are separate and distinct uses.

Hotel, Dual-brand: A facility that combines and houses two (2) hotels, or a hotel and extended stay hotel, that operate on one (1) parcel and may share back-of-house operations, amenities, or lobby.

Hotel or Motel, Extended Stay: A lodging facility in which at least 30% of all guest rooms offer in-unit appliances for food preparation and storage, such as a cooktop, oven, refrigerator over 5.5 cubic feet, dishwasher, microwave, kitchenette sink, etc., or in which self-service laundry facilities are offered to guests on site, or which are advertised, routinely used, or otherwise intended for weekly or monthly occupancy. For the purposes of this code, hotels, motels, and extended stay hotels and motels are separate and distinct uses.

Impervious Surface: A man-made structure or surface which prevents the infiltration of storm water into the ground below the structure or surface. Examples include but are not limited to buildings, roads, driveways, parking lots, decks, swimming pools, or patios.

Incorporeal: Without body; not of material nature.

Industrial: Areas where manufacturing, assembling, warehousing, bulk storage, and similar industrial operations are the dominant use.

Industrialized Building: Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. Industrialized buildings are constructed and regulated in accordance with O.C.G.A. Title 8, Chapter 2, Article 2, Part 1, Section 8-2-110 through 8-2-121, as the same may be hereafter amended.

Industrialized Housing: Any structure or component thereof, designed primarily for residential occupancy, which is wholly or substantially made, fabricated, formed or assembled in manufacturing facilities and assembled on a building site; and is designed only for erection or installation on a building site on a permanent foundation and is not intended to be used other than on a permanent foundation; and is not designed to be moved once so erected or

installed; and is designed and manufactured to comply with the most recent provisions of the Georgia Industrialized Buildings Program; and is designed with a minimum roof pitch of 5:12. The above definition shall be presumed to have been met where there appears affixed to the structure the seal of the Georgia Department of Community Affairs. The term "industrialized housing" shall not include a "mobile home" or "manufactured home" as herein defined or previously occupied houses moved from other locations.

Inert Waste Landfill: A disposal facility accepting only wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs, and leaves, and specifically excluding industrial and demolition waste.

Junk Vehicle: Any vehicle or part thereof located in public view and, inoperative, or, where such is required by law, bearing no current, valid license plate.

Junk Yard: The use of any space, outside an enclosed building for the storage, keeping, salvage and/or sale of, junk, scrap metal, or other scrap materials, including four (4) or more junk vehicles or machinery or parts thereof.

Kennel: Any facility used for the purpose of boarding, breeding or sale of animals (excluding horses, swine, goats, and geese) or pets and any other customarily incidental treatment of the animals such as grooming, cleaning, selling of pet supplies, or otherwise.

Land Application: Alternative method wastewater disposal where the treated wastewater is sprayed on the ground surface through an irrigation system or injected under the ground surface in the vegetative root zone. Land Application shall not be permitted except when utilized for Public Sewer as defined herein, and except as to Existing Private Sewage Treatment Plants as defined herein.

Landscaping Company: A business engaged in the provision of landscaping services and/or the wholesale or retail sale of landscaping products including but not limited to sod, trees, landscaping timbers, and earth covering materials. The processing of wood into timbers, mulch, and/or chips is considered an incidental use of a landscaping company whose primary purpose is the wholesale or retail sale of landscaping products.

Landscaped Areas: Areas devoted to the installation and permanent maintenance of trees, shrubs, ground covers, turf grasses, mulch, and other similar materials. At least 75 percent of a landscaped area must be covered by live plant material at the time of plant maturity and must consist of at least three of the following elements: vegetative ground cover, herbaceous ornamentals, shrubs, trees. Examples of landscaped areas include landscape strips and landscaped open space.

Land-Disturbing Activity: Any grading, scraping, excavating, or filling of land; clearing of vegetation; and any construction, rebuilding, or alteration of a structure. Land-disturbing activity shall not include activities such as ordinary maintenance and landscaping operations, individual home gardens, yard and grounds upkeep, repairs, additions or minor modifications to a single family dwelling, and the cutting of firewood for personal use.

Land Reclamation: The return of land that has been disturbed by mining activities to productive use. Reclamation procedures may include addition of topsoil, return of vegetative cover, planting of trees and restoration of landforms.

Land Use Existing Prior to the Promulgation of the Etowah River Corridor Protection District (as applied to the Etowah River Corridor Protection District): Any land use or land-disturbing activity, including all human endeavors directly associated with such use or activity, which, prior to the promulgation of the Etowah River Corridor Protection District falls within one of the following categories:

1. is completed;
2. is under construction;
3. is fully approved by the governing authority;
4. all materials have been submitted for approval by the governing authority; or
5. is zoned for such use and expenditures in excess of \$2,500.00 have been made in preparation for construction in accordance with such zoning.
6. Within the Etowah River Corridor Protection District, industrial and commercial land uses existing prior to the promulgation of the Etowah River Corridor Protection District are exempt from these criteria provided that:
 - (a) Industrial and commercial uses of river corridors shall not impair the drinking quality of the river; and
 - (b) Industrial and commercial activity within the river corridor shall meet all state and federal environmental rules and regulations.

Letter of Credit: A type of subdivision improvement guarantee whereby a subdivider secures an instrument from a bank or other institution or from a person with resources sufficient to cover the cost of improvements required

by the County. The instrument pledges the creditor to pay the cost of improvements in case of default by the subdivider.

Light Trespass: The shining of light produced by a light fixture beyond the boundaries of the property on which it is located.

Livestock: Domesticated animals, including but not limited to cattle, goats, sheep, llamas and alpacas raised for profit or personal use. Specifically excluded from the definition of livestock are pigs, poultry, hogs and horses.

Local Government: Forsyth County Board of Commissioners.

Lot: A portion or parcel of land separated from other portions or parcels by description (such as on a subdivision plat of record or a survey map or plat) or described by metes and bounds, and intended for use, transfer of ownership, or for building development. A lot shall not include any portion of a dedicated right-of-way.

Lot, Corner: A lot abutting upon two or more streets at their intersection.

Lot, Depth: The average horizontal distance between the front and rear lot lines.

Lot, Double Frontage: A lot other than a corner lot that has frontage upon two or more streets that do not intersect at a point abutting the property.

Lot, Flag: A tract of land or lot where access to the public road is by a narrow strip of land not meeting minimum lot width requirements in the particular zoning district which the tract or lot is located.

Lot, Through: See Lot, Double Frontage.

Lot Frontage: The width in linear feet of a lot where it abuts the right-of-way of any street.

Lot Line: Any line bounding a lot as herein defined. Lot lines for unusual lot configurations may be determined by the planning director.

Lot Line, Front: A lot line which abuts or intersects a right-of-way or easement used for primary access to the lot.

Lot Line, Rear: Lot line(s) that do not intersect and are generally opposite and parallel to the front lot line.

Lot Line, Side: Lot line(s) that intersect or are generally perpendicular to the front lot line.

Lot of Record: A lot which is part of a subdivision approved by Forsyth County in accordance with land subdivision requirements, a plat of which has been recorded in the records of the Clerk of the Forsyth County Superior Court; or a parcel of land, the deed of which was recorded in the same office prior to September 24, 1973. A plat that was recorded by the Clerk of the Forsyth County Superior Court between September 24, 1973 and May 22, 2000 shall constitute a lot of record even if such plat was not approved by Forsyth County.

Lot Width: The shortest distance between side lot lines measured at the required front setback.

Manufactured Home: A new or pre-owned structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, when erected on site, is three hundred twenty (320) or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; or a structure that otherwise comes within the definition of a "manufactured home" under the National Manufactured Housing Construction and Safety Standards Act of 1974, as may be amended from time to time (42 U.S.C. 5401, et seq.).

Manufactured/Mobile Home, Pre-owned: Any manufactured/mobile home that has been previously used as a residential dwelling and has been titled.

Manufactured/Mobile Home Park: Any property on which three (3) or more manufactured/mobile homes are located or intended to be located for purposes of residential occupancy.

Manufactured/Mobile Home Space: An area within a manufactured/mobile home park, distinguished from a lot in a subdivision under fee simple ownership, upon which a single manufactured/mobile home is or may be placed and which provides space for the belongings and activities of the occupant.

Manufactured/Mobile Home Subdivision: A subdivision designed primarily for the use and occupancy of manufactured/mobile homes on individual lots.

Manufacturing, Processing, Assembling: The mechanical or chemical transformation of materials or substances into new products. The land uses engaged in these activities are usually described as plants, factories or mills and characteristically use power-driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this definition if the new product is neither a fixed structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastic resins, or liquors. This definition does not include harvesting of crops or hay.

Materials Recovery Facility: A solid waste handling facility that provides for the extraction from solid waste of recoverable material, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

Micro-brewery: A brewery that manufactures a maximum of 20,000 barrels of beer and malt beverage each calendar year for sale to licensed wholesaler dealers, excluding brewpubs.

Micro-distillery: A distillery with no more than 20,000 square feet of combined production, storage, retail, service and preparation space and in which at least twenty-five (25%) percent of the facility's production of distilled spirits by volume is sold directly to the consumer on site.

Mineral: An inanimate constituent of the earth, in either solid, liquid or gaseous state that, when extracted from the earth, is usable in its natural form or is capable of conversion into usable form as a metal, a metallic compound, a chemical, an energy source, a raw material for manufacturing, or construction material.

Mineral Resource Area: An area in which minerals are located in sufficient concentration in veins, deposits, bodies, beds, seams, fields, pools or otherwise, as to be capable of economic recovery.

Miscellaneous Service Establishment: Those services not otherwise specifically classified or substantially similar in character to personal services, and business services. Such facilities include but are not limited to funeral homes, mortuaries, and mausoleums, palm reading and fortune telling, pet grooming, pet psychologists and dog obedience schools, and taxidermists.

Mobile Food Unit: A transient food service establishment, operating directly from a motorized or towed wheeled vehicle that is designed and equipped to prepare and serve food as defined by state law and in accordance with the rules and regulations for food service of the Forsyth County Health Department.

Mobile Vending Activity: Temporary retail sales offering goods or merchandise that can readily be carried by the customer, with display, customer interaction, and sales transactions occurring primarily from a vehicle, trailer or similar vessel, or within the immediate vicinity thereof. The following uses shall not constitute mobile vending activity: mobile food units, or other similar uses as determined by the director of Planning and Community Development.

Mobile Vendor: A person conducting mobile vending activities.

Mobile Home: A new or pre-owned structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, when erected on site, is three hundred twenty (320) or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; and built prior to June 15, 1976.

Modular Dwelling: (see "Industrialized Housing").

Motel: An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through a main lobby of a building. For the purposes of this code, motels and extended stay motels are separate and distinct uses.

Mulching: The application of plant or other suitable materials on the soil surface to conserve moisture, hold soil in place, and aid in establishing plant cover.

Multifamily Dwelling: A dwelling on a single lot, designed for or occupied by three (3) or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided. Apartments and residential condominiums are considered to be multi-family dwellings.

Natural Conditions: The flora, fauna, soil and water conditions that would develop on a specific tract of land if all human interference were to be removed. The tract of land must have been undisturbed for a sufficient period of time for natural processes to dominate the tract. This period of time will vary among environments.

Natural Ground Surface: The ground surface in its original state before any grading, excavation or filling.

New Private Sewage Treatment Plant: Any facility designed for the treatment of sewage, except for a Community Onsite Sewage Management System, that serves two or more structures or dwellings, which is constructed, owned, maintained and operated by entities or persons other than Forsyth County or its designee. New Private Sewage Treatment Plants are prohibited. [A sewage treatment plant owned by Forsyth County and operated by Forsyth County, its contractors, agents, or licensees, shall fall within the definition of Public Sewer, regardless of the type, design, or technology of the system, regardless of whether it would be allowed or prohibited if otherwise owned and operated, and regardless of who or what entity originally constructed, owned or permitted the facility.]

Non-Conforming Building or Structure: A building that does not meet one or more setbacks for the zoning district in which said building or structure is located, or a building or structure that exceeds the maximum lot coverage for the zoning district in which said building or structure is located, or a principal building or accessory structure that otherwise does not comply with dimensional requirements established by this Code for the particular principal building or accessory structure.

Non-Conforming Lot: A lot which does not conform to the lot requirements of the zoning district in which the lot is located as established by this Code but which was a lot of record prior to the effective date of this Code.

Non-Conforming Use: A building, structure, or land occupied by a use that does not conform to the use regulations of the zoning district in which it is situated.

Non-Integral Wing Wall: A continuation of a building wall that projects beyond the exterior walls of a building. Non-Integral Wing Walls are not integral to the structure and do not provide direct physical contact for the support of a building or structure.

Non-Profit Association: A group organized for purposes other than generating profit, such as a charitable, scientific or literary organization.

Nonstructural Stormwater Management Practice: Any natural or planted vegetation or other nonstructural component of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and green space areas, overland flow filtration areas, natural depressions, and vegetated channels.

Nursery/Greenhouses: A retail or wholesale establishment whereby the goods sold, i.e., plants, shrubs and trees, are grown and raised on site from a seed or seedling. An operator of a nursery/greenhouse should have a live plant license from the state of Georgia. The selling of goods not grown on site, such as rocks, mulch (unless created from vegetation grown on-site), stones, wheelbarrows, rakes, etc., is prohibited.

Office: A building, or portion thereof, wherein predominantly administrative, professional, or clerical operations are performed, and not involving retail sales.

On-Site Construction: Construction, by convenient means, of a building on the site where it is to be occupied. This form of construction may include a pre-fabrication of certain building components as well as "industrialized housing" as herein defined, but shall not be interpreted to include the on-site assemblage of mobile homes or manufactured homes.

Open Air Business: Any commercial establishment with the principal use of displaying products in an area exposed to open air on three or more sides, including but not limited to rock yards, nurseries and garden supply stores, lumber and building materials yards, flea markets, statuaries and monument sales establishments, firewood sales lots, liquid petroleum dealers and tank sales.

Open Space: Within the context of Chapter Nineteen, Conservation Subdivision, any combination of primary conservation areas and secondary conservation areas, as defined, that together form a permanent, undivided or relatively undivided, undeveloped area. Easements for electric transmission lines or any other above-ground improvement shall not be considered open space. Within the context of other chapters of this Code, "open space" shall have more liberalized meaning to include buffers and areas not containing any man-made structures or pavements except for low impact stormwater designs that incorporate elements such as vegetated bioretention basins or community amenity features as expressly allowed elsewhere in this Code. For all zoning districts requiring open space, including Conservation Subdivisions, Structural Stormwater Control practices shall not be counted toward the required open space except for low impact stormwater designs that satisfy requirements elsewhere in this Code. Nonstructural Stormwater Control practices may count toward required open space. An Active Recreational Facility may not be located in the required open space. Passive amenities, such as walking trails, may be located in required open space, but passive amenities may not comprise more than 25% of the required open space and may not include impervious materials. Areas dedicated to Land Application shall not be counted toward required open space unless the application is above ground and the area affected can be utilized for such activities as ball fields, golf courses, park areas, etc.

Open Space, Public: Within the context of Chapter 18, an area within a development or subdivision designed and intended for the use and enjoyment of all residents or for the use and enjoyment of the public in general.

Open Storage Yard: An area(s) dedicated as an exterior depository, stockpiling, or safekeeping of materials, products, vehicles, trailers, boats, and the like. Outside storage yards may be enclosed by a structure that includes a roof, but no side walls, in which case the structure shall be deemed outside storage. Outside storage yards may involve fencing or screening without a roof in which case fencing or screening shall be deemed outside storage. Parking lots do not qualify as outside storage yards. Vending machines accessory to allowable uses do not constitute outside storage. The parking or storage of vehicles, equipment, or merchandise for a period of less than 96 hours does not constitute outside storage. Notwithstanding the foregoing sentence, the parking of vehicles requiring a commercial driver's license for a period of forty-eight (48) hours or more shall constitute outside storage, unless such parking is in compliance with section 17-6.4, in which case the parking shall not constitute open storage. For purposes of calculating the length of a period a vehicle is parked pursuant to this definition, holidays as defined by O.C.G.A. 1-4-1 shall not be included in the calculation.

Original Tract: A unit of land which the owner holds under single or unified ownership, or which the owner holds controlling interest on the effective date of this Code, where all land abutting said tract is separately owned by others, not related to or associated by business partnership with the owner.

Outdoor Display: The keeping of any goods, material, or merchandise outside of a business, building or establishment or in an area visible from a public right-of-way, for display, advertisement, or purposes of attracting

rental or sales. Such definition shall not be construed as including the temporary loading or unloading of such goods, material, or merchandise to or from a fully enclosed area.

Overburden: All of the earth and other materials which lie above natural deposits of minerals, including such earth and other materials disturbed from their natural state in the process of surface mining.

Overlay District: A defined geographic area that encompasses one or more underlying zoning districts and that imposes additional requirements above those required by the underlying zoning district. An overlay district can be coterminous with existing zoning districts or contain only parts of one or more such districts.

Parking Space: An area devoted to the temporary storage of a vehicle.

Particulate Matter: Material, other than water, which is suspended in or discharged into the atmosphere in a finely divided form as a liquid or solid.

Pedestrian Way: A public right-of-way or private easement across a block or within a block to provide access for pedestrians and which may, in addition to providing pedestrian access, be used for the installation of utility lines.

Performance Bond: A type of developmental improvement guarantee in the form of a bond, secured by the developer from a bonding company, in an amount specified by the Board to cover the costs of required improvements, and payable to the County. The County may call in the performance bond in the event the developer defaults on required improvements.

Permit: Any written authorization for building, construction, alteration, occupancy, or other matter required by this Code to be approved by a designated commission, board, official, or employee. The person to whom such permit is issued shall be known as the "permittee."

Person: A natural human being, estate, association, firm, partnership, corporation, or other legal entity.

Perennial River: A river or section of a river that flows continuously throughout the year.

Perennial Stream: A stream which flows throughout the whole year as indicated on a United States Geological Survey quadrangle map.

Personal Care Home: A residential facility that provides daily living assistance with meals, dressing, movement, bathing, and other similar personal needs, or general supervision of the physical and mental well-being of a person who is incapable of maintaining a private, independent residence, or who is incapable of managing his or her person, whether or not a guardian has been appointed for such person. Senior housing shall not be included under this definition.

Personal Service Establishment: A facility engaged in the provision of services to persons and their apparel, including but not limited to coin-operated and full service laundries and dry cleaners, photographic studios, shoe repair and shoeshine shops, specialized instructional studios, and travel agencies.

Place of Worship: A site used by a bona fide religious group primarily or exclusively for religious worship and related religious activities.

Planned Unit Development: A form of development usually characterized by a unified site design for a number of housing units, clustered buildings, common open space, and a mix of building types and land uses in a slightly more dense setting than allowable on separate zoned lots.

Planning Commission: The Forsyth County Planning Commission.

Planning and Community Development Department: That person or body of persons designated by the governing authority of Forsyth County to handle certain ministerial affairs of the Planning Commission, enforcement duties, and administration of this Code.

Pole-mounted Light: Any luminaire set on a pole which raises the source of light off of the ground. The height of any pole-mounted light shall be measured from the base at grade after installation and include the pole, luminaire, and all structural and decorative components.

Pollution Susceptibility: The relative vulnerability of an aquifer to being polluted from spills, discharge, leaks, impoundments, application of chemicals, injections, and other human activities in a recharge area.

Pollution Susceptibility Maps: Maps prepared by the Department of Natural Resources showing relative vulnerability of aquifers to pollution. Pollution susceptibility maps categorize the land areas of the State into areas having high, medium and low groundwater pollution potential.

Porch: A structure attached to a building, which may either be at grade or raised, forming a covered pedestrian entrance to a building.

Poultry House: Any structure designed for the shelter, housing, or enclosure of poultry or fowl. However, a structure complying with the requirements of UDC 16-4.4 shall not be considered a poultry house that it subject to the requirements of UDC 16-4.28.

Principal Building: A building in which is conducted the main or principal use of the lot on which said building is situated.

Private On-Site Sewage Disposal System: A system for collection and disposal of sewage, with each and every component located and functioning completely within the boundaries of a single lot and serving exclusively the permitted improvements on said lot, and receiving no sewage, waste or substance from any other source. Includes traditional Septic Tank Systems as well as improvements and technological advances thereupon, provided the system is acceptable to and approved by the Georgia Department of Human Resources and the Forsyth County Health Department.

Processing: (See definition of Manufacturing, Processing, and Assembling).

Professional Architect: An architect duly registered or otherwise authorized by the State of Georgia to practice in the field of architecture.

Professional Engineer: An engineer duly registered or otherwise authorized by the State of Georgia to practice in the field of civil engineering.

Professional Surveyor: A surveyor duly registered or otherwise authorized by the State of Georgia to practice in the field of land surveying.

Protected River: Any perennial river or watercourse with an average annual flow of at least 400 cubic feet per second as determined by appropriate United States Geological Survey documents. However, those segments of rivers covered by the Metropolitan River Protection Act are specifically excluded from the definition of a protected river.

Protective Covenants: Contracts made between private parties as to the manner in which land may be used, with the view toward protecting and preserving the physical and economic integrity of any given area.

Public use: Any building, structure, or use owned and/or operated by the federal government, state of Georgia, Forsyth County or other County, the city of Cumming or other municipality, or any authority, agency, board, or commission of the above governments, that is necessary to serve a public purpose, such as but not limited to the following: government administrative buildings, post offices, police and fire stations, libraries and publicly operated museums, public health facilities and public hospitals, public works camps, parks and community centers, public roads and streets, airports, water and sanitary sewerage intake, collection, pumping, treatment, and storage facilities, emergency medical facilities, and jails and correctional facilities.

Public Sewer: Includes and is limited to: (a) any sewer collection, disposal or treatment system owned by Forsyth County and operated by Forsyth County, its contractors, agents, or licensees; and (b) any sewer collection, disposal or treatment system owned by a municipality or other political subdivision of the State of Georgia and approved by the Director of Water and Sewer as a public sewer for the purposes of this Code. Public Sewer shall specifically include any sewer collection, disposal or treatment system built by a non-governmental entity via an approved variance meeting the design and performance standards of Forsyth County and titled, owned and operated by Forsyth County or its designee.

Public Utility or Utilities: A service or services provided by a public utility company, or, as approved by the Board, a private entity which provides such service or services, and all equipment and structures necessary to provide such services.

Quadrangle Map: The most recently published United States Geological Survey 7.5 minute topographic map, prepared at a scale of 1:24,000.

Quadraplex: Four single family dwelling units in one structure utilizing common walls on two sides and a side and rear or front yard on the other two sides. Quadraplexes can be located on a single lot with or without other quadraplexes (i.e., an apartment complex with four-unit buildings, or each unit may be located on its own lot (i.e., fee simple ownership with "zero lot line" on two sides). Also known and referred to as "fourplex."

Reasonable Cause: Such a state of facts, based on reliable evidence or information, as would lead a person of ordinary care and prudence to believe and have an honest, strong, articulable suspicion that premises to be inspected are in violation of County ordinances, including this Code, or there exists circumstances posing a detrimental risk to the health, safety, and welfare of Forsyth County citizens.

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

Reclamation Plan: A written proposal for reclamation of mined or disturbed areas including land uses, maps, and documents as required to describe reclamation, and where relevant, grading specifications and manner and type of revegetation.

Recreational Vehicle: A vehicular-type, portable structure without a permanent foundation that can be towed, hauled, or driven and is primarily designed as a temporary living accommodation for recreational, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Recreational Vehicle Park: A developed campground, governed by a set of public or private management rules, that accommodates recreational vehicles on camping spaces for paying guests and which may include park-

owned recreational vehicle(s) for rent. A recreational vehicle park is distinguished from a campground in that all or some of the camping sites provide recreational vehicle utility connection assemblies to enable the camping unit to connect with water, sewage disposal, electric power, and/or telephone, and sometimes cable television.

Recovered Materials: Those materials which have known use, reuse, or recycling potential; can be feasibly used, reused or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.

Recovered Materials Processing Facility: A facility engaged solely in the storage, processing, and resale or reuse of recovered materials. Such term shall not include a solid waste handling facility; provided, however, any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to such solid waste.

Recycling: The process by which waste products are reduced to raw materials and transformed into new and often different products.

Recycling Center: A lot or parcel of land, with or without buildings, upon which used materials are separated and processed for shipment for eventual reuse in new products.

Recycling Collection Point: An incidental use that serves as a neighborhood drop-off point for temporary storage of recyclables.

Recycling Plant: A facility in which recyclables are reprocessed and treated to return such products to a condition in which they may be used again in new products.

Relocated Residential Structure: A detached, single family dwelling that is moved or disassembled into more than one structure and moved to another site, whether temporary or permanent.

Reservation: A method of holding land for future public use by showing proposed public areas on a subdivision plat.

Reserve Strip: A strip of land across the end of, or along the edge of, a street, alley, or lot for the purpose of controlling access which is reserved or held until future street extension or widening.

Residence for Caretaker or Night watchman: A dwelling designed or intended for occupancy by a person(s) owning, employed in, or dealing with, and responsible for the security and maintenance of the land on which it is situated.

Research Laboratory: A facility for scientific laboratory research in technology-intensive fields, including but not limited to biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfer, and radiation research facilities, computer software, information systems, communication systems, transportation, geographic information systems, multi-media and video technology. Also included in this definition are facilities devoted to the analysis of natural resources, medical resources, and manufactured materials, including environmental laboratories for the analysis of air, water, and soil; medical or veterinary laboratories for the analysis of blood, tissue, or other human medical or animal products, and forensic laboratories for analysis of evidence in support of law enforcement agencies.

Residential Zoning District: Any R1R, CR1, R1, R2R, R2, R3, R4, LR, Res1, Res2, CR2, Res3, Res4, Res6 MHP or any district described in Chapter 11 of this Code.

Retail Package Liquor Store: Any business establishment, whose principal business is the sale of alcoholic beverages, that sells distilled spirits, and may also sell malt beverages, beer, or wine, in unbroken packages only at retail to consumers and not for resale.

Retail Trade Establishment, Enclosed: Any business offering goods and products for sale to the public, which may include the incidental repair of such goods and products, that operates entirely within a structure containing a roof and walls on all sides, except for outdoor display or other use during business hours and accessory storage in enclosed, subordinate buildings. These include but are not limited to the following: hardware, paint, glass and wallpaper stores, grocery and miscellaneous food stores including retail bakeries, apparel, shoe, and accessory clothing stores, furniture, upholstery, floor covering, household appliance and home furnishing stores, musical instrument stores, radio, television, and computer stores, record, tape, and compact disc stores, eating and drinking places not involving drive-throughs, drug stores, apothecaries and proprietary stores, used merchandise stores, sporting goods stores and bicycle shops, art and stationery stores, hobby, toy, and game shops, jewelry, gift, novelty, souvenir and antique shops, camera and photographic supply stores, luggage and leather goods stores, sewing, needlework, and piece goods stores, catalogue and mail order stores, newsstands, florists, automotive parts stores not involving repair, video rental and sales stores, and watch and clock sales and repair shops.

Retaining Wall: A wall, terraced combination of walls, or similar structure located at a grade change to hold the soil on the up-hillside from slumping, sliding, or falling. Retaining walls are not integral to the structure and do not provide direct physical contact for the support of a building or structure.

Right-of-Way: An area of land not on a lot that is dedicated for public or private use to accommodate a transportation system and necessary public utility infrastructure, including but not limited to water lines, sewer lines, power lines and gas lines. In no case shall a right-of-way be construed to mean an easement.

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

River Corridor Protection Plan: That part of Forsyth County Comprehensive Plan which deals with the river corridor protection requirements specified in rules of the Georgia Department of Natural Resources and state law, as appropriate.

Road: See Street.

Roadside Stand: A structure, or portion thereof, for the shelter, display, and sale of agricultural products produced on the premises, with no space for customers within the structure itself.

Salon: A place of business that offers beauty care services such as tanning, hairdressing and barber shops, permanent make-up, microblading, manicures, pedicures, esthetician services, and other cosmetic enhancements. The term "salon" does not include a body art studio as described in Chapter 10, Article 2 of the Code of Forsyth County, Georgia.

Salvage Yard: A place of business primarily engaged in the storage, sale, dismantling or other processing of uses or waste materials which are not intended for reuse in their original forms. Typical uses include paper and metal salvage yards, used tire storage yards, or retail and/or wholesale sales of used automobile parts and supplies.

Seasonal Sales: A temporary use that entails the retail sale of items other than from a structure that are, by their nature, sold during a peak season, for no more than 45 consecutive days, including such items as fruits, vegetables, Christmas trees, pumpkins, firewood, fireworks, or other similar items as determined by the director of Planning and Community Development. Seasonal sales shall be considered an accessory use normally incidental to places of worship. Sales at a flea market shall not constitute "seasonal sales."

Scenic Corridor: Any corridor paralleling both sides of a public road that has been formally identified by Resolution of the Forsyth County Board of Commissioners as a scenic corridor worthy of special protection through an overlay district or other special provisions governing land uses and development and their aesthetic effects on road travelers.

Scenic Views and Sites: Those geographic areas containing visually significant or unique natural features, as identified in the Forsyth County Comprehensive Plan, or by an applicant of a conservation subdivision if such information is accepted by the Planning Commission in the sketch plat review process.

Sediment: Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved, from its site of origin by air, water, or gravity as a product of erosion.

Sediment Basin: See "Debris Basin."

Sediment Pool: The reservoir space allotted to the accumulation of submerged sediment during the life of the structure.

Self-Service Storage, Climate Controlled: A building or group of buildings consisting of self-contained units leased on an individual basis for self-service storage of personal property. The individual storage units are in a climate controlled environment and the units do not include doors that open directly to the outside.

Self-Service Storage, Courtyard Mini-Warehouse: A building or group of buildings consisting of self-contained units leased on an individual basis for self-service storage of personal property. The facility includes individual storage units whose doors open directly to the outside, with no such doors facing the right of way or an adjacent property, but rather designed and constructed where the doors orient or invert toward the middle of the site forming a 'courtyard' layout in which the building itself screens the unit doors.

Self-Service Storage, Mini-Warehouse: A building or group of buildings consisting of self-contained units leased on an individual basis for self-service storage of personal property. The facility includes individual storage units whose doors open directly to the outside.

Semi-Cutoff Fixture: An outdoor light fixture shielded or constructed in such a manner that it emits up to, but no more than, 5.0% light spillage above the horizontal plane of the fixture.

Semi-Public Use: Any building, structure, or use, owned and/or operated by private utilities or private companies for a public purpose, or that is reasonably necessary for the furnishing of adequate service by such utilities, such as but not limited to the following: underground and overhead gas, steam or water distribution or transmission lines or systems, including incidental wires, cables and poles.

Senior Housing: A single family, multifamily, or residential care facility development intended for, operated for, and designed to accommodate residents fifty-five (55) years of age and older. A variety of development types fall under this category including senior independent living, assisted living facilities, skilled nursing facilities, and continuing care retirement communities.

Senior Independent Living: Housing that is designed and operated for seniors in good health who are capable of maintaining independent households. Individual dwellings are designed to promote independent living through living, sleeping, kitchen and sanitary facilities located within each unit. Such housing may provide certain services such as security, housekeeping, and recreational and social activities.

Sensitive Natural Areas: Any area, as identified now or hereafter by the Department of Natural Resources, which contains one or more of the following:

1. habitat, including nesting sites, occupied by rare or endangered species;
2. rare or exemplary natural communities;
3. significant landforms, hydroforms, or geological features; or
4. other areas so designated by the Department of Natural Resources; and which is sensitive or vulnerable to physical or biological alteration.

Septic Tank: An approved watertight tank designed or used to receive sewage from a building sewer and to affect separation and organic decomposition of sewerage solids, and discharging sewage effluent to an absorption field or other management system.

Septic Tank System: Traditional wastewater disposal method consisting of an in-ground settling tank for solids removal and a drain field for water disposal. Soil bacteria clean the wastewater as it percolates through the soil from the drain field. The traditional septic system requires that a settling tank, drain field, and back-up drain field be provided within the boundaries of each individual lot.

Setback: The distance between a right-of-way or lot line and the nearest point of a structure, building or projection therefrom including the land area located between said points.

Setback, Exterior: A Setback placed around the entire perimeter of a development or property. An Exterior Setback is required even if a property or lot line abuts an existing street.

Shade Tree: A tree in a public place, street right-of-way, or special easement, planted to provide canopy that will obscure the sun and heat from the ground.

Shed: A one story, detached, accessory building used for general storage of items, including but not limited to, garden tools, supplies, yard and recreational equipment, and other miscellaneous household items, but not for storage of vehicles with the exception of motorized lawn mowers.

Shooting Range, Indoor: The use of a structure of other confined space for the enclosed safe discharging of firearms for purposes of target practice or temporary competitions, which is not available for such use by the general public without payment of a fee, membership contribution, or dues.

Shooting Range, Outdoor: The use of land for the unenclosed safe discharging of firearms for purposes of target practice, skeet and trap shooting, mock war games, or temporary competitions, such as turkey shoots, which is not available for such use by the general public without payment of a fee, membership contribution, or dues. Excluded from this definition shall be general hunting and unstructured discharging of firearms on private property.

Short-term Rental: An accommodation for transient guests, rented for the purpose of overnight lodging for a period of less than thirty (30) days. For the purposes of this definition, a Short-term Rental shall include all housing types but shall exclude Bed and Breakfast Inns and Boarding Houses as they are defined by this Code. Short-term Rentals shall not constitute Professional Home Offices or Home Occupations, as defined in section 16-3.1 of this Code, and shall not be subject to the General Requirements and Performance Criteria governing Home Businesses set forth in section 16-3.2.

Sidewalk: A hard-surfaced pedestrian access area adjacent to or within the right-of-way of a public road.

Sign: Any outdoor advertising device.

Significant Groundwater Recharge Area: Any area shown on the most recent edition of Georgia Geologic Survey Hydrologic Atlas 18 to be a significant groundwater recharge area. Mapping of recharge areas is based on outcrop area, lithology, soil type and thickness, slope, density of lithologic contacts, geologic structure, the presence of karst, and potentiometric surfaces. Significant recharge areas for Forsyth County are typified by those in the Piedmont and Blue Ridge, where rocks have little primary porosity, with most groundwater being stored in the overlying soils. The significant recharge areas are those with thicker soils. Field mapping indicates that thick soils in the Piedmont and Blue Ridge are characterized by a density of two or more geologic contacts per four square miles (source: 1976 1:500,000 Geologic Map of Georgia) and slopes lower than eight (8) percent. These aquifer recharge areas, which contain soils with properties that support the recharging of groundwater, are mapped on the Official Zoning Map of Forsyth County and/or on the Official Overlay District Map of Forsyth County. Groundwater recharge areas represent freshwater resources for some residents of the County.

Site: Any plot or parcel of land, or a combination of contiguous lots or parcels of land, where grading, building, construction, or alteration is performed or permitted.

Site Plan: A drawing showing the following information: Proposed layout of streets and lots; Lot or tract dimensions with required setbacks shown; Buffers and natural areas proposed; Buffer fences where appropriate; Areas reserved for future construction; Proposed structures with dimensions and square footages (except for single family subdivisions); Proposed uses for each structure (i.e. retail sales, offices, single family residence, etc.); Current zoning district of the subject property and abutting property, and the proposed zoning district, as applicable; Location and use of all structures on abutting property; Right-of-way locations and dimensions and names of all roads and streets bounding the property in question; Driveways and parking areas with number of parking spaces, where appropriate; Loading and unloading facilities, where appropriate; Storm drainage and structures, where appropriate; water, gas and electric utility lines preliminary locations plus points of utility access; and Wastewater facilities including preliminary areas reserved for drain fields and septic tanks or point of access.

Sketch Plat: A detailed drawing of a proposed major subdivision, multi-family residential subdivision, institutional, office, commercial, or industrial development, showing the layout of streets, lots, blocks, open spaces, and other elements identified in Section 8-2.1 (E) that are consistent with the requirements of this Code. The sketch plat must include or otherwise identify the location of buildings, parking areas, buffers, setbacks, landscaping, proposed densities, height restrictions, lot sizes, roadway access (es), open spaces, streets, and overlay districts. The sketch plat shall be the basis for the approval or disapproval of the layout of a major subdivision, multi-family residential subdivision and/or the layout of an institutional, office, commercial or industrial development.

Skilled Nursing Facility: A residential facility that provides twenty-four (24) hour nursing care as well as custodial care for seniors. Such a facility typically offers personal care, recreational activities, physical and occupational therapy, and all meals. These facilities may be freestanding or part of a CCRC. Residents may stay temporarily for a period of rehabilitation, or may be there for long-term care.

Slope: Degree of deviation of a surface from the horizontal, usually expressed in percent or degree; the ratio of the difference in elevation between two points on the ground, and the horizontal distance between these two points. For purposes of determining steep slopes eligible for current use assessment under Georgia State law, slope shall be measured between two points on the ground separated by 500 feet or more.

Soil: All unconsolidated mineral and organic material of whatever origin that overlies bedrock, which can be readily excavated.

Soil Engineer: A professional engineer who is qualified by education and experience to practice applied soil mechanics and foundation engineering.

Solid Waste: Discarded putrescible and nonputrescible waste, except water-carried body waste and recovered materials, and shall include garbage; rubbish, such as paper, cartons, boxes, wood, tree branches, yard trimmings, furniture and appliances, metal, tin cans, glass crockery, or dunnage, ashes, street refuse, dead animals; sewage sludges, animal manures, industrial waste, such as waste materials generated in industrial operations, residue from solid waste thermal treatment technology, food processing waste, demolition waste, abandoned automobiles, dredging waste, construction waste, and any other waste material in a solid, semi-solid, or liquid state not otherwise defined here.

Solid Waste Handling Facility: Any facility, the primary purpose of which is the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste. (also see definitions of "materials recovery facility," "recovered materials processing facility," and "recovered materials").

Sound Level: The intensity of sound, measured in decibels.

Sound Level Meter: An instrument designed to measure sound pressure levels and constructed in accordance with the requirements for General Purpose Sound Level Meters published in the American National Standards Institute.

Special Event: A gathering of a temporary duration in which a property owner, for compensation, rents or leases access to property, and/or building(s) or a portion of a building to individuals or identified groups to allow congregation on the property for a specific purpose. Such access shall not include public entry for a fee. The sale and/or serving of alcoholic beverages for on-premises consumption is permitted. A special event may or may not be held at a special event facility.

Special Event Facility: Buildings or portion of a building(s) and outdoor areas, made available to individuals or identified groups to accommodate special events including but not limited to banquets, weddings, anniversaries and other similar functions. Such use may include kitchen facilities for the preparation or catering of food, the sale and/or serving of alcoholic beverages for on-premises consumption, entertainment, and special event lodging units for overnight accommodation.

Special Event Lodging Unit: A structure or portion of a structure for temporary occupancy other than a hotel, motel, bed and breakfast inn, boarding house or short-term rental, which may or may not be attached to the principal building, where, for compensation and by prearrangement, meals or lodging or both are provided. A

special event lodging unit is subordinate and incidental to the main use of the property. Independent cooking or kitchen facilities may be present. No such special event lodging unit shall be rented or otherwise used as a separate long-term or short-term dwelling unit outside of a special event facility use.

Specialty Pharmacy: A retail establishment dispensing medical marijuana pursuant to a license as authorized by O.C.G.A. 16-12-206, but shall not include a retail establishment containing a bona fide full-service pharmacy for the dispensing of pharmaceuticals, with a licensed pharmacist on site during all business hours, that is also authorized to legally dispense medical marijuana. A specialty pharmacy shall require a conditional use permit.

State Waters: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural and artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership or corporation.

Steep Mountain Slopes: An area that (1) is shown on a United States Geological Survey 1:24,000, 7.5 minute quadrangle topographic map to be higher than an elevation in feet of 1,900 feet; and (2) has a slope exceeding 25 percent; and (3) meets the definition of "natural conditions" provided in this Code. Steep mountain slopes shall include the crests, summits, and ridge tops which lie at elevations higher than those of adjacent steep mountain slopes (even though the crests, summits, and ridge tops may have a slope of less than 25 percent), provided that such crests, summits, and ridge tops are in a natural condition as defined by this Code.

Steep Slopes: Lands with slopes of at least 35 percent, as indicated in the Comprehensive Plan of Forsyth County, or which are so indicated with aid of a United States Geological Survey 1:24,000, 7.5 minute quadrangle topographic map or other available topographic information.

Stoop: A raised platform, which may be covered but not enclosed, that serves as a pedestrian entrance to a building.

Street: Any vehicular way, other than an alley, that: (1) is an existing state, County or municipal roadway; (2) is constructed as shown upon a plat approved pursuant to law and is open to vehicle travel; (3) is constructed and open to vehicle travel as approved by other official action of the Board of Commissioners; or (4) is constructed and open to vehicle travel and shown on a plat duly filed and recorded in the Clerk's Office, Forsyth County Superior Court prior to the appointment of the Planning Commission and the grant to the Planning Commission of the power to review plats. Land between the street lines, whether improved or unimproved, shall be considered part of the street.

Street, Collector: Unless otherwise defined by the Major Transportation Plan or Comprehensive Plan, a collector street is a public street whose function is to collect traffic from neighborhoods and local streets and which connects to another public street of equal or greater classification. A collector also may provide direct access to adjacent properties.

Street, Local: Unless otherwise defined in the Forsyth County Major Transportation Plan or Comprehensive Plan, any public street, except an alley, collector, or arterial, and which has a primary function to provide direct access to adjoining properties and which serves a limited area only, usually a single land subdivision.

Street, Major Arterial: Unless otherwise defined by the Forsyth County Major Transportation Plan or Comprehensive Plan, a major arterial street is a street connecting two or more towns or communities, connecting two highways of equal or greater capacity, or serving as the primary access to a large land area. A major arterial may also serve a large traffic generator (e.g., an industrial area) and perform a secondary function of providing local access.

Street, Marginal Access: A residential street parallel and adjacent to a major thoroughfare and which provides access to abutting properties with protection from through traffic.

Street, Private: A road or street that has not been accepted for maintenance by the County and that is not owned and maintained by the state, City of Cumming, another County, or another public entity.

Stripping: Any activity which removes or significantly alters the vegetation surface cover, including clearing and grubbing operations.

Structural Lot Fills: Fills constructed predominately of rock materials for the purpose of supporting structures.

Structural Stormwater Control: A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release, or the velocity of flow of such runoff.

Structure: Materials that, when combined, form a construction for use, occupancy, or ornamentation. A structure may be installed on, above, or below the surface of land or water. For purposes of this Code, all buildings (including overhangs) are considered structures, but not all structures are considered buildings. Specifically exempted from the definition of structure are the following: driveways; mail boxes; flag poles; walls, unless they are an integral part of a structure not exempted herein; light poles/fixtures; patios, at grade; pool decking, at grade; sidewalks; swing sets; and any construction not requiring a building permit by Forsyth County.

Subdivider: Any person, as defined by this Code, who undertakes the subdivision of land, and any person having such a proprietary interest in land to be subdivided as will authorize the maintenance of proceedings to subdivide such land under this Code, or the authorized agent of such person.

Subdivision: A division of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of sale or building development, whether immediate or future, including all division of land involving the dedication of a new street or a change in existing streets. The word "subdivision" includes re-subdivision and, when appropriate to the context, relates either to the process of subdividing or to the actual land or area which is subdivided.

Subdivision, Minor: A subdivision of six (6) or fewer lots which does not involve the construction of a new public or private street. Because minor subdivisions do not involve the construction of a new public or private street, they are processed administratively by the Department of Planning and Community Development as final plat applications that do not require sketch plat approval. Any improvements to an existing public street abutting the tract proposed for minor subdivision, or the installation of utilities along said existing public road, as may be required to comply with this Code, shall be done according to plans and permit requirements of this Code, but said requirements shall not subject the minor subdivision to the requirements for a major subdivision as specified in this Code.

Subdivision, Major: A subdivision of seven (7) or more lots which may or may not involve the construction of a new public or private street; or any subdivision of less than seven (7) lots that involves the construction of a new public or private street. Because major subdivisions involve construction of a new public or private street or the upgrade of an existing private way to County standards, construction plans and land disturbance permits are required, and major subdivisions are therefore processed in multiple steps including sketch plat approval (unless specifically exempted), approval of construction plans and issuance of land disturbance permits, and final plat approval.

Sufficient Capacity: Shall mean that the anticipated additional effluent volume per day (based upon Forsyth County Water and Sewer Department usage guidelines) does not exceed the maximum treatment volume per day as provided in the existing Georgia Department of Natural Resources, Environmental Protection Division ("EPD") permit.

Table: To postpone indefinitely the discussion or consideration of an application before the Board of Commissioners.

Temporary Protection: Stabilization of erosive or sediment producing areas.

Temporary Vending: A temporary use that entails the retail sale of goods or merchandise that can readily be carried by the customer, primarily outside an enclosed structure, for no more than 45 consecutive days. Vehicles, trailers, or similar vessels shall only be utilized for the storage and transportation of goods or merchandise, and shall not constitute the primary location for display, customer interaction, and sales transactions. The following uses shall not constitute a temporary vending activity: non-profit fund-raising activities including, but not limited to, car washes, bake sales, place of worship and school rummage sales held on-site; outdoor sales activities conducted by children under the age of 16 on property zoned or used for residential purposes; uses defined elsewhere in this code; or other similar uses as determined by the director of Planning and Community Development.

Townhouse: One of a series of three (3) or more attached single-family dwelling units where each unit functions for use as an independent housekeeping unit with its own private entrance and each unit is located on its own separate lot in fee simple ownership.

Transportation, Communication and Utility Facility: Including but not limited to: bus passenger stations and terminals, airports, heliports and helistops, taxi cabs and limousine services, radio and television studios and broadcasting towers, recycling collection centers, truck stops and truck terminals, trucking and courier services, marinas, railroad facilities, gas, electric, and water supply services, electric substations.

Truck Terminal: A facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck.

Undisturbed Area of Separation: Undisturbed earth located between graded portions of land being developed for any residential subdivision comprised of twenty-five acres or more as regulated by the Soil Erosion and Sedimentation Control Ordinance (Ordinance #73).

"Used" or "Occupied": In addition to the common dictionary meaning of these words, they shall be construed to also include the meaning, "intended, arranged, or designated to be used or occupied."

Utility: Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel or gas pipelines, telephone lines, roads, cable telephone line, fiber optic cable, driveways, bridges, river/lake access facilities, storm water systems and drainage ways, and railroads or other utilities identified by Forsyth County. As appropriate to the context the term "utility" may also include all persons, companies, or governmental agencies supplying the same.

Variance: A grant of relief that relaxes or modifies the strict dimensional or numerical requirements of this Code to permit construction in a manner that would otherwise be prohibited by this Code, based on a showing that special or unique circumstances exist on a subject property, such as physical surroundings, shape or size, or topographical conditions, and that due to such special or unique circumstances, compliance would result in extraordinary hardship or an inability to meet policies and objectives specifically identified in the Comprehensive Plan.

Vegetative Protection: Stabilization of erosive or sediment producing areas by covering the soil with: permanent seeding, producing long-term vegetative covers; short-term seeding producing temporary vegetative cover; or sodding, producing areas covered with a turf or perennial sod forming grass.

Vehicle: Any self-propelled vehicle which can be used for towing or transporting people or materials, including, but not limited to, car, truck, tractor, trailer, boat, recreational vehicle, camper, motorcycle, and other motorized vehicles.

Vehicle, Used: Any pre-owned or previously leased vehicle. For purposes of this definition, a vehicle previously owned only by a dealership for sale only shall not constitute a used vehicle.

Vehicle Rental Establishment: A retail establishment renting vehicles.

Vehicle Sales Dealership, New: A business or dealer that sells primarily new vehicles; also leasing. Sales dealerships that are a manufacturer-authorized business or dealer may include major repair services onsite.

Vehicle Sales Dealership, Used: A business or dealer that sells primarily used vehicles; also leasing.

Vibration: The periodic displacement of earth caused by an oscillating movement, and measured in inches.

Vibrations, Impact: Vibrations which occur in discrete impulses separated by an interval of at least one (1) minute and numbering not more than eight (8) in any twenty-four (24) hour period.

Vibrations, Steady State: Vibrations that are continuous, or vibrations in discrete impulses more frequent than one hundred (100) per minute.

Visual Quality: The appropriate design, arrangement, and location of any structure in relation to the built or natural environment to avoid abrupt or severe differences.

Warehouse: Storage of materials, equipment, or products within a building including but not limited to those for manufacturing use or for distribution to wholesalers or retailers.

Watercourse: Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed and banks, and shall include any area adjacent thereto subject to inundation by reason of overflow or flood water.

Water Supply Watershed: The area of land upstream of a governmentally owned public drinking water intake.

Water Supply Watershed Protection Plan: A land use plan prepared and adopted by local government for the protection of the quality of drinking water obtained from the watershed.

Wetland Protection District: All wetlands within Forsyth County which are indicated on the official Forsyth County overlay district map as "wetlands providing significant wildlife habitat and/or which may be subject to extensive mitigation."

Wetlands: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, and that meets the definition of natural conditions. Wetlands shall include any area delineated as a wetland by the U.S. Army Corps of Engineers under their jurisdiction pursuant to Section 404 of the Federal Clean Water Act, as amended; or any area shown on a 1:24,000 scale, U.S. Fish and Wildlife Service National Wetland Inventory Map as being a wetland; or any area shown on a 1:24,000 scale, Georgia Department of Natural Resources landcover database map as being a wetland; or any area shown on an official Forsyth County overlay district map as a wetland.

Wetlands, Freshwater: A wetland, as defined in this Code, that does not include any areas defined as "coastal marshlands" by the State Coastal Marshlands Protection Act.

Wholesale Trade Establishment: An establishment engaged in the selling or distribution of merchandise to retailers, to industrial, commercial, institutional or professional business users, or to other wholesalers.

Withdrawal With Prejudice: To withdraw an application after the deadline for withdrawal without prejudice constitutes withdrawal with prejudice and is subject to the limitations posed by this Code for applying again for a conditional use, rezoning, or variance that was denied.

Withdrawal Without Prejudice: To withdraw an application and have no judgment passed on the merits of the application. Such withdrawal entitles the applicant to reapply without being subject to limitations posed by this Code for reapplication.

Yard: An area of a lot between the principal structure and adjoining lot lines, unoccupied and unobstructed by any portion of a non-exempted structure from the ground upward.

ZBA: Zoning Board of Appeals

Zoning Deadline: The day each month identified in the annual schedule for public hearings adopted by the Planning Commission in which all applications for rezoning, conditional use permit, sketch plat and home occupation permit must be received by the Planning and Community Development Department. Any application received after the applicable Zoning Deadline for the month shall be considered received for the Zoning Deadline for the following month and processed in conformity with Section 8-2.1.

CHAPTER FOUR

FORSYTH COUNTY PLANNING COMMISSION

ARTICLE I, CONTINUATION:

4-1.1 **Continued Existence.** The Forsyth County Planning Commission established on July 5, 1966, shall continue in existence absent the membership and participation of the City of Cumming. The enactment of this Code shall in no way alter the composition of the present five representative county members of the Planning Commission nor disturb the duties and powers previously granted the Planning Commission.

4-1.2 **Jurisdiction.** The County Planning Commission shall exercise all those powers and duties as herein prescribed in this Code with respect to all unincorporated areas of Forsyth County.

ARTICLE II, POWERS AND DUTIES:

4-2.1 **Comprehensive Plan.** The Planning Commission shall prepare, review, and recommend a long-range comprehensive plan to guide the future development of Forsyth County.

4-2.2 **Small Area Plans.** The Planning Commission may prepare, review, and recommend to the Forsyth County Board of Commissioners for its adoption small area development plans for identifiable areas wherein more detailed guidelines are provided to supplement the objectives of the comprehensive plan. The Planning Commission shall perfect and amend any existing small area plans.

4-2.3 **Zoning.** The Planning Commission shall prepare and recommend for adoption to the governing authority of Forsyth County an official zoning map and zoning regulations for unincorporated Forsyth County and recommend perfection and amendment of such map.

4-2.4 **Subdivision Regulations.** The Planning Commission shall prepare and recommend for adoption to the Board subdivision regulations for unincorporated Forsyth County and recommend perfection and amendment of such regulations.

4-2.5 **Plats and Maps.** The Planning Commission may prepare and recommend for adoption from time to time to the Board a plat or plats, or an official map, showing the accurate location of the boundary lines of existing, proposed, extended, widened or narrowed streets, public open spaces, or public building sites, together with regulations to control the erection of buildings or other structures within such lines.

4-2.6 **Information to Officials.** The Planning Commission through the director may make, publish and distribute maps, plans and reports and recommendations relating to the planned development of Forsyth County to public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens of the county as approved by the Board.

4-2.7 **Public Hearings and Recommendations.** The Planning Commission is hereby delegated by the Board of Commissioners the responsibility for conducting public hearings on specific applications for an amendment to the official zoning map as required by Georgia law. The Planning Commission is also authorized to conduct and shall conduct public hearings on applications for conditional use permits. The Planning Commission may make recommendations to the Board regarding amendments to the comprehensive plan, the text of this Code, and the official zoning map, and applications for conditional use permits. In the case of specific applications, the Planning Commission may make findings and recommendations regarding amendments to the official zoning map, conditional use permits, and other applications as may be required to be considered by the Planning Commission pursuant to this Code. The Planning Commission may recommend to the Board programs for public improvements and the financing thereof.

4-2.8 **Variances.** The Planning Commission is hereby authorized to consider and make recommendations regarding variances, as defined by this Code, subject to the limitations and requirements of Chapter Eight of this Code.

4-2.9 **Minutes and Public Records.** The Planning Commission, through its appointed Secretary or by the department, shall keep minutes of its proceedings. Written minutes of the Planning Commission's meetings and public hearings shall be prepared by or for the Planning Commission and approved by the Planning Commission. All minutes of the Planning Commission's meetings and public hearings shall be maintained as public records in the Department of Planning and Community Development and available for public inspection during normal business hours.

4-2.10 **Additional Powers.** The Planning Commission shall exercise any other powers or duties as provided to it by law not otherwise delegated to the department by this Code.

ARTICLE III, APPOINTMENT, TERMS OF MEMBERSHIP AND DISMISSAL:

4-3.1 **Appointment.** The Forsyth County Board of Commissioners by majority vote shall appoint each County Planning Commission member. Each member of the Board of Commissioners shall make a recommendation to the Board of Commissioners and the person recommended by the District Commissioner should reside within the district of the Commissioner making such recommendation.

4-3.2 **Terms.** The term of the membership on the County Planning Commission shall be for each member, four (4) years running concurrent with the term of the district Commissioner who recommended such member for approval to the Board and for whose district the Planning Commission member represents pursuant to Sec. 4-3.1 above, plus an additional ninety (90) day period or until (if occurring earlier than the termination of such ninety (90) day period): i) reappointment by such member of the Board of Commissioners, or his successor, for another term; or ii) appointment of a successor Planning Commission member by such member of the Board of Commissioners, or his successor. Planning Commission members serving on the Planning Commission as of April 1, 2010 shall also be bound by these term requirements, and their respective terms shall run concurrent with the term of the member, or successor to the former member, of the Board of Commissioners who recommended such Planning Commission member for their current term as of April 1, 2010.

4-3.3 **Number.** The County Planning Commission shall be composed of five members. No member of the Forsyth County Board of Commissioners may simultaneously serve on the County Planning Commission.

4-3.4 **Officers.** The Planning Commission shall elect a chairman from among its members at least every two (2) years. The Planning Commission may appoint a Secretary, or in lieu of such appointment, the Director of Planning and Community Development shall serve as the secretary.

4-3.5 **Dismissal.** The Forsyth County Board of Commissioners may by majority vote remove any member of the County Planning Commission for cause upon proper notice and hearing.

CHAPTER FIVE

FORSYTH COUNTY DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

ARTICLE I, ESTABLISHMENT:

5-1.1 The Department of Planning and Community Development is the administrative agency for the efficient exercise of the counties zoning power.

ARTICLE II, PERSONNEL:

5-2.1 **Director.** The chief executive officer in the Forsyth County Department of Planning and Community Development shall be known as the Director of Planning and Community Development. The director may delegate functions, powers and duties assigned to him by this Code other staff as may be appropriate, without the need to delegate by formal action.

ARTICLE III, FUNCTIONS, POWERS AND DUTIES:

5-3.1 **No Legislative Power.** The director and employees of the Forsyth County Department of Planning and Community Development shall have no discretionary power whatsoever to alter, waive, ignore, amend, or otherwise change any provisions of this Code; provided however, that the director shall be authorized to interpret the provisions of this Code and adopt departmental procedures for the administration thereof in a manner consistent with the overall purpose and intent of this Code.

5-3.2 **Functions.** The director and employees of the department shall perform ministerial and administrative functions only as required under this Code including but not limited to: the issuance of appropriate permits only upon the permittee complying with all applicable provisions of this Code, the collection of fees, the collection and compilation of data, the performance of required inspections, and the enforcement of provisions of this Code.

5-3.3 **Assistance to Planning Commission and Zoning Board of Appeals.** The director and employees of the department shall assist the Planning Commission and the Zoning Board of Appeals by performing clerical and ministerial duties as required, including but not limited to securing appropriate newspaper advertisements, preparing documents, compiling reports, serving as the Secretary of the Planning Commission and Zoning Board of Appeals, publishing minutes, and other related matters.

5-3.4 **Approval of Subdivisions.** The director shall have the power to approve minor subdivision plats which meet the standards of the Georgia Plat Act for recordation and the provisions of this Code under the applicable provisions of this Code. Major subdivisions must be approved by the Planning Commission in accordance with the provisions of this Code.

5-3.5 **Administrative and Interpretative Functions.** The department is the administrative agency charged with the administration of this Code and may therefore establish such rules and procedures as may be necessary, including but not limited to administrative procedures for the filing of applications for amendment to the official zoning map of Forsyth County (i.e., rezoning requests), conditional use permits, variances, and other applications for development approval. The director is hereby authorized to interpret the provisions of this Code when warranted and appropriate.

5-3.6 **Enforcement Powers.** The director, the Director of Engineering and the Director of Water & Sewer and their agents, are hereby authorized to issue written "stop work" and "cease and desist" orders on any project when the applicant, applicant's business or agent fails to comply with this Code. Such stop work and cease and desist orders may be lifted at such time as the director, the Director of Engineering and/or the Director of Water & Sewer are satisfied that a good faith effort is being made to comply with this Code. Nothing shall prevent the director, the Director of Engineering or the Director of Water & Sewer from reissuing stop work and cease and desist orders where warranted.

The director, the Director of Engineering or the Director of Water & Sewer or their agents, are hereby authorized and directed to deny and withhold permits on any new project or applicant pursuant to this Code where the applicant, applicant's business or agent has failed or refused to comply with County requirements or regulations specified by this Code or any other codes administered by the director, Director of Engineering, or Director of Water & Sewer.

Any permit issued pursuant to this Code may be suspended, revoked, or modified by the director, the Director of Engineering, or the Director of Water & Sewer as to the project for which it is issued, if the director, Director of Engineering or Director of Water & Sewer as the case may be finds that the holder is in violation of this Code, or the specific terms set out in a permit. Review of such suspension shall be appealable to the Zoning Board of Appeals.

5-3.7 **Comprehensive Plan**. The department shall prepare a Comprehensive Plan for the development of Forsyth County.

5-3.8 **Zoning Regulations**. The department shall prepare and recommend for adoption to the Board of Forsyth County a zoning map and regulations for unincorporated Forsyth County and recommend perfection and amendment of such map and regulations.

5-3.9 **Subdivision Regulations**. The department shall prepare and recommend for adoption to the Board regulations governing the subdivision and development of land in unincorporated Forsyth County and recommend perfection and amendment of such regulations.

5-3.10 **Plats and Maps**. The department may prepare and recommend for adoption to the Board a plat or plats, or an official map, showing the accurate location of the boundary lines of existing, proposed, extended, widened or narrowed streets, public open spaces, or public building sites, together with regulations to control the erection of buildings or other structures within such lines.

5-3.11 **Information to Officials**. The department may make, publish and distribute maps, plans and reports and recommendations relating to the planned development of Forsyth County to public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens of the County as approved by the Board.

5-3.12 **Recommendations**. The director may make recommendations to the Planning Commission, Zoning Board of Appeals, and Board regarding amendments to the Comprehensive Plan and the text of this Code, and in the case of specific applications, may prepare written findings and recommendations regarding amendments to the official zoning map, conditional use permits, variances, and other applications as may be required to be filed pursuant to this Code. The director may recommend to the Board programs for public improvements and the financing thereof.

5-3.13 **Corrective Zoning Action**. The director shall be authorized, upon approval of the pertinent district commissioner, to commence a county initiated corrective zoning, zoning condition amendment, variance, or conditional use permit, upon determining that a recently approved rezoning, zoning condition amendment, variance, or conditional use permit contained an error or omission that frustrates the clear, expressed intention of the applicant with respect to a proposed use on property. For purposes of this paragraph, the error or omission may only be that which was caused by County staff or County agents. An error or omission by the applicant or an agent of the applicant shall not trigger this paragraph. For purposes of this paragraph, 'recently approved' shall mean within one-hundred and eighty days.

CHAPTER SIX

FORSYTH COUNTY ZONING BOARD OF APPEALS

ARTICLE I, CONTINUATION:

6-1.1 **Existence Continued.**

- (A) The Forsyth County Zoning Board of Appeals (ZBA), established by resolution of the governing authority of Forsyth County on September 24, 1973, shall continue in existence and be governed hereafter by the provisions of this Code; provided, however, this Code shall in no way alter or change the existence of said board, the number which has heretofore been, and shall continue to be, five members. The ZBA shall elect a chairman, vice-chairman, and a secretary at the beginning of each calendar year. The ZBA shall continue to have full and complete jurisdiction as provided by this Code.
- (B) The Forsyth County Board of Commissioners by majority vote shall approve each ZBA member nominated by the respective Board of Commissioners member. Each member of the Board of Commissioners shall nominate an individual to serve on the ZBA. The term of each member of the ZBA shall run concurrent with the term of the district Commissioner who recommended such member for approval to the Board and for whose district the ZBA member represents, plus an additional ninety (90) day period or until (if occurring earlier than the termination of such ninety (90) day period: i) reappointment by such member of the Board of Commissioners, or his successor, for another term; or ii) appointment of a successor ZBA member by such member of the Board of Commissioners, or his successor. ZBA members serving on the ZBA as of April 1, 2010 shall also be bound by these term requirements, and their respective terms shall run concurrent with the term of the member, or successor to the former member, of the Board of Commissioners who nominated such ZBA member for their current term as of April 1, 2010.

ARTICLE II, MEETINGS AND RECORDS:

6-2.1 **Meetings.** The ZBA shall adopt a meeting schedule for public hearings at the beginning of each calendar year. This schedule shall be for the upcoming twelve months. This schedule, however, in no way limits the ability of the ZBA to schedule additional hearing dates throughout the year. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.

6-2.2 **Minutes and Public Records.** The ZBA shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, an indication of such absenteeism or abstention, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Planning and Community Development Department and shall be public records.

6-2.3 **Person Responsible.** The director shall maintain all records and perform all such services required of him by the ZBA to enable it to fulfill its responsibilities.

ARTICLE III, POWERS:

6-3.1 **Powers.** The ZBA shall have the following powers:

- (A) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the director in the administration, interpretation, or enforcement of this Code, or by another other official with appropriate authority, including but not limited to the Director of Engineering, and Director of Water and Sewer, in the administration of this Code. The ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the director, official or administrative officer. The ZBA shall, however, only reverse or modify such a decision or determination after conducting a public hearing if the ZBA determines the director, official or administrative officer was clearly erroneous in his interpretation, administration or enforcement of the Code. It is not sufficient grounds to reverse a decision by the director or other official if the ZBA merely disagrees with the decision.
- (B) To consider and grant, with or without conditions, one or more variances, as outlined in Chapter 8 and Chapter 18 of the Code. In deciding whether to grant such a variance request, the ZBA must base its decision on consideration of the criteria delineated in Section 8-6.4 (B)(4)(a) or Section 18-5.18 and

18-11.3 of the Code. Variance requests that apply to assemblages of four (4) or more existing or proposed lots or units shall be relegated to the Board of Commissioners for consideration; the Commissioners shall base decisions upon the same criteria as the ZBA. Variances described in section 8-6.4(A) may be approved administratively by the director without being presented to the Zoning Board of Appeals for consideration.

- (C) To hear and decide appeals made pursuant to other County ordinances granting jurisdiction to the ZBA. Unless otherwise provided for in the applicable ordinance, the ZBA's authority shall be limited to reviewing the appropriate official's interpretation, administration, or enforcement of the ordinance. The ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the director, official or administrative officer. The ZBA shall, however, only reverse or modify such a decision or determination after conducting a public hearing if the ZBA determines the Director, official or administrative officer was clearly erroneous in his interpretation, administration or enforcement of the ordinance. It is not sufficient grounds to reverse a decision by the director or other official if the ZBA merely disagrees with the decision. If a fine is at issue, the ZBA has the authority to reduce the fine but may not increase it.

ARTICLE IV, APPEAL OF AN ADMINISTRATIVE DECISION OR ORDINANCE DECISION:

6-4.1 **Appeals of Administrative Decisions.** Appeals of Administrative Decisions shall be heard by the ZBA in accordance with Article VII, Chapter 8 of this Code.

ARTICLE V, VARIANCES:

6-5.1 **Variances.** Variances shall be heard by the ZBA in accordance with Article VI, Chapter 8 of the Code, unless such requests may be approved administratively pursuant to 8-6.4(A).

ARTICLE VI, APPEALS OF ZBA DECISIONS:

6-6.1 **Administrative Decisions.** Appeals of the ZBA's ruling on an administrative decision shall be heard in accordance with Article VIII, Chapter 8 of the Code.

6-6.2 **Variances.** Appeals from the ZBA's decision to grant or deny a variance shall be heard in accordance with Article VIII, Chapter 8 of the Code.

6-6.3 **Conflict with other ordinances.** If a decision by the ZBA is based upon another County ordinance as opposed to this Code, appeals shall be conducted as delineated in the applicable ordinance. If the ordinance at issue is silent as to the issue of appeals from the ZBA, then Article VI of this Chapter shall control.

CHAPTER SEVEN

PERMITS, CERTIFICATES, FEES AND FINANCES

ARTICLE I. - LAND DISTURBANCE PERMITS:

7-1.1 **Land Disturbance Permit Required.** No person shall commence excavation, grading, filling, cutting, stripping, clearing or grubbing unless and until he has a valid land disturbance permit issued pursuant to the soil erosion and sediment control ordinance (Ordinance 73), by the Planning and Community Development Department, unless expressly excepted therefrom. The Planning and Community Development Department shall ensure that any of the above actions shall not render the lot or parcel of land incompatible with the applicable zoning district or use of adjoining properties, and that adjoining property shall have adequate lateral support or protection from run-off, as the case may be.

7-1.2 **Land Disturbance Permit Plan Review Procedures.**

- (A) Each land disturbance permit (LDP) application must be approved and a LDP issued within 12 months of the initial plan submittal date. The Director may grant an extension of the plan review period for a reasonable length of time based on, and consistent with, documented justification of the need for the extension beyond the control of the applicant. Failure to obtain a permit within the allotted plan review period will require the submittal of a new land disturbance permit application. Any associated plan review fees must be repaid with the submittal of the new LDP application.
- (B) All plans and supporting documents are to be submitted to the Department of Planning and Community Development by 5:00 p.m. each Monday, provided Monday is not a holiday for which the department offices are closed in observance. In such event, the plans and supporting documents must be submitted by 5:00 p.m. the Friday before the Monday holiday. The Planning and Community Development Department will distribute the plans and supporting documents to the appropriate departments for their review. The Department of Planning and Community Development will not accept LDP permit applications without the appropriate fee being submitted with the application and without all other requirements for submittal.
- (C) During the time the land disturbance permit is under review, any change to the boundary of the subject property that is necessitated by the need to satisfy minimum development regulations of this Code shall result in the pending review of the land disturbance permit application being terminated and shall require the submittal of a new application for land disturbance permit, which shall be subject to all current requirements at the time of the new submittal.
- (D) The zoning district of the subject property shall be identified on the land disturbance permit. During the time the land disturbance permit is under review, any change to the zoning district classification of the subject property, including approval of a conditional use permit or zoning condition amendment, shall result in the pending review of the land disturbance permit application being terminated and shall require the submittal of a new application for land disturbance permit, which shall be subject to all current requirements at the time of the new submittal.
- (E) Nine business days after the plan submittal deadline, a plan review meeting will be held by the Department of Planning and Community Development at which one member of each reviewing department will be present to distribute comments, if necessary. The comments will be returned to the developer and/or their agent for corrections by their engineer and/or surveyor.
- (F) After the departmental comments have been addressed, and corrections to the plans are made, the developer and/or their agent will return to each reviewing department to provide evidence that such changes have been made. If the changes are satisfactory to the reviewing department's discretion, then said department shall approve the application for plan approval and affix their departmental stamp indicating approval on the plans.
- (G) The developer and/or their agent will deliver to the Department of Planning and Community Development, the approved plans, with the appropriate stamps affixed, as well as a completed application for plan approval. A completed application will contain the signature of each respective departmental plan review personnel.
- (H) The Department of Planning and Community Development will verify that the reviewing departments have signed the application for plan approval and have stamped the plans. If any department has given conditional approval, said department must list under what conditions their approval is granted. Said conditions must be in letter form on department letterhead, indicating the project and date of conditional

approval, and delivered to the Department of Planning and Community Development prior to, or concurrent with, the sign-off of the plans granted conditional approval. With any conditional approval, the person so conditioning the plans must sign the letter of conditions and print their name for further clarification.

- (I) After the Department of Planning and Community Development has verified that all plans and supporting documents are true and correct, the director, or his designee, will approve and sign the plans and supporting documents. Construction plans for major subdivisions must be consistent with sketch plats approved by the Forsyth County Planning Commission, and the director shall not give final approval without ensuring consistency with sketch plat approval.
- (J) Land disturbance permits will be issued after approvals have been granted by the appropriate reviewing departments. The permit will be issued at a pre-construction conference with the department responsible for inspection of the site.

7-1.3 **Clearing and Grubbing and/or Grading Permits.** Clearing and grubbing is the removal of trees, shrubs, and vegetation from a piece of property, whether by cutting or other means, insuring not to place, remove or move earth or, in any way, alter the grade of the land. Grading includes stripping, cutting, filling, stockpiling, or any combination thereof, and shall include the land itself in its cut or filled condition, to create new grades. All clearing and grubbing and/or grading plans must be prepared by a licensed land surveyor, landscape architect, or engineer. The submittal and review procedures for obtaining a clearing and grubbing permit will be according to the Forsyth County Plan Review Procedure Policy.

Clearing and grubbing plans will be submitted and reviewed according to the Forsyth County Plan Review Procedure Policy, as administratively prepared and adopted by the director.

7-1.4 **Road Construction Permits.** A road construction permit allows only for the grading for roads and the installation of utilities and drainage structures necessary for developing a new community.

7-1.5 **Site Development Permits.** A site development permit allows for the grading and development of a site, including the installation of utilities and drainage structures.

7-1.6 **Erosion Control.** A stop work order shall be issued if it is determined by the department of planning and community development and/or the department of engineering that the provisions of the soil erosion and sedimentation ordinance (Ordinance 73) are not being followed.

7-1.7 **Expiration.** Land disturbance permits shall expire 12 months from the date of issuance. Renewal must be made by application within three months of the expiration date. Any work performed after the expiration date, but prior to renewal, shall be considered work without a permit and will be in violation of this Code. Renewals shall be limited to one renewal per permit. Should the permit expire after the issuance of a renewal, a new permit must be required, and all associated application fees must be paid prior to its issuance.

ARTICLE II, BUILDING PERMITS:

7-2.1 **When Required.** No building or other structure shall be erected, moved, extended, enlarged, structurally altered, changed from unfinished to finished space, nor shall any existing or new areas within structures or buildings be covered or concealed by wall coverings, nor shall any grading, excavation or filling of a new lot for the construction of any building or structure be commenced until the department has issued a building permit for such work.

7-2.2 **Erosion Control.** A stop work order shall be issued if it is determined by the department and/or the Department of Engineering that the provisions of the Soil Erosion and Sedimentation Ordinance (Ordinance 73) are not being followed.

7-2.3 **Sewage Disposal.** No building permit shall be issued for any building or structure unless there is filed with the department a permit from the Forsyth County Department of Environmental Health certifying that the lot has been approved for an individual sewage system according to state regulations and locally adopted codes.

7-2.4 **Water Supply.** No building permit shall be issued without evidence of adequate water supply as may be approved by the Forsyth County Department of Environmental Health. No building permit shall be issued for any building or structure unless there is filed with the department proof of purchase of a water meter or installation of a well in areas where water is not available and an on-site well is approved for use.

7-2.5 **Land Disturbance Permit.** No building permit shall be issued for a commercial or industrial project or amenities area for a residential subdivision unless there is an active site development permit for the project, except that an active site development permit shall not be a pre-requisite to the issuance of a building permit in the following circumstances:

- (A) When a building is to be constructed on an existing foundation with no change in use;
- (B) When all work is interior with no change in use; or
- (C) When the Director determines that the proposed project is of such limited scope that the public health, safety, and welfare is adequately protected without the need for the issuance of a site development permit first.

New construction shall comply with all existing applicable color and material requirements. This section shall take precedence over section 10-2.2(A).

7-2.6 **Application.** Each application to the department for a building permit shall be accompanied by a drawing in duplicate showing:

- (A) A survey plat approved by the department;
- (B) The square footage and height of the building to be erected;
- (C) The location of the building on the lot;
- (D) The location of existing structures on the lot;
- (E) The number of dwelling units the building is designed to accommodate (if residential);
- (F) The approximate location of existing buildings or structures on adjoining parcels; and
- (G) Such other information as may be essential for determining whether the provisions of this Code are being observed or which may be required by the department or conditions of approval by the Board of Commissioners and Planning Commission. Survey plats shall be required for all building permit applications. An individual survey of a parcel in a subdivision approved by the Planning Commission or the department is not required if the approved subdivision plat meets technical plat standards substantially equal to current standards. The department may waive the requirement of a plat where it deems such plat not to be necessary.

7-2.7 **Egress and Ingress Required.** Where construction is proposed upon a lot or parcel of land not abutting at least sixty (60) feet on a dedicated public street, each application for a building permit on such a lot or parcel of land not shown as a building lot on a subdivision plat approved by the Planning Commission or department shall be accompanied by a true copy of a recorded easement or other document, showing the date and page of recordation in the Clerk's Office, Forsyth County Superior Court, giving the lot or parcel access to a public street. Without such information, a building permit shall not issue.

7-2.8 **False Statement.** Should any person make any false or untrue statement, knowingly or otherwise, to department personnel who cause a building permit to be issued in violation of any provisions of this Code, all permits and certificates shall be void ab initio, and all fees paid by the applicant shall be forfeited without further action by any official.

7-2.9 **Deviation from Application.** Should any person cause a building or a structure to be erected in a manner different in size, location, or other characteristic from that represented in the application and accompanying documents, all permits shall be null and void as of the date of the deviation, and any permits or certificates thereafter issued shall be void ab initio without further action by any official.

7-2.10 **Report of Deviations.** It is the duty of the owner of the premises and his agent to bring to the attention department personnel or inspectors any deviation from the application and accompanying documents.

7-2.11 **Lots in Subdivisions.** No permit or certificate shall be issued involving a building or a structure on a lot or parcel involving a subdivision of land unless and until all applicable requirements of Chapter Eighteen, Subdivisions, and/or Chapter Nineteen, Conservation Subdivisions, as the case may be, are met; provided, however, model home permits may be issued prior to compliance with all applicable requirements of said chapters if the following requirements are met:

- (A) the lot must be served by a street paved according to County standards;
- (B) the main water line must be installed and pressurized in front of the model home;
- (C) no Certificate of Occupancy will be issued for any model home until the lot upon which the model home is situated has been given final plat approval and said final plat has been recorded; and
- (D) no more than one model home permit per forty (40) lots planned in the subdivision will be issued.

7-2.12 **Application Review Period.** Building permit application reviews shall be conducted within three business days after any applicable design review has been satisfactorily completed. All building permit applications will be considered preliminary until approved. Any building permit that does not have a date and signature on the "approval" or "issuance" portion of the building permit document shall be considered preliminary and cannot be relied

upon by its applicant. Forsyth County makes no representation that a building permit will be approved in releasing the preliminary permit. Any work conducted prior to execution of the above approval process shall be at the risk of the applicant. Forsyth County assumes no liability with regard to any work that takes place prior to approval and final issuance of a building permit. At the conclusion of the review period, the Department of Building and Economic Development shall furnish the applicant with a copy of the approved and issued permit or written notice indicating why the permit cannot be approved.

7-2.13 **Expiration.** A building permit shall expire twelve (12) months from the date of issuance. Renewal must be made by application within three (3) months of the expiration date and payment of one hundred dollars (\$100) to the department. At least one inspection must have been completed and passed prior to renewal of a permit. Renewals shall be limited to one renewal per permit. Should the permit expire after the issuance of a renewal, a new permit must be acquired.

ARTICLE III, TRADE PERMITS:

7-3.1 **Permits Required.** The department shall issue permits for electrical, heating, plumbing, and other work to be performed on construction of buildings or structures according to state statutes and codes adopted by the governing authority of the Political Subdivision of Forsyth County.

ARTICLE IV, COTTAGE FOOD PERMITS:

7-4.1 **Permits Required.** The department shall issue and renew annually for a fee, cottage food permits to cottage food operators who provide proof of a duly issued cottage food license from the Georgia Department of Agriculture at the time of application and renewal. Cottage food operations shall be in compliance with the regulations established in Chapter 15, Article V of this Code. If the Georgia Department of Agriculture Cottage Food License expires or lapses, the Forsyth County Cottage Food Permit shall likewise expire.

ARTICLE V, CERTIFICATES OF OCCUPANCY:

7-5.1 **When Required.** A certificate of occupancy is required to be issued by the department in advance of the use of occupancy of:

- (A) Mobile homes and manufactured homes;
- (B) A building erected, altered or moved subsequent to September 24, 1973;
- (C) A change of use of any building or land;
- (D) Any non-conforming use that was existing on September 24, 1973, on the date of the adoption of this Code, or that is changed, extended, altered or rebuilt thereafter.

7-5.2 **Requirements to be Met.** A certificate of occupancy shall not be issued by the department unless all provisions of this Code and other codes made, adopted, or amended by the governing authority of the Political Subdivision of Forsyth County are complied with in the construction of a building or structure or the use of land, and all outstanding fees have been paid. Should any applicable codes not be so complied with, any certificate of occupancy issued shall be void ab initio.

7-5.3 **Duties of Department.** It shall be the duty of the department to ensure that the requirements of this Code and other codes as applicable are complied with prior to issuance of any certificate of occupancy.

7-5.4 **Time of Application and Issuance.** A certificate of occupancy, either for the whole or a part of a building, shall be applied for coincident with the application for a building permit and shall be issued within two (2) business days after the work has satisfactorily passed all required inspections and is in conformity with the provisions of this Code and other applicable codes.

7-5.5 **Denial and Notice.** If a certificate of occupancy is denied, the director shall state in writing the reasons for the denial and the applicant shall be notified of the denial.

7-5.6 **Furnishing of Utility Service.** The Forsyth County Water & Sewer Department, The City of Cumming, any Water and Sewerage Authority, Georgia Power Company, Sawnee Electric Membership Corporation, or any other public or quasi-public utility company, shall not provide final service (as opposed to construction or installation of service) to any building or structure unless and until a certificate of occupancy is issued by the department.

7-5.7 **Records.** A record of all certificates of occupancy shall be kept on file in the office of the department and copies shall be furnished on request to any person having a proprietary or tenancy interest in the

building or land involved upon adequate proof of such interest. The department may charge reasonable reproduction costs for such the reproduction and production of such records.

7-5.8 **Temporary Certificate of Occupancy.** Notwithstanding section 7-5.1, the Department of Building and Economic Development shall be authorized to issue a temporary certificate of occupancy (TCO) allowing limited entry and use of a non-residential building, prior to issuance of a certificate of occupancy, upon the following terms and conditions:

- (A) the temporary certificate of occupancy shall only be authorized for buildings having a commercial, industrial, or office use;
- (B) the temporary certificate of occupancy shall only be issued for buildings that have passed all Building and Economic Development Department inspections and Fire Department inspections;
- (C) in addition to the limitation in 7-5.8(B), to qualify for a temporary certificate of occupancy, no fire or life safety issues shall be present on the building site;
- (D) the temporary certificate of occupancy shall only allow entry into a building for the purposes of training bona fide employees, stocking shelves of non-perishable inventory, the moving in of non-perishable inventory, and/or the moving in of equipment;
- (E) in no case shall the public be allowed to occupy prior to issuance of the certificate of occupancy by the Department of Building and Economic Development;
- (F) the temporary certificate of occupancy shall expire in thirty (30) days following issuance, but may be renewed for two (2), thirty (30) day extensions upon application to the Department of Building and Economic Development. The Department of Building and Economic Development maintains authority over the temporary certificate of occupancy and conditions may be attached to the approval;
- (G) any outstanding county fees must be paid prior to issuance of the temporary certificate of occupancy;
- (H) upon expiration of the temporary certificate of occupancy, if a certificate of occupancy has not been issued as contemplated in section 7-5.1, no further entry shall be allowed;
- (I) during the term of any temporary certificate of occupancy, county staff shall be authorized to enter the property and building to confirm that only those uses in section 7-5.8(D) are occurring. If uses other than those in section 7-5.8(D) are observed or any life safety issues are identified, the temporary certificate of occupancy may be immediately revoked; and,
- (J) the Department of Building and Economic Development shall prepare an application form and fee consistent with these terms and conditions, which shall also include requirements for the applicant to indemnify and hold the county harmless during the term of any temporary certificate of occupancy.

ARTICLE VI, STANDARDS FOR PERMITS AND CERTIFICATES:

7-6.1 **Compliance.** No permit or certificate shall be issued until the department determines that all provisions of this Code and other applicable codes will be, or have been, complied with in all respects on proposed or completed projects. Copies of adopted codes are public record and are available for public review. True and correct copies of these documents shall be maintained in the office of the department, together with all amendments thereto, and such documents and amendments shall be accessible in the department to members of the public who may be affected by them.

7-6.2 **Building Code.** No building or other structure shall be erected, moved, extended or enlarged, or structurally altered unless in compliance with all provisions of the International Building Code or International Residential Code for One and Two Family Dwellings as adopted by the Georgia Department of Community Affairs and as changed or amended from time to time.

7-6.3 **Plumbing Code.** No building or other structure shall be erected, moved, extended or enlarged, or structurally altered unless in compliance with all provisions of the International Plumbing Code or International Residential Code for One and Two Family Dwellings as adopted by the Georgia Department of Community Affairs and as changed or amended from time to time.

7-6.4 **Swimming Pool and Spa Code.** No building or other structure shall be erected, moved, extended or enlarged, or structurally altered unless in compliance with all provisions of the International Swimming Pool Code as adopted by the Georgia Department of Community Affairs and as changed or amended from time to time.

7-6.5 **Mechanical Code.** No building or other structure shall be erected, moved, extended or enlarged, or structurally altered unless in compliance with all provisions of the International Mechanical Code or International Residential Code for One and Two Family Dwellings as adopted by the Georgia Department of Community Affairs and as changed or amended from time to time.

7-6.6 **Gas Code.** No building or other structure shall be erected, moved, extended or enlarged, or structurally altered unless in compliance with all provisions of the International Fuel Gas Code or International Residential Code for One and Two Family Dwellings as adopted by the Georgia Department of Community Affairs and as changed or amended from time to time.

7-6.7 **Electrical Code.** No building or other structure shall be erected, moved, extended or enlarged, or structurally altered unless in compliance with all provisions of the National Electrical Code as adopted by the Georgia Department of Community Affairs and as changed or amended from time to time.

7-6.8 **Energy Code.** No building or other structure shall be erected, moved, extended or enlarged or structurally altered unless in compliance with all provisions of the International Energy Conservation Code as adopted by the Georgia Department of Community Affairs and as changed or amended from time to time.

7-6.9 **Review.** Department personnel and, where applicable, other approved individuals, including approved third party plans reviewers, shall review all aspects of a proposed project prior to issuance of a building permit to ensure that the plans for such project comply with all provisions of this Code and the codes referenced in this chapter. Department personnel shall likewise review existing buildings or structures and completed projects prior to issuance of any permits or certificates to ensure that all provisions of this Code and applicable codes referenced in this chapter are met.

7-6.10 **Inspections.** Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain visible and able to be accessed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the owner or the owner's authorized agent to cause the work to remain visible and able to be accessed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

7-6.11 **Preliminary Inspection.** Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

7-6.12 **Required Inspections.** The building official, upon notification, shall make the inspections the following inspections:

- (A) **Footing and foundation inspection.** Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C94, the concrete need not be on the job.
- (B) **Concrete slab and under-floor inspection.** Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.
- (C) **Rough inspection.** Inspection of electrical, fuel gas piping, mechanical, and plumbing systems and components to be concealed shall be made after the roof, framing, fire-blocking and bracing are in place and prior to the installation of insulation or wall or ceiling membranes.
- (D) **Frame inspection.** Framing inspections shall be made after the roof deck or sheathing, all framing, fire-blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.
- (E) **Lath, gypsum board and gypsum panel product inspection.** Lath, gypsum board and gypsum panel product inspections shall be made after lathing, gypsum board and gypsum panel products, interior and exterior, are in place, but before any plastering is applied or gypsum board and gypsum panel product joints and fasteners are taped and finished.
Exception: Gypsum board and gypsum panel products that are not part of a fire-resistance-rated assembly or a shear assembly.
- (F) **Weather-exposed balcony and walking surface waterproofing.** Where balconies or other elevated walking surfaces are exposed to water from direct or blowing rain, snow or irrigation, and the structural framing is protected by an impervious moisture barrier, all elements of the impervious moisture barrier system shall not be concealed until inspected and approved.
- (G) **Fire- and smoke-resistant penetrations.** Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and

approved.

- (H) **Energy efficiency inspections.** Inspections shall be made to determine compliance with Chapter 13 and shall include, but not be limited to, inspections for: envelope insulation R- and U-values, fenestration U-value, duct system R-value, and HVAC and water-heating equipment efficiency.
- (I) **Other inspections.** In addition to the inspections specified in Section 7-6.12(A)-(H), the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by Forsyth County Department of Planning and Community Development.
- (J) **Special inspections.** Special inspections shall be provided in accordance with the Georgia State Minimum Standard Building Code.
- (K) **Final inspection.** The final inspection shall be made after all work required by the building permit is completed.

7-6.13 **Inspection Requests.** It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this Code.

7-6.14 **Approval Required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this Code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

7-6.15 **Inspection Personnel.** Inspections required by this Code shall be effected by building inspectors or other personnel of the department who shall be employed for such purpose under the provisions of Chapter Five of this Code, or where applicable, by approved third party inspectors.

7-6.16 **Factory-built Housing.** Department personnel and employees shall ensure that open construction factory-built housing meets all requirements of this Code and other applicable codes. In all cases of factory-built housing, whether open or closed construction, Department personnel and employees shall ensure that all locally controlled aspects of construction, including but not limited to zoning provisions, footing and foundation requirements, and other matters not preempted by state regulations are enforced according to the terms of this Code and applicable codes.

7-6.17 **Driveway Culverts.** Driveway culverts shall be installed as required by the Engineering Department's Stormwater Design Manual. No certificate of occupancy shall be issued for a building or structure for which access to the building or structure is over a driveway or other way to a public street unless and until an appropriate culvert not less than 18 inches in diameter is installed under the driveway surface sufficient to maintain the integrity of the public drainage system, as required by the Engineering Department's Stormwater Design Manual. In exceptional cases an exemption may be granted by the Director of Engineering after a field inspection. The builder or homeowner must call the Director of Engineering to request an exemption (curb and gutter subdivisions are exempted).

7-6.18 **Building Sewers.**

- (A) All persons installing sewer service connections for hire in Forsyth County must have a state plumber's license. Contractors shall furnish to the County good and sufficient bond to hold the County harmless from liability arising from any excavation, cut-in, or other work performed along or across any public right-of-way. Said bond shall be in the form approved by the County Attorney, in the amount of \$10,000.00.
- (B) Developer-constructed sewers to be connected to the public sewer shall conform to the following:
 - (1) Plans and specifications shall be submitted for review and approval by the Forsyth County Water and Sewerage Department.
 - (2) Sewer design shall conform to the latest Rules and Standards of the Georgia Environmental Protection Division.
 - (3) Materials of construction and methods of construction shall be approved and inspected by the Forsyth County Water and Sewerage Authority.
 - (4) No use of the sewer for disposal of wastewater shall be made until it has been inspected and a certificate of acceptance has been issued by the Forsyth County Water and Sewerage Authority.
- (C) When required by the water and sewerage authority or the Forsyth County Board of Health, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control

manhole in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole shall be constructed in accordance with plans approved by the water and sewerage authority.

ARTICLE VII. - ZONING COMPLIANCE

7-7.1 **Intent.** The determination whether a proposed use is proper in a given zoning district shall be made by the Director of the Department of Planning and Community Development. Interpretations concerning the meaning of this Code may be important in a particular case. Persons should not expend money on project development until the director has determined in writing that the proposed use is proper, as evidenced by a certificate of zoning compliance.

7-7.2 **Certificate of Zoning Compliance.** A certificate of zoning compliance shall be issued in a form to be determined by the department as evidence that a proposed use complies with this Code. A certificate of zoning compliance may be issued upon written request by the owner of the property in question or his/her authorized agent, even though such request is outside the process of applying for a building permit or certificate of occupancy; provided, however, that such requests for certificate of zoning compliance shall be produced by the Department of Planning and Community Development only upon the payment of a certificate fee, if required, and according to a schedule implemented by the director.

7-7.3 **Reliance.** Until a certificate of zoning compliance is obtained with regard to a particular project, a person expending money in any way on project planning or development does so at his own risk. No person shall be deemed to have expended funds in reliance on zoning provisions unless and until a certificate of zoning compliance is obtained.

ARTICLE VIII. - FEES GENERALLY

7-8.1 **Purpose.** All fees for plat review, plat approval, permit issuance, certificate issuance, and inspections imposed by or pursuant to this Code are hereby declared to be license charges made in pursuance of the police power for the regulation and control of the development, construction, and building industries, and the trade classifications thereunder, for the protection and welfare of the citizens of Forsyth County.

7-8.2 **Revenue.** Operation of the Planning Commission and the Planning and Community Development Department, and the fees collected pursuant to such operation, shall be treated as general unrestricted revenue to the political subdivision of Forsyth County.

ARTICLE IX. - FEE AMOUNTS

7-9.1 **Generally.** Fees charged for building permits and subdivision approval shall relate to the complexity of the project involved and the consequent increased burden of regulation and enforcement within the County. Fee amounts will be determined and set by the Board of Commissioners periodically. For any conditional use under this Code, for variances to the requirements herein, or for special application requirements specified by this Code, applicants shall submit any additional amounts as deemed sufficient and appropriate by the County in order to obtain any needed technical expertise so as to assist County staff in evaluating the request.

7-9.2 Building Permits.

- (A) Building permit fees shall be charged according to the Forsyth County Building Permit Fee Schedule, as adopted by the board.
- (B) If the Building Inspection Department fails the inspection because of defects noted at the time of an inspection, a trade violation fee in the amount of \$25.00 shall be charged for the first inspection and shall increase in increments of \$25.00 for each subsequent failed inspection for the same code violations. The Chief Building Inspector shall have the authority to place the project under stop work after the third failed inspection of the same violations and have the contractor or subcontractor pay all accrued trade violation fees due to date.
- (C) Building construction plans shall be reviewed under the same fee schedule as the Forsyth County Fire Department. Fees shall be paid at the time plans are submitted for review and major revisions to plans shall be charged the same as a new plan submittal.
- (D) Any and all fees shall be paid by the person to whom the permit is issued prior to such issuance. Any additional fees incurred subsequent to permit issuance shall be paid prior to issuance of a certificate of occupancy. All fees shall be paid to the Department of Planning and Community Development. Should

any work be performed for which a permit is required under this Code prior to this issuance of such permit, then and in that event the fees as set forth herein or pursuant to this Code shall be doubled. Should a formal written notification from the director, building official, or other official be forwarded prior to obtaining a permit, an additional penalty of \$25.00 shall be paid at the time of application to cover administrative costs.

7-9.3 **Certificate of Occupancy.** No additional fee shall be charged for issuance of a certificate of occupancy applied for in conjunction with application for a building permit.

7-9.4 **Collecting Authority.** Planning and Community Development Department personnel shall collect all fees and account for them under the provisions of this chapter.

ARTICLE X. - FINANCES

7-10.1 **Depository.** All monies collected pursuant to this Code during a given calendar month shall be deposited with the Board of Commissioners of Forsyth County by the 15th day of the next month following together with a signed statement of the Director of Planning and Community Development detailing the general categories of receipts.

7-10.2 **Expenditures.** All disbursements for operation of the Planning and Community Development Department, Planning Commission and the Zoning Board of Appeals shall be made by the office of the County Manager in the same manner as other county offices.

7-10.3 **Advertising fees.** All costs for advertising public hearings on proposed changes in the zoning map, variances, conditional uses, and similar advertisements necessitated by a request of an applicant or other third party shall be borne by such person who shall deposit with the Director of Planning and Community Development upon making such application a bank draft or other commercial paper payable to the official organ in Forsyth County in a sum as determined by the Board of Commissioners of Forsyth County.

CHAPTER EIGHT

ZONING AND APPLICATION PROCEDURES

ARTICLE I, APPLICATION OF REGULATIONS:

This chapter establishes the authority to amend this Code, including the zoning map, and establishes the appropriate procedures to do so. It specifies the application requirements and process for the following types of applications: amendments to the official text of this Code, amendments to the official zoning map/rezonings (hereafter only referred to as rezonings), conditional use permits (CUPs), home occupations, mobile vending, sketch plats, variances, appeals of administrative decisions, appeals of Zoning Board of Appeals decisions, and zoning condition amendments.

ARTICLE II, APPLICATION REQUIREMENTS:

The following requirements shall be submitted for all applications, unless otherwise specified in the text of this chapter. Additional requirements that vary per application type are delineated in Articles IV through X of this chapter. County initiated applications are exempt from these requirements, but shall otherwise follow all requirements of the Georgia Zoning Procedures Act. A summary of application requirements can be found in Table 8.1. An optional pre-application meeting may be requested by the applicant to discuss the general aspects of the proposal, the process, and information that will be required from the applicant in order to submit a complete application. Preliminary discussions are not binding on either the applicant or the county. This is often the first opportunity to review submittal requirements and procedures and is intended to assist in filing complete applications.

8-2.1 **Requirements for All Applications.** All applications specified in this chapter shall be submitted

on forms provided by the county and shall be submitted with the documentation required for each type of application. The director is hereby authorized to establish administrative deadlines for the receipt of applications and associated information in accordance with the provisions of this chapter.

- (A) **Form.** All applications shall be submitted using the appropriate application form per each application type, as specified by the department.
- (1) **Review of Application Completeness.** Upon submittal, each application shall be subjected to a Review of Application Completeness prior to being officially accepted by the county. An application shall be considered “complete” if it is submitted on the required form, includes all submittal information, including all exhibits specified by the director, and accompanied by the application processing fee as adopted by the Board of Commissioners and as may be revised periodically. The Review of Application Completeness shall be conducted by county staff within five (5) business days of the submittal deadline. If the county determines the application is complete, the application shall be processed pursuant to this chapter. If the county determines that the application is incomplete, county staff shall notify the applicant of that fact via the contact information provided and specify the ways in which the application is deficient. All incomplete applications shall receive no further processing until the deficiencies are corrected via a new submittal. Resubmittal of the application shall be treated as a new application. Under no circumstances may county staff delay conducting the Review of Application Completeness in excess of five (5) business days of the submittal deadline. If the Review of Application Completeness is not completed within five (5) business days of the submittal deadline, the application shall be determined complete.
- (B) **Submittal Fees.** All applications shall be submitted with the required fee. The amount of each fee will be established by the director, and approved by the Board of Commissioners, which may be revised periodically. Applicants may apply for more than one application simultaneously and such applications may be simultaneously considered by the county as more specifically provided by this chapter. In the case that more than one application is filed simultaneously, the applicant shall be responsible for filing the appropriate information and paying the specified fees for each application filed. All fees are nonrefundable once the application has been determined complete.
- (C) **Boundary Survey.** All applications shall be accompanied by ten (10) copies of a boundary survey prepared by a registered land surveyor, and one (1) copy of the boundary survey shall be reduced to a size of 8.5 inches by 11 inches.
- (D) **Legal Description.** All applications shall be accompanied by a written metes and bounds legal description. It must establish a point of beginning and from the point of beginning give each dimension

- bounding the property, calling the directions (e.g. north, northeasterly, southerly, etc.) which the boundary follows around the property returning to the point of beginning. If there are multiple properties, all properties shall be combined into one legal description.
- (E) **Site Plan Minimum Requirements.** All applications shall be accompanied by ten (10) copies of a site plan and one (1) copy of the site plan reduced to a size of 8.5 inches by 11 inches. For applications for properties greater than 10 acres, the required site plan shall be prepared in full compliance with this subsection by a land surveyor, professional engineer, landscape architect or architect licensed to practice in the state of Georgia and shall be stamped and sealed by such stated professional in accord with Georgia law. The site plan so prepared may contain a disclaimer, as allowed by industry practice or applicable licensure requirements that the site plan is not to be considered an engineered document. For applications regarding properties of 10 acres or less, the site plan shall comply with the minimum information contents described in this subsection, but need not be prepared by a licensed professional as noted above. If details submitted on a site plan do not meet numerical requirements as identified in this Code, a specific variance request shall be included on the submitted application. Unless otherwise specified in the board approval, the site plan submitted as part of the application shall be considered binding on the applicant. Site plans submitted under the requirements of this chapter are not engineered, and as such the term 'binding' does not imply that it is site plan specific; rather it implies that the locations and/or uses are what the applicant intends to implement on the subject property. In any instance where the site plan conflicts with this Code, or any other county regulation, and there is not an approved variance, the regulation shall take precedent. The boundary of the site plan shall match the boundaries of the submitted boundary survey and the legal description. The site plan shall at minimum contain the following information (as applicable):
- (1) Proposed layout of streets, alleys, lots, and pedestrian circulation systems;
 - (2) Lot or tract dimensions with required setbacks shown;
 - (3) Required and proposed buffers;
 - (4) Required and proposed landscape areas, common areas, and open space;
 - (5) Proposed structures with square footages (except for single family residential subdivisions);
 - (6) Proposed uses for each structure (e.g. retail sales, offices, townhouses, etc.);
 - (7) Existing and proposed zoning districts of the subject property and abutting property;
 - (8) Proposed and existing location and use of all structures on the subject property;
 - (9) Existing and proposed right-of-way locations and dimensions and names of all roads and streets bounding the subject property;
 - (10) Driveways and parking areas with number of provided parking spaces;
 - (11) Loading and unloading facilities;
 - (12) Preliminary and existing locations of storm drainage and structures;
 - (13) Preliminary and existing locations and point of access for major utility lines (e.g. water, gas, electric, etc.);
 - (14) Preliminary and existing wastewater facilities including areas reserved for drain fields and septic tanks or point of access, sewer easements and manholes;
 - (15) Tax map/parcel number and owner name of subject property and all abutting property owners as shown on current county tax map records;
 - (16) Existing tree canopy (general location of existing canopy as indicated on the county GIS aerial photography); and
 - (17) Preliminary locations of environmental conditions (e.g. streams, wetlands, watershed protection districts, flood hazard areas, river corridor boundaries, groundwater recharge areas, etc.).
- (F) **Confirmation of Paid Taxes.** A copy of the paid tax receipt for subject property or a statement by an official in the Tax Commissioner's Office or other official document issued by the Tax Commissioner's Office indicating taxes have been paid for the last year that they were due.
- (G) **Additional Application Requirements.** Articles IV through IX of this Chapter identify additional application requirements per each type of application.
- (H) **Corporate/Company Disclosures.** All applications shall identify the name of the applicant and, if the applicant is different from the property owner, be accompanied by a duly executed owner authorization. If either the applicant or owner are corporations or limited liability companies, the application shall contain the names of the corporate stockholders with 10% ownership or greater, officers, and directors, unless the corporation has stock that is traded on a national stock exchange in which case the corporate name shall be sufficient. A limited liability company shall identify the name of all officers or members.

In addition to the owner and applicant, the application shall further identify any parties having a direct financial interest in the zoning application other than the owner and applicant (for instance, the intended developer or anticipated commercial occupant if known). If such additional parties having a direct financial interest are corporations or companies, then the names of corporate stockholders with 10% ownership or greater, officers, directors and company members shall be provided unless the corporation has stock that is traded on a national stock exchange in which case the corporate name shall be sufficient. In the event that public disclosure of the developer or commercial occupant may cause such developer or occupant to withdraw from pursuing a project due to competition, trade secret, or proprietary business concerns, and if the proposed development advances a bona fide economic development purpose, then an affidavit affirmatively declaring such shall be tendered with the application and in that event only the owner and or authorized applicant shall be identified. The affidavit contemplated in this paragraph shall only be valid for its intended purpose if it is also signed by a duly authorized representative of the Forsyth County Development Authority, Cumming/Forsyth County Chamber of Commerce, or the Forsyth County Manager, with such signature certifying that the pertinent individual is aware of the proposed development and confirms that the proposed development advances a bona fide economic development purpose. For purposes of this paragraph, a bona fide economic development purpose means a development that would be eligible for an inducement under section 22-260 of the Forsyth County Economic Development Ordinance.

8-2.2 **Withdrawal of Applications.** Applications as specified in this Chapter may be withdrawn in conformance with the following provisions or as specified in this Code:

- (A) **Applicant Withdrawal.** All applications may be withdrawn upon the written request of the applicant. Withdrawal requests received prior to the date that public notice is provided in a newspaper of general circulation may be withdrawn without prejudice, and shall be permitted to be withdrawn without prejudice. Once public notice is provided in the newspaper of general circulation, the application shall be withdrawn with prejudice. However, the applicant may withhold the written request for withdrawal until the public hearing, in which the board with jurisdiction may permit applications to be withdrawn at the public hearing, but the withdrawal shall be with prejudice unless extenuating circumstances are evident and the board grants approval to withdraw without prejudice. There shall be no requirement that the pertinent board make specific findings of extenuating circumstances in order to allow withdrawal without prejudice. In no event shall an application be withdrawn more than once without prejudicing the right of the applicant to apply again within twelve (12) months from the date the application was made.
- (B) **Administrative Withdrawal.** In order to remove applications that have been pending for more than one hundred and eighty (180) days after the application enters applicant work time without being placed on a public hearing agenda, the director is hereby authorized to administratively withdraw said applications. For purposes of this section, "being placed on a public hearing agenda" shall be deemed to occur on the date on which the department deems an application complete for board consideration. Documentation shall be kept on file indicating the department's attempts to contact the applicant via the contact information provided. All administratively withdrawn applications shall be considered withdrawn with prejudice.

8-2.3 **Reconsideration of Applications.** If an application is withdrawn with prejudice or denied by the Zoning Board of Appeals or Board of Commissioners, then the same property with a substantially similar application may not be submitted for reconsideration until the expiration of at least twelve (12) months immediately following the withdrawal at the Planning Commission public hearing or defeat of the application by the Zoning Board of Appeals or Board of Commissioners at their public hearing, as the case may be.

8-2.4 **Copies of Policies and Procedures, etc.** Copies of this chapter, and any rules of procedure adopted by the Planning Commission, Zoning Board of Appeals, or Board of Commissioners, shall be available for distribution to the general public by the department during regular business hours.

ARTICLE III, PUBLIC HEARINGS AND NOTICES FOR ALL APPLICATIONS:

8-3.1 **Public Hearing Required.** All applications as specified in this chapter shall require a public hearing prior to action on said application.

8-3.2 **Who Holds Hearings.** The Planning Commission, Zoning Board of Appeals, or Board of Commissioners shall hold a public hearing on all applications. The public hearing shall constitute the public hearing that is required by the State Zoning Procedures Law (*Title 36 of the Official Code of Georgia Annotated, sections 36-*

66-1 et seq.). All public hearings shall be heard in accordance with the annual schedule prepared for and adopted by each individual board, and as may be amended periodically. Public hearings shall be heard by:

- (A) **Planning Commission.** The Planning Commission is hereby designated as the board that shall hold a public hearing on applications to amend the text of this Code, rezoning applications, conditional use permits, home occupations, and mobile vending. The Planning Commission shall also hold the public hearing on all variance requests that were filed and scheduled to be considered simultaneously and pertaining to the same property with a rezoning, conditional use permit, home occupation application, or mobile vending application. Recommendations on approval or denial of variances shall be made in accordance with the provisions set forth in Article VI of this Chapter.
- (B) **Zoning Board of Appeals.** The Zoning Board of Appeals is hereby designated as the board that shall hold a public hearing on all appeals of administrative decisions and all variances; with the exception of variance requests that are approved administratively pursuant to 8-6.4(A); variance requests that would simultaneously apply to four (4) or more existing or proposed lots or units within a single subdivision; variance requests for undisturbed areas of separation as described in section 18-12.1 of this Code; or for variance requests that were filed and scheduled to be considered simultaneously and pertaining to the same property with another application in which the authority to hold the public hearing rests with either the Planning Commission or Board of Commissioners.
- (C) **Board of Commissioners.** The Board of Commissioners is hereby designated as the board that shall hold the second public hearing on all amendments to the text of this Code. The Board of Commissioners shall also hold public hearings on all sketch plat applications and all variance applications that would simultaneously apply to four (4) or more existing or proposed lots or units within a single subdivision that are not being simultaneously considered with a rezoning, or conditional use permit application. The Board of Commissioners shall also hold the public hearing for appeals of Zoning Board of Appeals decisions and zoning condition amendments. The Board of Commissioners shall also hold the public hearing on variance requests for undisturbed areas of separation as described in section 18-12.1 of this Code. Delegation of public hearings to the Planning Commission or Zoning Board of Appeals in no way abrogates the right of the Board of Commissioners to initiate and conduct, at its discretion, a public hearing for any application.

8-3.3 **Advertisement of Public Hearings.** Applications to amend the text of this Code shall be advertised in accordance with (A) and (B) of this section. All other applications shall be required to meet the following public hearing notice requirements:

- (A) **Preparation of Public Notice.** Notice of public hearings before the Planning Commission and the Zoning Board of Appeals shall be prepared and presented for publication by the director. Notice of public hearings before the Board of Commissioners shall be prepared and presented for publication by the county manager.
- (B) **Newspaper for Zoning Decisions.** All applications pertaining to zoning decisions as defined in O.C.G.A. 36-66-3(4) shall require a public hearing preceded by publication of a public hearing notice within a newspaper of general circulation in Forsyth County at least fifteen (15), but not more than forty-five (45) days prior to the date of the public hearing. All such notices shall include, with the exception of amending the text of this Code, the application number, date, time, location, and purpose of the public hearing. In addition, the following additional notice requirements shall be provided:
 - (1) Rezoning: Existing and proposed zoning classifications;
 - (2) Zoning Condition Amendments: Application number of which conditions are being requested to be modified;
 - (3) Conditional Use Permits: Proposed use and existing zoning district; and
 - (4) Variances in conjunction with a rezoning and/or conditional use permit: Proposed Code provisions requested to be modified. Each article of this Code requested to be varied shall be separately identified.
- (B.1) **Newspaper for Hearings before Quasi-Judicial Officers, Boards, or Agencies.** All applications before quasi-judicial officers, board, or agencies as defined in O.C.G.A. 36-66-3(1.1), shall require a public hearing preceded by publication of a public hearing notice within a newspaper of general circulation in Forsyth County at least thirty (30) days prior to the date of the public hearing. Such notices shall include the application number, date, time, location, and purpose of the public hearing. In addition, the following additional notice requirements shall be provided:
 - (1) Home Occupation applications, Mobile Vending applications, and Sketch Plats: Proposed use and existing zoning district;

- (2) Variances: Proposed Code provisions requested to be modified. Each article of this Code requested to be varied shall be separately identified in all required notices;
 - (3) Appeals of Administrative Decisions: Purpose of the appeal; and,
 - (4) Appeals of Zoning Board of Appeals Decisions: Purpose of the appeal.
- (C) **Public Hearing Sign(s) for Zoning Decisions.** Public Hearing signs related to zoning decisions as defined in O.C.G.A. 36-66-3(4) shall comply with the following procedures.
- (1) A public hearing sign shall be placed in a conspicuous location on the subject property at least twenty-one (21), but not more than forty-five (45) days prior to the date of the scheduled hearing. The required sign shall state the time, place and purpose of the public hearing.
 - (2) A sign affidavit shall be submitted to the department no later than the twenty-first day prior to the date of the scheduled hearing. Failure to turn in the sign affidavit by this deadline shall require an additional Zoning Review meeting for rezoning and conditional use permit applicants.
 - (3) Where the land owned by the applicant does not border upon a public road in order that a passersby may see the sign which provides the public notice, the required sign shall be placed on the right-of-way of a public road nearest the property in question as well as upon the subject property.
 - (4) Acts of vandalism or natural occurrences which may diminish the effectiveness of the public notice provided shall not void any proceedings or actions taken by any of the three boards or the director.
 - (5) Once the Board of Commissioners has made a final decision upon any application requiring a public hearing, the applicant shall be responsible for the removal of all public hearing signs. Failure to do so will result in a fine of one hundred dollars (\$100) per day until the sign(s) are removed. Calculation of the fine shall begin three (3) days after the motion to act on the application or the date the application is withdrawn.
- (C.1) **Public Hearing Sign(s) for Hearings before Quasi-Judicial officers, boards, or agencies.** Public Hearing signs related to hearings before quasi-judicial officers, board, or agencies as defined in O.C.G.A. 36-66-3(1.1) shall comply with the following procedures.
- (1) A public hearing sign shall be placed in a conspicuous location on the subject property at least thirty (30) days prior to the date of the scheduled hearing. The required sign shall state the time, place and purpose of the public hearing.
 - (2) A sign affidavit shall be submitted to the department no later than the twenty-first day prior to the date of the scheduled hearing. Failure to turn in the sign affidavit by this deadline shall require an additional Zoning Review meeting for sketch plat, home occupation, and mobile vending applicants.
 - (3) Where the land owned by the applicant does not border upon a public road in order that a passersby may see the sign which provides the public notice, the required sign shall be placed on the right-of-way of a public road nearest the property in question as well as upon the subject property.
 - (4) Acts of vandalism or natural occurrences which may diminish the effectiveness of the public notice provided shall not void any proceedings or actions taken by any of the three boards or the director.
 - (5) Once the Zoning Board of Appeals, Planning Commission, or Board of Commissioners, as applicable, has made a final decision upon any application requiring a public hearing, the applicant shall be responsible for the removal of all public hearing signs. Failure to do so will result in a fine of one hundred dollars (\$100) per day until the sign(s) are removed. Calculation of the fine shall begin three (3) days after the motion to act on the application or the date the application is withdrawn.
- (D) **Mailed Notice.** Pursuant to O.C.G.A. § 36-66-4(g), at least thirty (30) days prior to the required public hearing for variances, sketch plats, home occupation, appeals of administrative decisions, appeals of Zoning Board of Appeals decisions, and mobile vending applications, the director shall cause a notice of hearing to be mailed to the owner whose property or interest is the subject of such hearing, as applicable.
- (E) **Alternate Design.** Public hearings regarding Alternate Designs, as provided in Chapters 12 and 21, shall be noticed and advertised in accord with section 8-3.3 (B.1), (C.1), and (D). The conduct of public hearings for Alternate Designs shall be in accordance with section 8-3.4, as applicable.
- (F) **Additional Information.** The director may request additional information regarding public notice if said information is deemed necessary to help the public understand the application request.

8-3.4 **Conduct of Public Hearings and Procedures for Considering Applications.** The following procedures shall govern public hearings held for purposes of considering applications as specified in this Chapter.

- (A) **Presiding officer.** The public hearing shall be conducted by the presiding officer. The presiding officer shall be the Chairman, or in the Chairman's absence, a designated member of the body hearing the request according to each board's rules and procedures.
- (B) **Requirements for speakers.** Persons wishing to speak in support (including applicant and designated spokesperson) or opposition to any application shall provide their name and address on the specified form to county staff prior to speaking at the public hearing. In addition, each person shall be required to disclose any campaign contributions/gifts equal to or greater than \$100 given to any Forsyth County elected official within two (2) years of the public hearing date.
- (C) **Time limits.** Speakers at the public hearing shall be allowed no less than ten (10) minutes per side for the presentation of data, evidence and opinions, provided, however, that the presiding officer may at his or her discretion elect to extend this time period equally to proponents and opponents. The presiding officer may also, at his or her discretion, permit presentations by other persons and allow the same to exceed the allotted times.
- (D) **Actions made in public.** Any recommendation, finding, decision, or other action taken by the Planning Commission, Zoning Board of Appeals, or Board of Commissioners will be made in public, at the time of the public hearing or at the time said application is continued or deferred for future consideration at a regular meeting of the respective body; provided, however, that an application may be tabled only by the Board of Commissioners.
- (E) **Effect of Board Decisions.** All findings, or other action of the Planning Commission regarding applications for rezoning and conditional use permits, shall be in the form of recommendations to the Board of Commissioners. The findings and decision of the Zoning Board of Appeals shall be final unless a person aggrieved shall, within ten (10) days of such decision, petition the Board of Commissioners of Forsyth County to review the decision. All decisions by the Board of Commissioners shall be final, although an appeal of a Board decision may be made in conformance with Article XII of this Chapter.
- (F) Any property owner or developer, as is applicable, that is granted a rezoning, zoning condition amendment, or conditional use permit under this Code shall have eighteen (18) months to commence development based upon the provisions of this Code that existed at the time the rezoning application, zoning condition amendment application, or conditional use permit application was accepted by the County. This time period may be increased by the Director up to a maximum of five (5) years for projects over ten (10) acres within an industrial zoning district, upon a showing that development of the site is progressing at a reasonable pace in light of the existing physical and economic conditions as well as the complexity of the project. For purposes of this paragraph, the phrase "commence development" shall mean the application for and issuance of a land disturbance permit for a development that is authorized by the granted rezoning, zoning condition amendment, or conditional use permit. It is not the intention of this paragraph that the receipt of a permit unaccompanied by completion of the work authorized by the permit shall result in an entitlement to avoid future amendments to this Code. It is, rather, the intention of this Code that the application for and issuance of a land disturbance permit is part of a continuous and ongoing land development process. Expiration of the issued land disturbance permit anticipated in this paragraph, with the permitted work not having been completed, shall result in the property owner or developer, as is applicable, having to comply with that version of the Code that exists at the time of tendering any subsequent land disturbance permit application.

ARTICLE IV, AMENDING THE TEXT OF THIS CODE:

8-4.1 **Purpose and Intent.** The intent of this article is to specify provisions for amending the text of this Code.

8-4.2 **Authority to Amend.** The text of this Code may be amended from time to time only by the Board of Commissioners.

8-4.3 **Statement of Policy.** Amendments to this text will be made only if they bear a substantial relation to the public health, safety, morality or general welfare.

8-4.4 **Procedures.** Amending the text of this Code shall be made in accordance with the requirements of this Chapter or as specified by the director.

(A) **Public Hearing.** All applications to amend the text of this Code shall receive two public hearings in accordance with the provisions as set forth in Article III of this Chapter.

(1) **Planning Commission Recommendation.** The Planning Commission shall make a recommendation to the Board of Commissioners regarding amending the text of this Code. The

Planning Commission's recommendation shall be in the form of a motion for approval, approval with modifications, or denial. The Planning Commission shall strive to make a recommendation following the closure of the public hearing; however, the Planning Commission shall have thirty-one (31) days from the date of the public hearing to provide its recommendation to the Board of Commissioners. If the Planning Commission does not provide a recommendation within the thirty-one (31) days from the date of the public hearing, the department shall automatically schedule it for consideration by the Board of Commissioners without the benefit of a recommendation from the Planning Commission.

- (2) **Board of Commissioners Action.** Upon completion of the public hearing and recommendation by the Planning Commission, or upon expiration of the thirty-one (31) day time period allowed for the Planning Commission to provide a recommendation, all amendments to the text of this Code shall be scheduled for a second public hearing by the Board of Commissioners in accordance with Article III of this Chapter. The Board of Commissioners may return it to the Planning Commission or the department, or both, for further study, or it may approve it. In addition, the Board may approve it with modifications, or it may deny it. Notwithstanding any other provision of this Code, the Board of Commissioners shall have the authority to remove, add to, or edit proposed amendments to the text of this Code that have already been the subject of a recommendation by the Planning Commission without returning such modifications to the Planning Commission. In such an event, the Board of Commissioners shall determine whether an additional public hearing is warranted and, if so, may conduct such public hearing.
 - (a) **General Considerations for Decision.** The following items shall be considered when amending the text of this Code.
 - (i) Amendments to this text will be made only if they bear a rational relation to the public health, safety, morality or general welfare.
 - (3) **Board of Commissioner Decision.** Board of Commissioner approval to amend the text of this Code shall be in the form of a resolution or motion.

8-4.5 **Director's Responsibilities.** The director shall conduct a continued study of the needs of the county and shall, from time to time, prepare such modifications, revisions, or amendments to this Code, including the official zoning map and any adopted overlay district maps, as may be necessary to conform to the Comprehensive Plan, land use studies, major transportation plans, and other documents. The modifications, revisions, or amendments shall include such text providing definitions, specifications, and conditions as may be appropriate to the matter considered, as well as maps delineating any geographical changes. Submissions shall be made to Planning Commission and the Board of Commissioners.

ARTICLE V, REZONINGS, CONDITIONAL USE PERMITS, AND SKETCH PLATS:

8-5.1 **Purpose and Intent.** The intent of this article is to specify provisions for filing and consideration of rezonings; conditional use permits (CUP's), and sketch plats.

8-5.2 **Authority to Amend.** The official zoning map may be amended from time to time through the rezoning process only by the Board of Commissioners. The Board of Commissioners is also the designated decision making authority on granting conditional use permit, and sketch plat approvals.

8-5.3 **When Required.** All rezoning, conditional use permit, and sketch plat applications shall be required in accordance with the following specifications:

(A) **Rezonings.** Applications for rezonings shall be required when proposed land use or land development is not in conformance with the existing zoning district.

- (1) **Rezonings Not Permitted.** No rezoning shall be made nor accepted by the department involving a request to rezone to the following zoning districts:
 - (a) R1R
 - (b) CR1
 - (c) R1
 - (d) R2R
 - (e) R2
 - (f) R3
 - (g) R4
 - (h) LR
 - (i) OSR

- (j) PUD
- (k) CR2

No applications seeking to rezone property to any of the zoning districts above shall be accepted, but other public hearing applications and development permits within those districts shall be accepted. Requests for conservation subdivisions shall not be made nor accepted by the department.

- (2) **Rezoning Permitted.** Applications for rezoning may be filed for the following zoning districts:
- (a) **Agricultural Districts:**
 - (i) A1—Agricultural District
 - (ii) Ag-Res—Agricultural Residential District
 - (b) **Residential Zoning Districts:**
 - (i) Res1—Single Family Residential District
 - (ii) Res2—Single Family Residential District
 - (iii) Res3—Single Family Residential District
 - (iv) Res4—Single Family Residential District
 - (v) Res6—Multi Family Residential District
 - (vi) MHP—Manufactured Home Park District
 - (c) **Commercial Zoning Districts:**
 - (i) BP—Business Park District
 - (ii) CBD—Commercial Business District
 - (iii) HB—Highway Business District
 - (iv) HC—Heavy Commercial District
 - (v) NS—Neighborhood Shopping District
 - (vi) O&I—Office and Institutional District
 - (vii) OR—Office Residential District
 - (viii) OCMS—Office Commercial Multiple Story
 - (ix) UV—Urban Village District
 - (d) **Industrial and Mining Districts:**
 - (i) M1—Restricted Industrial District
 - (ii) M2—Heavy Industrial District
 - (iii) Mine—Mining Operations District
 - (e) **Specialty Districts:**
 - (i) MPD—Master Planned District
 - (ii) MCD—Mixed-Use Center District
 - (iii) MRD—Mixed-Residential District
- (B) **Conditional Use Permits.** Applications for conditional use permits shall be required as specified in the Uses Permitted tables in this Code.
- (C) **Home Occupations.** Applications for home occupations shall be required in accordance with Chapter 8, Article X, and Chapter 16, Article III of this Code.
- (D) **Sketch Plats.** Applications for sketch plats afford the director and the Board of Commissioners an opportunity, prior to construction or build-out of a proposed development, to review a detailed site plan (“sketch plat”) of the proposed subdivision or land development in order to ensure development compliance with the Unified Development Code and all other county ordinances and regulations. The sketch plat process is also an opportunity to allow public participation with respect to those developments for which a sketch plat is required. All major subdivisions and any other land development requiring a permit for land disturbance, with the exception of development on M1 zoned property, that involves either a tract of land two (2) acres or more, or an area of disturbance two (2) acres or more, shall require the submission of a sketch plat to the director. Land development requiring a permit for land disturbance in M1 zoning districts that involves either a tract of land five (5) acres or more, or an area of disturbance five (5) acres or more, shall require the submission of a sketch plat to the director. However, it is not the intent of this Code to require an applicant who already has a site plan that was approved as part of a rezoning or conditional use application, to go through a public review process a second time for the same or substantially the same development. Accordingly, a sketch plat shall not be required for major subdivisions or said land development when the development proposal found by the director is substantially in accordance with the site plan on file in the department. Further, a sketch plat shall not be required if proposed land development is declared a targeted business or extraordinary project as defined and authorized by Section 22-256 of the County Code, and if the Board of Commissioners

ratifies this declaration and authorizes such development to be exempted from the sketch plat process. If a proposed sketch plat does not substantially conform to the site plan on file, or if there is no development plan on file for the subject property, then a sketch plat approval shall be required. Prior to the issuance of any permit for land disturbance, the Board of Commissioners shall hold a public hearing and must approve the sketch plat if required.

(1) **Amendments to Approved Site Plans/Architectural Elevations/Sketch Plats.** The director is authorized to approve minor amendments to site plans, architectural elevations, and sketch plats. Minor amendments shall include, but are not limited to, adjusting residential lot lines, modifying the layout of internal roads to a subdivision, relocating open space, or applying architectural design standards that are equivalent to or more stringent than those previously approved. Any proposed amendment to a sketch plat that is determined by the director to constitute a public interest, that decreases the amount of open space by ten (10) percent or more, or that increases the density by ten (10) percent or more shall be deemed a major amendment. The relocation of an active amenities area from the interior to the exterior of the property or to a different location on the exterior of the property, reduction in minimum lot size, and change of proposed use shall constitute a major amendment. In addition, any proposed amendment that increases the amount of non-residential open display or outside storage by ten (10) percent or more shall constitute a major amendment. For all amendments to sketch plats determined to be major amendments, the Board of Commissioners shall be required to hold a public hearing, but such hearing shall be limited specifically to testimony regarding whether the proposed amendment should or should not be approved. The Board of Commissioners shall approve, conditionally approve, or deny the proposed major amendment to a sketch plat. Procedures for considering a major amendment to a sketch plat shall be the same as required for an initial application for sketch plat approval.

(E) **Mobile Vending.** Applications to allow the operation of mobile vendors on parcels of land permitted for such use as prescribed by this code shall be required in accordance with Chapter 8, Article XI, and Chapter 16, Article IV of this Code.

8-5.4 **Application Requirements.** All applications for rezonings, conditional use permits and sketch plats, not including county initiated applications, shall provide the information as specified in this section. If an applicant submits a variance or multiple variances simultaneously with a rezoning, conditional use permit or sketch plat application, a separate fee for each section of the Code being varied as well as a written justification shall be required as specified in 8-6.3 (B). Application requirements as specified in sections 8-5.4 (A), (B) and (D) through (I) shall be submitted with the Application for Zoning Review.

(A) **Requirements for All Applications.** All applications for rezonings, conditional use permits and sketch plats shall provide the appropriate information as specified in sections 8-2.1 (A) through (H) of this Chapter.

(B) **Public Participation Plan.** All rezoning, conditional use permits and sketch plat applications shall include a public participation plan in accordance with this section and as required by the department. This plan's minimum requirements as contained in the public participation letter shall be submitted as part of a complete public participation report.

(1) **Purpose.** The purpose of the public participation plan is to:

- (a) Ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community;
- (b) Ensure that the citizens and property owners of Forsyth County have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the process;
- (c) Facilitate ongoing communication between the applicant, interested citizens and property owners, county staff and elected officials throughout the application review process;
- (d) The public participation plan is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision making.

(2) **Minimum Requirements.** At a minimum, the applicant shall submit the following:

- (a) **Public Participation Letter.** A copy of the letter to be sent to all persons and organizations per department procedures. The letter shall meet the requirements as set forth by the department, but at a minimum shall include:
 - (i) Application number;
 - (ii) Applicant name;

- (iii) Contact information;
 - (iv) Details regarding the date, time and location of the required public participation meeting and any additional proposed meetings. If the date, time and location of the required public participation meeting is not known at the time of application submittal, said details shall be submitted at the Zoning Review Meeting;
 - (v) Statement of what type of application was submitted to the county;
 - (vi) Brief description of the design of the project and/or scope of proposed development and where more information may be obtained, e.g. via the county's Web site;
 - (vii) 8.5 x 11" copy of the site plan (if applicable).
- (C) **Public Participation Report.** All rezoning, conditional use permit and sketch plat applications shall include a public participation report that is submitted in accordance with this section and as required by the department. The Public Participation Report shall include a written explanation of the results of the implementation of the public participation plan. The report shall be submitted at the time of filing for board consideration per the department's deadline schedule. The report will be on file in the department.
- (1) **Minimum Requirements.** At a minimum, the Public Participation Report shall include the following information:
- (a) Executive Summary:
 - (i) Summary of public participation meeting(s):
 - a) Dates, times, locations of all meetings that occurred during the Applicant Work Time period;
 - b) List of the parties that were notified.
 - c) Summary of attendee concerns per meeting.
 - (ii) Composite summary of all concerns that will be addressed on the site plan or via applicant requested zoning conditions.
 - (iii) Composite summary of all concerns that will not be addressed and the reasons why these concerns will not be addressed.
 - (b) Applicant Requested Zoning Conditions, including:
 - (i) List of all applicant requested zoning conditions;
 - (ii) List of all applicant requested modifications to recommended staff zoning conditions and reasons for requested change.
 - (c) Supporting Documentation, including copies of:
 - (i) Meeting sign in sheets from all citizen meetings;
 - (ii) Signed Official USPS Certificate of Mailing forms;
 - (iii) Public participation letter that was sent to required contacts;
 - (iv) Letters, notices, newsletters or any other publication used for public participation efforts in addition to the public participation letter during the Applicant Work Time.
 - (v) Audio and visual recording of the public participation meeting as required by 8-5.5 (C)(2)(c).
- (2) **Incomplete Public Participation Report.** The Public Participation Report will be reviewed prior to forwarding an application for Board consideration. If the Public Participation Report does not meet the criteria as set forth in section 8-5.4 (B) and (C) (1), then the application shall be considered incomplete and shall not be scheduled for a public hearing.
- (D) **Written Evaluation.** All rezoning and conditional use permit applications which involve ten (10) acres or more shall include a written evaluation of the proposed project that considers each of the following factors:
- (1) How the proposed project is in conformance with section 10-1.8 of this Code;
 - (2) The impact on the local population density pattern and public infrastructure, including but not limited to schools, utilities and roads;
 - (3) Whether there are substantial reasons why the property affected cannot be used in accordance with existing zoning;
 - (4) The extent to which the proposed changes are consistent with the Comprehensive Plan; and
 - (5) Any other factors relevant to the balancing of interests in promoting the public health, safety, morality or general welfare and in promoting the public health, safety, morality or general welfare with the right to reasonable use of property.

- (E) **Traffic Study.** All rezoning, conditional use and sketch plat applications shall include a traffic study for any applications containing one hundred and fifty (150) or more residential units unless waived, or for less than one hundred and fifty (150) units if required, by the Director of Engineering.
- (F) **Title Opinion.** All applications for rezoning and conditional use permit applications, with the exception of conditional use permits that pertain to a use that will be either located in an existing building or on a site that involves an existing building expansion, shall provide a title opinion issued by a duly admitted member of the State Bar of Georgia in good standing. In addition to confirming ownership of the subject property, the title opinion shall also identify and provide copies of any covenants, deed restrictions and easements encumbering the property and shall further identify whether any of the identified covenants, deed restrictions and/or easements prohibit the use being sought by the application. The title opinion shall be rendered no more than 120 days prior to the original Application for Zoning Review.
- (G) **Sewage Disposal.** All rezoning and sketch plat applications shall identify and specifically describe a sewage disposal system that conforms to the requirements of this Code. If the project will be served by sewer, a pre-application meeting shall be required prior to submittal with the Forsyth County Water & Sewer Department and/or City of Cumming (whichever has jurisdiction) to identify the availability of sewer capacity and the location, connection and route of sewer lines. If applicant proposal relies upon future outlay of sewer, then a phasing plan shall be required that identifies: (1) how the project coincides or differs from the County Sewer Master Plan and (2) properties affected along the proposed sewer infrastructure, including showing proposed easements required for offsite sewer outfalls. County staff shall assess the implications of sewer access not anticipated by the County Sewer Master Plan, as per 8-5.5(F)(2)(b)(vii).
- (H) **Disclosure of Campaign Contributions and Gifts to Public Officials.** All rezoning, conditional use permit and sketch plat applications shall include disclosure, pursuant to the Forsyth County Code of Ethics (Forsyth County Resolution and Ordinance #77), of any campaign contributions and gifts equal to or greater than \$100 given to any Forsyth County elected official within two years of the application filing date.
- (I) **Architectural Elevations.** Any rezoning, conditional use permit or sketch plat application that involves residential uses, including Specialty Districts as identified in Chapter 20(B), shall include architectural elevation drawings, which shall illustrate the design of all building facades, exterior finish materials and construction details, if necessary, to clarify exterior features.

8-5.5 **Procedures.** All rezonings, conditional use permits and sketch plats, not including county initiated applications, shall comply with the following procedures as set forth in this article.

- (A) **Application for Zoning Review.** All rezoning, conditional use permit and sketch plat applications require an Application for Zoning Review in conformance with the application requirements as set forth in section 8-5.4 of this Article. Each application will be subject to a Review of Application Completeness as specified in section 8-2.1 (A) (1). Upon acceptance of the application, the department shall schedule a Zoning Review Meeting for each application and forward all submittal information to other county staff for review and recommendations. The department will not accept revised or additional submittal materials unless requested by staff.
- (B) **Zoning Review Meeting.** County staff will be available to discuss the rezoning, conditional use permit and sketch plat application and will provide a staff review to inform the applicant of additional necessary requirements as well as to provide a recommendation about the proposed project. If the date, time and location of the required public participation meeting were not submitted with the public participation plan, they shall be submitted at the Zoning Review Meeting.
 - (1) **Staff Review and Recommendation.** At the Zoning Review Meeting, county staff will provide the applicant with a written document specifying the following:
 - (a) Applicability of county policies, plans and requirements as they apply to the proposed development;
 - (b) Appropriateness of the development with respect to the policies set forth in the Comprehensive Plan and the regulations in this Chapter;
 - (c) Scope of public participation, including minimum contact requirements;
 - (d) Any site plan considerations or requirements;
 - (e) Any concerns or requirements related to the anticipated impact upon public rights-of-way and public improvements and appropriate requirements to mitigate those impacts;
 - (f) Any concerns related to land use and overall project design;
 - (g) Possible alternatives or modifications related to proposed application; and

- (h) Procedures that will need to be completed prior to the application moving forward for Board consideration.
 - (2) After the Zoning Review Meeting, the same written document will be available to the applicant and the public and will also be disseminated to the Planning Commission and the Board of Commissioners.
 - (3) The staff recommendations are intended to serve as a guide and to advise the applicant prior to the application moving forward for Board consideration of any issues that will or may subsequently be presented to the Planning Commission and Board of Commissioners. The information presented by county staff is intended to be used by the applicant during the Applicant Work Time to ensure the applicant is aware of all issues prior to a public hearing.
- (C) **Applicant Work Time.** Applicants who have received the Staff Review and Recommendation have a minimum of ten (10) days and a maximum of one hundred and eighty (180) days to submit application materials for rezonings, conditional use permits or sketch plats for board consideration including the finalization of any site plan details, full implementation of the required public participation plan and determination of all applicant proposed conditions. Finalization requires the submission of a complete and revised application prior to the expiration of the 180 day period established in Section 8-2.2(B). The Director may grant an extension because the application has not finalized the mandated Development of Regional Impact (DRI) review or is being delayed because of some other county, state or federal requirements.
- (1) **Duration.** The one hundred and eighty (180) day time frame automatically starts on the day after the Zoning Review Meeting and can end in one of the following six actions:
 - (a) Revised application materials are submitted prior to the expiration of the 180 day period;
 - (b) Applicant withdraws application without prejudice;
 - (c) Applicant initiates or is required to resubmit for an additional Zoning Review Meeting;
 - (d) Applicant initiates or is required to submit a new rezoning application due to a major application change(s);
 - (e) Applicant does not meet the specified requirements within the one hundred and eighty (180) days and the director administratively processes the application as withdrawn in accordance with section 8-2.2 (B); or
 - (f) Director grants an extension because the application has not finalized the mandated Development of Regional Impact (DRI) review or is being delayed because of some other county, state or federal requirements.
 - (2) **Implementation of Public Participation Plan.** The applicant shall implement the public participation plan only during the Applicant Work Time.
 - (a) **Public Participation Letter.** The applicant shall obtain a list of persons and subdivisions from the department at the Zoning Review Meeting. Each person on the provided list shall be sent the Public Participation Letter postmarked no earlier than the date of the Zoning Review Meeting. In addition, the applicant must ascertain if a homeowner's association exists for each listed subdivision, and if such associations have readily available contact information, according to instructions given to the applicant by the department at the Zoning Review Meeting. County staff will notify members on the official Interested Parties List as well as affected political jurisdictions and public agencies. At a minimum, the applicant will provide a Public Participation Letter in accordance with department procedures as outlined above, which is intended to encompass the following contacts:
 - (i) Adjacent or nearby residents or property owners within 500 feet of any part of the subject property;
 - (ii) Adjacent or nearby homeowner associations (HOAs) associated with identified subdivisions, if such associations have readily available contact information, within 500 feet of any part of the subject property.
 - (b) **Public Participation Sign.** The applicant shall obtain the Public Participation Sign from the department at the Zoning Review Meeting.
 - (i) **Content.** At a minimum, the sign shall include:
 - a) Application number;
 - b) Applicant name;
 - c) Contact information;
 - d) Proposed change in zoning and/or request for conditional use(s);

- e) Meeting date, time and location for the applicant sponsored Public Participation Meeting.
- (ii) **Posting Requirements.** The sign shall be posted on the subject property at least ten (10) days prior to the date of the public participation meeting. A public participation sign shall be placed on the subject property along where said property abuts every public right-of-way. If the subject property does not abut a public right-of-way, then placement of the sign shall be in accordance with 8-3.3(C). A signed affidavit with a dated photo of the sign placing said sign against a verifiable property landmark shall be submitted to the department within two (2) business days after the Zoning Review Meeting. Failure to submit the affidavit shall result in the public participation report being incomplete and the application shall not move forward for Board consideration until all posting requirements are met.
- (c) **Public Participation Meeting.** A public participation meeting shall be held in a location relatively near the subject property and shall be held no earlier than twelve (12) days after the Zoning Review Meeting and only during the Applicant Work Time. Meetings must occur Monday through Friday with a start time between 6:00 – 7:30 pm. The meeting location shall provide adequate parking and shelter that offers reasonable protection from the elements as well as appropriate lighting in order to accommodate the safety and comfort of anticipated attendees or if appropriate parking and shelter are provided on the site that may be used as an alternative. The meeting shall be announced by the public participation letter and the public participation sign. The applicant shall ensure that for any proposal involving a major subdivision or a minimum of 5,000 square feet of non-residential building space, the public participation meeting is audio and visual recorded so as to reasonably capture the discussions and presentation made at the meeting. The audio and video recording shall be tendered to the department with the Public Participation Report.
- (D) **Major Application Change.** During the Applicant Work Time, the county acknowledges that there may be various site plan and application changes that result from county staff comments, implementation of the public participation plan or through discussions with the various stakeholders. However, the department also has the responsibility to ensure that an application under review for Board consideration, including a site plan, is submitted in conformance with Chapter 8, Articles II, III and Article V of this Code. As such, this section defines the following situations as Major Application Changes that shall require a revised Application for Zoning Review and subsequent public participation meeting or a new application depending on the extent and nature of the proposed change(s).
 - (1) Any change in proposed zoning classification, which results in a more intense land use;
 - (2) Any change in method of sewage treatment;
 - (3) Any change in use or housing type;
 - (4) Any change in the boundary of the subject property (not including minor surveying inconsistencies);
 - (5) Adding variances or conditional uses;
 - (6) 10% or greater increase in the number of lots;
 - (7) 10% or greater increase in the density;
 - (8) 10% or greater decrease in the amount of open space; or
 - (9) As specified by the Director.
- (E) **Board Consideration.** All applications determined complete by the department that are ready to be placed on a public hearing agenda shall be subject to the following restrictions:
 - (1) **Applicant Changes.** Once an application is determined complete by the department for Board consideration, any changes to the application, including changes to the site plan or any other element of the application submittal, shall require that the application be remanded back to the Zoning Review Meeting stage of the application process described in sub-section (B) above and then proceed with the subsequent procedural steps accordingly.
 - (2) **Public Hearing Sign.** The applicant shall be required to replace the Public Participation Sign(s) with the Public Hearing Sign(s) on the subject property in such a manner as to ensure compliance with the notice requirements in section 8-3.3(C) for rezonings and conditional use permits, to include rezonings and conditional use permits accompanied by variances and conditions, and in accordance with notice requirements in section 8-3.3 (C.1) for sketch plats. The applicant shall be required to obtain the sign from the department and place the sign on the subject property in a timeframe as specified in department procedures.

- (3) **Scheduling of Public Hearing.** The department shall both advertise and schedule the application for a Public Hearing in accordance with the pertinent provisions in Article III of this Chapter, with signage and legal ads for rezoning and conditional use permits complying with section 8-3.3(B) and (C), and signage, legal ads, and letters for sketch plat applications complying with section 8-3.3(B.1), (C.1) and (D).
 - (4) **Staff Report.** County staff shall review each application in its entirety, finalize a Staff Report, and submit all necessary information to the Planning Commission and Board of Commissioners with sufficient time for board review prior to the Public Hearing. The Staff Report will be based upon the general considerations set forth in 8-5.5(F)(2)(a) and the special considerations set forth in 8-5.5(F)(2)(b).
- (F) **Public Hearing.** All rezoning, conditional use permit, and sketch plat applications shall receive a public hearing in accordance with the provisions as set forth in Article III of this Chapter. In addition, all home occupation permit and mobile vending applications that are required to go before the Planning Commission shall also receive a public hearing in accordance with Article III of this chapter.
- (1) **Planning Commission Recommendation.** The Planning Commission shall receive and review a complete submittal from the department which includes a completed application, site plan and all applicant proposed zoning conditions. The Planning Commission shall also receive from the department and review a completed Staff Report including an analysis, a recommendation, staff recommended zoning conditions as well as review and recommendation of all applicant recommended conditions. Therefore, the Planning Commission shall have all the information necessary to make a recommendation to the Board of Commissioners on all applications for rezonings and conditional use permits. The Planning Commission's recommendation to the Board of Commissioners shall be in the form of a motion for approval, approval with conditions or denial. Further, the Planning Commission may, in acting on said application, recommend a reduction of the land area for which the application is made, recommend a change in the proposed zoning district to a district that is no more intense than the one requested by the applicant, or recommend the addition or deletion of conditions or specifications of the application. The Planning Commission shall strive to make a recommendation on the application following the closure of the public hearing; however, the Planning Commission shall have until the next scheduled Planning Commission regular meeting or thirty-one (31) days from the date of the public hearing, whichever comes later, to provide its recommendation to the Board of Commissioners. If the Planning Commission does not provide a recommendation on rezoning and conditional use permit applications within this time frame from the date of the public hearing, the department shall automatically schedule the application for consideration by the Board of Commissioners without the benefit of a recommendation from the Planning Commission.
 - (2) **Board of Commissioners Action on Rezonings and Conditional Use Permits.** All applications for rezoning and conditional use permits shall be scheduled for consideration by the Board of Commissioners upon the completion of the public hearing and recommendation by the Planning Commission or upon expiration of the time period allowed for the Planning Commission to provide a recommendation. Before taking action on said applications, the Board of Commissioners shall consider the Planning Commission's recommendation, if any, the Staff Report and any application materials forwarded by the department to the Board. In addition, the Board of Commissioners may at its discretion recognize the applicant and consider information submitted by the applicant at the time the Board is considering the application. However, if the Board permits the applicant to provide testimony or to submit additional materials after the public hearing by the Planning Commission, in fairness to the public the Board of Commissioners should open the floor to comments or questions from the general public on the applicant's testimony or additional materials provided in support of the application. The Board of Commissioners may return the application to the Planning Commission or the department, or both, for further study or it may approve the application. In addition, the Board may approve the application with conditions or it may deny the application. Further, the Board may, in acting on said application, reduce the land area for which the application is made, change the zoning district to a district that is no more intense than the one requested by the applicant, add or delete conditions or specifications of the application, or allow the application to be withdrawn with or without prejudice. Notwithstanding 8-5.5(E)(1), and for residential zonings only, in the event the applicant requests that the Board approve a zoning district that is less intense than the one requested by the application, the applicant shall be required to

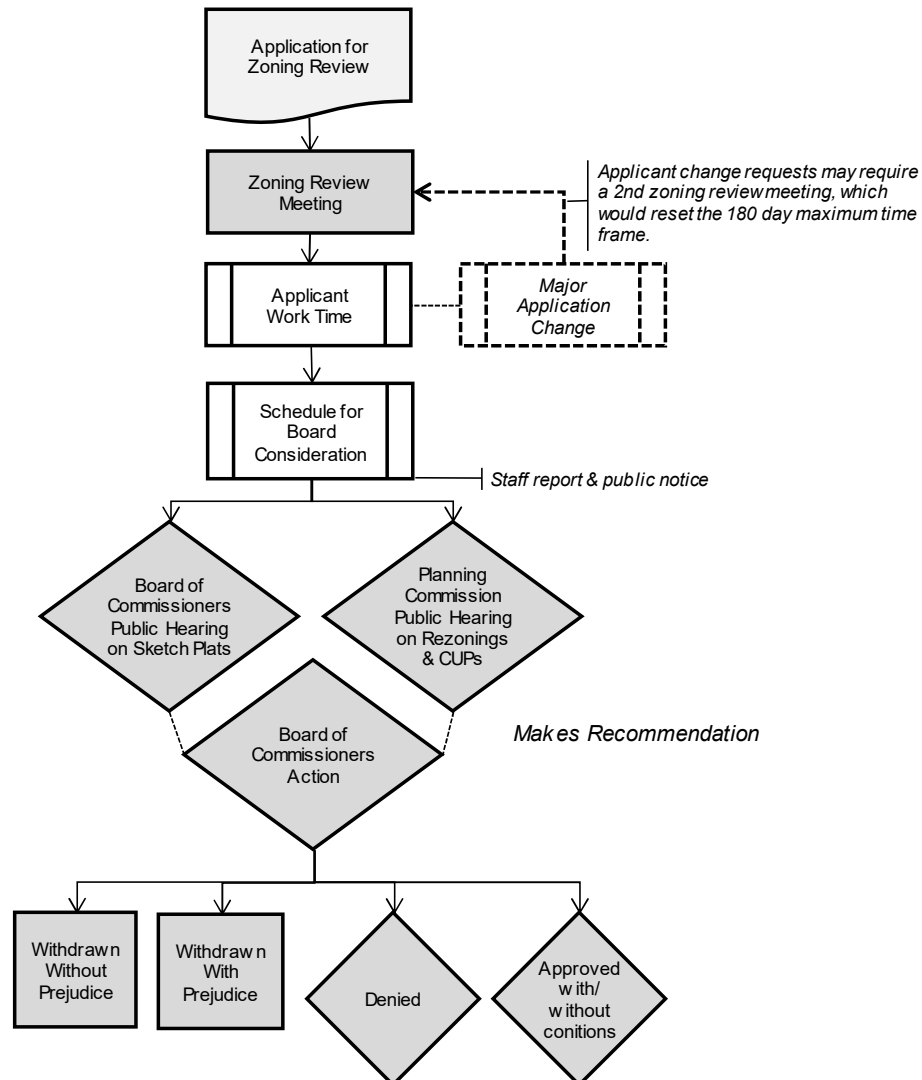
provide written notification of same to at least the same individuals and entities that were previously notified in accord with 8-5.5(C)(2)(a) and public participation attendees who provide legible addresses on the sign-in sheet. Such written notice must be provided at least fifteen (15) days prior to the application being considered by the Board for final action with evidence of such notification provided to the department.

- (a) **General Considerations for Decision.** The following items shall be considered for rezoning, and conditional use permit applications:
- (i) Requirements of this Code as they pertain to the level of detail included within the conceptual plan, the purpose of which is to give surrounding property owners notice of the use to which property would be put or zoning district requested, shall be strictly complied with;
 - (ii) The fact that there is already ample land in the requested classification shall not of itself justify denial or approval of an application for a change in zoning classification;
 - (iii) The mere fact that a certain zoning classification is in effect at the time property is acquired does not preclude the new owner from seeking a new classification;
 - (iv) No threat to the safety or morality of the citizens of the county shall be found to exist from a commercial development of land alone;
 - (v) The disposition of every rezoning shall be made on the facts applicable to that particular case, considering the merits of the land in question, the impact of a decision upon the landowner's property rights and the legitimate interests of the community.
 - (vi) Comprehensive Plan/future land use map:
 - a) Whether or not the applicant's proposal is in conformity with the policy and intent of the Forsyth County Comprehensive Plan;
 - b) Whether or not the applicant's proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties;
 - c) Whether or not the applicant's proposal will have an adverse affect on the usability of adjacent or nearby property;
 - d) Whether or not the applicant's proposal would result in a use that would cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools;
 - e) Whether or not there are existing and changing conditions affecting the use and development of the property, which give supporting grounds for approving the applicant's proposal.
- (b) **Special Considerations for Decision.** As appropriate, the following items shall be considered for rezoning and conditional use permit applications:
- (i) Land development plans, including projected densities;
 - (ii) Existing uses and zoning of nearby property:
 - a) Use and classifications of other property;
 - b) Effect upon residents of adjoining property.
 - (iii) Land values:
 - a) Impact of change on values of adjacent and nearby properties;
 - b) Opinions as to most advantageous use.
 - (iv) Roads and traffic:
 - a) Character of adjacent and boundary roads;
 - b) Intersections;
 - c) Planned development by public agencies;
 - d) Planned private developments;
 - e) Effect of increased traffic on safety.
 - (v) Rivers, streams and drainage:
 - a) Flood plains;
 - b) Soil erosion and sedimentation;
 - c) Protected areas;
 - d) Pollution of surface and sub-surface water.
 - (vi) Utilities:
 - a) Sewage disposal;
 - b) Water supply;

- c) Whether the proposed method of sewage treatment is consistent with the County Sewer Master Plan;
- d) Whether the proposed rezoning and proposed water usage is consistent with the County Water Master Plan;
- e) Whether the proposed rezoning is consistent with any and all regional agreements, e.g., regional water agreements and regional sewer agreements.
- (vii) Other special considerations:
 - a) Buffer zones;
 - b) Noise;
 - c) Odor;
 - d) Fire protection;
 - e) Terrain or topography;
 - f) Schools;
 - g) Animals;
 - h) Visual intrusions on neighbors;
 - i) Aesthetics;
 - j) Site plans and plats;
 - k) Lighting;
 - l) Hours of operation.
- (viii) The Planning Commission may recommend changes and the Board of Commissioners may make changes as they deem appropriate to any submission.
- (3) **Board of Commissioner Action on Sketch Plats.** All sketch plat applications shall be scheduled for public hearing in front of the Board of Commissioners and consideration will be without the benefit of a Planning Commission recommendation.
 - (a) **General Considerations for Decision.** The following criteria shall be utilized by the Board of Commissioners in determining whether a submitted sketch plat is acceptable:
 - (i) Whether the proposed development is in compliance with all pertinent sections of the Unified Development Code, including but not limited to densities, height restrictions, lot size, setbacks, buffers, roadway access, overlay districts, uses, streets and open spaces;
 - (ii) Whether the proposed development is in compliance with all other Forsyth County ordinances, codes and regulations, including but not limited to the Tree Preservation Ordinance (81), Soil Erosion and Sedimentation Ordinance (73), Storm Water Management Ordinance (75), Flood Damage Prevention Ordinance (55) and the Public Sewer System Ordinance (6);
 - (iii) Whether provision has been made for a water supply system that is compliant with pertinent county ordinances and regulations and is otherwise sufficient in terms of quantity, dependability and quality to provide an appropriate supply of water for the type of development proposed;
 - (iv) If a public sewage system is proposed, whether adequate provision has been made for such a system under pertinent county ordinances and regulations and, if other methods of sewage disposal are proposed including septic, that such systems comply with all pertinent federal, state and local laws and regulations;
 - (v) If the tendered sketch plat reveals areas deemed by the director to be unsuitable for development due to the likelihood of flooding or improper drainage or due to rock formations, topography, utility easements or other characteristics rendering the proposed development harmful to the safety, health and general welfare of the citizens of the county, whether the proposed development makes accommodations for such characteristics such that the health, safety and welfare of the county is not unduly impacted;
 - (vi) Whether proposed roads provide safe, convenient and functional system for vehicular, pedestrian and bicycle circulation and are otherwise consistent with the Comprehensive Plan and Master Transportation Plan.
- (G) **Board of Commissioner Decision.** Board of Commissioner approval of a rezoning application shall be in the form of a resolution. Approvals of conditional use permits and sketch plat applications shall be documented in a letter sent out by the department. Granting approval does not ensure the availability of utilities or other infrastructure in connection with development of the site.

- (H) **Application for Land Disturbance Permit or Building Permit.** Rezoning, conditional use permit and sketch plat applications approved by the Board of Commissioners are eligible to continue with the development process by applying for the appropriate land disturbance permit or building permit provided that all subsequent submittals are in conformance with the approved Board of Commissioner’s decision and all requirements identified in this Code as well as other county, state and federal requirements, as applicable.
- (I) **County Initiated Zoning When No Land Disturbance Permit Application.** Any approved rezoning of property, to include approval of a conditional use permit, where there has been no application for land disturbance permit submitted within eighteen months from the date of zoning approval shall result in a notice being delivered to the owner and the zoning applicant, if different, advising that a County-initiated rezoning to a constitutional zoning designation for the subject property may occur if no land disturbance permit application is tendered within thirty days of said notice. This eighteen month time period may be increased by the Director up to a maximum of five (5) years for projects over ten (10) acres within an industrial zoning district, upon a showing that development of the site is progressing at a reasonable pace in light of the existing physical and economic conditions as well as the complexity of the project. Upon no land disturbance permit application being tendered within the timelines set forth in this paragraph, the property shall be placed upon a Board agenda for consideration of a County-initiated rezoning. Nothing contained within this paragraph shall impair or otherwise limit the Board’s authority to initiate a rezoning of property at any time subject only to vested right considerations. For purposes of this paragraph, an application for a land disturbance permit shall mean a complete application for a permit identified in Chapter 7, 7-1.1 through 7-1.7 submitted to the Department with the appropriate fee paid.

Figure 8.1. Rezoning, Conditional Use Permit (CUP) and Sketch Plat Process



ARTICLE VI, VARIANCES:

8-6.1 **Purpose and Intent.** It is the intent of this article to specify provisions for the filing and consideration of applications for variances.

8-6.2 **When Required.** A variance, as defined by this Code, shall only be granted for those requirements of this Code described herein or expressly authorized elsewhere in this Code; however, variances shall not be granted for the purpose of permitting a use which is not permitted in the zoning district in which the subject property is located. Requirements of this Code that may be varied are as follows:

- (A) Performance standards specified for any of the various zoning districts, including buffer requirements and setbacks and any land development regulations specified for any of the various zoning districts, but specifically excluding minimum lot size or maximum density requirements. The Board of Commissioners, however, may grant a lot size variance if in addition to the criteria found in 8-6.4(C)(4)(a), the Board of Commissioners' determines: the variance does not exceed ten percent (10%) of the total lot size required for a given zoning district, except if the parcel is contiguous to property owned by the US Army Corps of Engineers, in which case the variance may not exceed twenty-five percent (25%) of the total lot size. In all cases, a lot size variance under this provision may only be granted for one (1) lot in a platted subdivision.
- (B) The dimensional and numerical requirements of Chapter Ten, "General Provisions, and Nonconforming Situations."
- (C) The dimensional and numerical requirements of Chapter Sixteen, "Supplementary Regulations for Specific Uses."
- (D) The dimensional and numerical requirements of Chapter Seventeen, "Parking and Loading Regulations."
- (E) The dimensional and numerical requirements of Chapter Eighteen, "Subdivisions and Land Development."
- (F) The dimensional and numerical requirements of Chapter Nineteen, "Conservation Subdivisions."
- (G) The requirements of Chapter Twenty (B), "Specialty Districts."
- (H) The dimensional and numerical requirements established in Chapter Twenty-One, "Overlay Districts," but specifically excluding the variance of any provisions regarding permitted or prohibited uses.
- (I) The Board of Commissioners may grant a variance for standard dust free pavements as referenced in 17-5.3.

8-6.3 **Application Requirements.** All applications for variances, as defined by this Code shall provide the information as specified in this section.

- (A) **Requirements for All Applications.** All applications for variances shall provide the appropriate information as specified in sections 8-2.1 (A) through (G) of this Chapter. When more than one variance is simultaneously requested, the applicant shall pay a separate variance application fee for each article of this Code that is requested to be varied, but the applicant may file a multiple variance request as one consolidated application for Board consideration so long as each variance requested is individually justified according to the criteria for granting variances as specified in this article.

- (1) **Site Plan.** All site plans submitted for variances shall be submitted in conformance with 8-2.1(E). For variance applications, the site plan shall clearly delineate and label the requested variance(s). Applications for variances that involve proposed modifications to a site plan that was already approved by one of the three boards in conformance with the Chapter, shall only include changes to the new site plan that directly relate to the variance being requested and shall not include any new site plan details which are not related to the variance being requested. Depending on the scope of changes, the director may require the applicant to also submit a sketch plat application.

- (B) **Written Evaluation.** The applicant for a variance shall submit documentation justifying the variance and explaining why it should be granted. The justification must specifically address, for each variance requested, the criteria for granting variances as specified in this article.

8-6.4 **Procedures.** Applications for variances shall comply with the following procedures.

- (A) **Application for Administrative Approval.**
 - (1) Applicants may submit a variance application to the department for administrative approval by the director if the requested variance complies with the limitations set forth in subsection (A)(3), below. All other variance requests shall be reviewed by the appropriate board or council.
 - (2) Variances submitted for administrative approval are exempt from the requirements set forth in Sections 8-6.4(B) and 8-6.4(C). Notwithstanding the foregoing sentence, the director shall apply the

considerations set for in Section 8-6.4(C)(4)(a) when considering administrative approval of a variance.

- (3) No variance shall be approved administratively by the director unless the requested variance does not vary the standard otherwise set forth in this Code by more than the limits outlined below and only for the performance standards listed.
 - (a) The requested variance may not exceed fifteen percent (15%) for the following:
 - (i) Maximum building height.
 - (ii) Building setbacks, except as noted below.
 - (iii) Building separation.
 - (iv) The following buffers:
 - a) Residential exterior.
 - b) Georgia Highway 400.
 - c) Large scale retail.
 - d) Senior housing.
 - e) Side and rear.
 - (b) For residential developments twenty-five (25) acres and greater in circumstances where the protection of tree groupings, as required by the Forsyth County Tree Protection and Replacement Ordinance, constitutes an extraordinary hardship for a portion of the lot layout design, the following shall apply with respect to lots suffering such hardship:
 - (i) Building setback variance may not exceed twenty percent (20%).
 - (ii) Lot width variance may not exceed fifteen percent (15%).
 - (iii) Lot coverage variance may not exceed fifteen percent (15%).
 - (c) When a pole-mounted light meeting the height requirements of this Code or any zoning condition placed upon a property, cannot be provided by an electric utility company, the height of a pole-mounted light may be administratively varied to the shortest height available.
- (A.1) **Review of Administrative Variance Approval.** Any variance decision under section 8-6.4(A) may be appealed in accord with the procedures of Article VII.
- (B) **Application for Board Consideration.** Applicants shall submit to the department an Application for Board consideration when the criteria exceed those processed under administrative review. The submittal shall be in conformance with the provisions set forth in Article II and this article. All applications determined complete by the department shall be subject to the following restrictions:
 - (1) **Applicant Changes.** No changes shall be allowed to any Application for Board consideration once it determined complete by the department.
 - (2) **Public Hearing Sign.** The applicant shall be required to place the Public Hearing Sign(s) on the subject property in accordance with section 8-3.3(C). The applicant shall be required to obtain the sign from the department in accordance with department procedures.
 - (3) **Scheduling of Public Hearing.** The department shall both advertise and schedule the application for a Public Hearing in accordance to the provisions in Article III of this Chapter.
 - (4) **Staff Report.** County staff shall review each Application for Board consideration in its entirety, compile a Staff Report, and submit all necessary information to Zoning Board of Appeals or the Board of Commissioners with sufficient time for board review prior to the Public Hearing.
- (C) **Public Hearing.** Variance applications for board consideration shall receive a public hearing in accordance with the provisions as set forth in Article III of this Chapter. Variance public hearings constituting a zoning decision shall be noticed consistent with section 8-3.3(B) and (C). Variance public hearings constituting quasi-judicial decisions shall be noticed consistent with section 8-3.3(B.1), (C.1) and (D).
 - (1) **Applicant Initiated Postponement.** The applicant for a variance may request postponement of any public hearing for the application, and such postponement may be granted by the county, provided:
 - (a) Postponement is not requested more than three (3) times for any one application; and
 - (b) The total period of time requested for postponement does not exceed six (6) months; and
 - (c) The applicant agrees to pay for the costs of readvertising the application for public hearing and agrees to post public notice signs on the property.
 - (2) **Zoning Board of Appeals Initiated Postponement.** The Zoning Board of Appeals ability to postpone applications shall be limited to situations in which the postponement will allow the respective board to obtain additional information from the applicant or allow the applicant and any opposition to negotiate.

- (3) **Board of Commissioners Initiated Postponement.** Shall follow the rules and procedures adopted by the Board of Commissioners.
- (4) **Zoning Board of Appeals or Board of Commissioners Action on Variances.** Following the completion of the public hearing on a variance request, the Zoning Board of Appeals or Board of Commissioners shall take action in accordance with Article III of this Chapter.
 - (a) **General Considerations for Decision.** The Zoning Board of Appeals or Board of Commissioners as the case may be shall make a decision on each variance based upon consideration of the following:
 - (i) The variance shall not have the effect of negating any of the various purposes and intentions of this Code;
 - (ii) The variance if granted will not be detrimental to the public safety, health, or welfare of the public or injurious to other property;
 - (iii) The conditions on which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
 - (iv) Because of the particular physical surroundings, shape, size, or topographical conditions of the specific property involved, an extraordinary hardship would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
 - (v) The variance requested is the minimum necessary to accomplish the development or building; and
 - (vi) In the case of an amendment to a buffer or setback required by this Code, including those specified in Chapter Twenty-One, the variance application shows how equal or greater protection will be achieved of the adjacent property or natural resource affected by the proposed development, should the variance be granted.
- (D) **Decision.** Administrative review, Zoning Board of Appeals, Planning Commissioner or Board of Commissioner approval of a variance application shall be valid in perpetuity, except that if a variance was approved as a part of, and simultaneous to, a rezoning or conditional use permit approval, then the variance may be terminated upon (1) a change of zoning, (2) upon a change of zoning conditions negating the basis for the variance, or, (3) upon a determination by the Department that the property is being used in a manner different than the use authorized by the conditional use permit, following a duly noticed public hearing in accord with section 8-3.3(B) and (C).
- (E) **Application for Land Disturbance Permit or Building Permit.** Applicants for variances approved by the director, the Zoning Board of Appeals, the Planning Commission when the request is associated with a home occupation permit or mobile vending application necessitating board approval, or the Board of Commissioners are eligible to continue with the development process by applying for the appropriate land disturbance permit or building permit; provided however, that all subsequent submittals are in conformance with the approved variance decision, all requirements identified in this Code, and other county, state, and federal requirements, as applicable.

ARTICLE VII, APPEALS OF ADMINISTRATIVE DECISIONS:

8-7.1 **Purpose and Intent.** It is the intent of this article to specify provisions for the filing and consideration of applications for appeals of administrative decisions.

8-7.2 **When Required.** Appeals to the Zoning Board of Appeals may be taken by any person aggrieved by any decision of the director or other official, including but not limited to the Directors of Engineering and Water and Sewer, in the administration or interpretation of this Code or other county ordinances granting jurisdiction of the Zoning Board of Appeals. Appeals of administrative decision applications shall be made within thirty (30) days of the date of the decision or action being appealed. The application shall be filed in accordance with the public hearing schedule adopted by the Zoning Board of Appeals, and the director shall schedule the matter to be heard on the next available hearing date.

- (1) **Stop Work Order.** In order to preserve the status quo while the parties' rights are being determined, the director shall have the authority to issue a stop work order if the appealed action or decision permits construction to commence or continue. Stop Work Orders shall comply with Chapter 5 and Chapter 22 of this Code. The director's entitlement to issue a stop work order shall in no way place upon the director an affirmative obligation to do so. The decision of whether to issue a stop work order shall be in the sole discretion of the director.

8-7.3 **Application Requirements.** All applications for appeals of administrative decisions, as defined by this Code shall provide the information as specified in this section.

- (A) **Requirements for All Applications.** All applications for appeals of administrative decisions shall provide the appropriate information as specified in sections 8-2.1 (A), (B) and (G) of this Chapter.
 - (1) **Site Plan.** All site plans submitted for appeals of administrative decisions shall be submitted in conformance with 8-2.1(E). For appeals of administrative decisions, the site plan is optional and should only be submitted if said site plan graphically helps to present the applicant's case.
- (B) **Written Evaluation.** The applicant for an appeal of administrative decision shall submit a written notice of appeal within thirty (30) days after the date of the action or decision complained of. The written notice of appeal shall set forth concisely the action or decision being appealed as well as the grounds upon which the appeal is based.

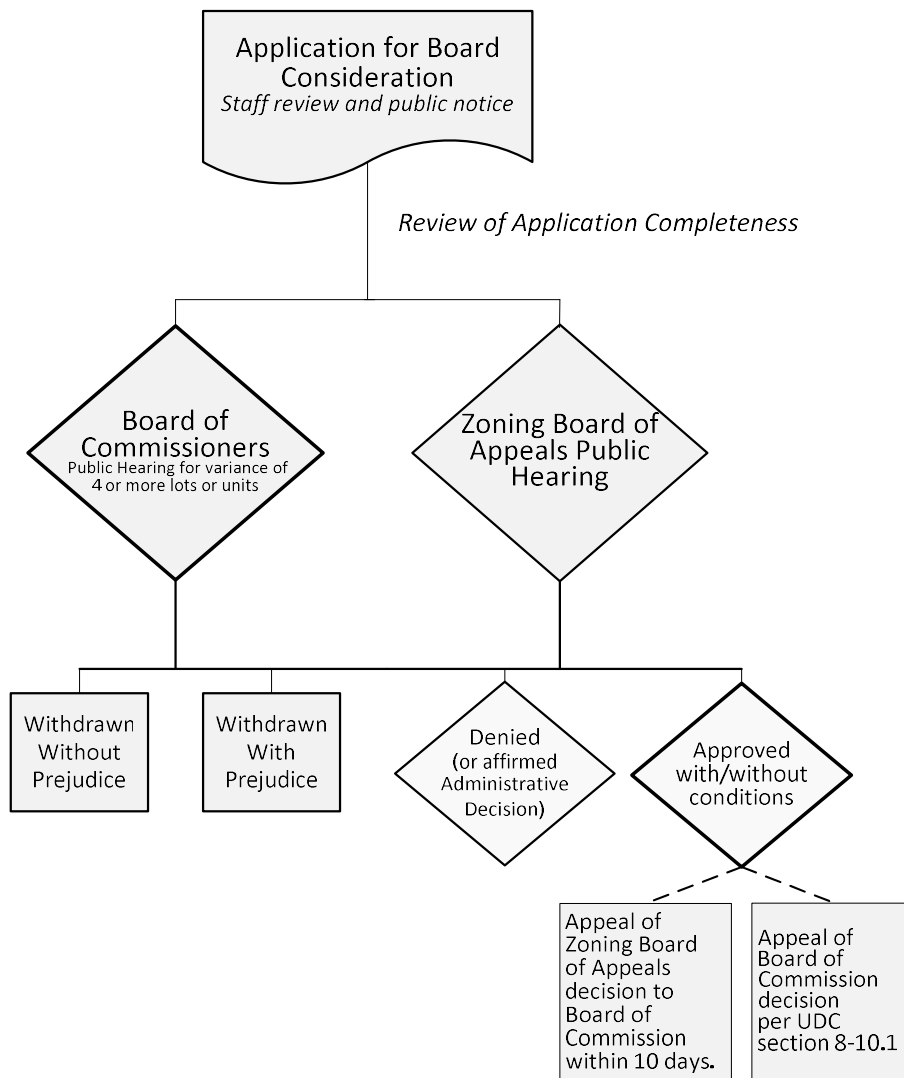
8-7.4 **Procedures.** All applications for appeals of administrative decisions shall comply with the following procedures.

- (A) **Application for Board Consideration.** Applicants shall submit to the department an Application for Board consideration. The submittal shall be in conformance with the provisions set forth in Article II and this article. All applications determined complete by the department shall be subject to the following restrictions:
 - (1) **Applicant Changes.** No changes shall be allowed to any Application for Board consideration once it determined complete by the department.
 - (2) **Public Hearing Sign.** The applicant shall be required to place the Public Hearing Sign(s) on the subject property in accordance with section 8-3.3(C.1). The applicant shall be required to obtain the sign from the department in accordance with department procedures.
 - (3) **Scheduling of Public Hearing.** The department shall both advertise and schedule the application for a Public Hearing in accordance to the provisions and timelines in Article III, to include the notification requirements in section 8-3.3(B.1), (C.1) and (D)of this Chapter.
 - (4) **Staff Report.** County staff shall review each Application for Board consideration in its entirety, compile a Staff Report, and submit all necessary information to the Zoning Board of Appeals with sufficient time for board review prior to the Public Hearing.
- (B) **Public Hearing.** All appeal of administrative decision applications shall receive a public hearing in accordance with the provisions as set forth in Article III of this Chapter.
 - (1) **Applicant Initiated Postponement.** The applicant for an appeal of administrative decision may request postponement of any public hearing for the application, and such postponement may be granted by the county, provided:
 - (a) Postponement is not requested more than one (1) time for any one application; and
 - (b) The total period of time requested for postponement does not exceed nine (9) months; and
 - (c) The applicant shall submit the postponement request to the department no later than three (3) business days prior to the public hearing; and
 - (d) The applicant agrees to pay for the costs of readvertising the application for public hearing and agrees to post public notice signs on the property.
 - (2) **Zoning Board of Appeals Initiated Postponement.** The Zoning Board of Appeals ability to postpone applications shall be limited to situations in which the postponement will allow the respective board to obtain additional information from the applicant or allow the applicant and any opposition to negotiate.
 - (3) **Zoning Board of Appeals Action on Appeals of Administrative Decisions.** During the public hearing for an appeal of administrative decision, the Zoning Board of Appeals shall hear and consider all facts material to the appeal and render a decision. Following the completion of the public hearing on an appeal of administrative decision request, the Zoning Board of Appeals may affirm, reverse, or modify the action or decision appealed from, provided that the Zoning Board of Appeals shall not take any action which conflicts with or nullifies any of the provisions of this Code or any other county ordinances.
- (C) **Standards and Criteria.** The standards and criteria governing the Zoning Board of Appeals review of an administrative decision shall be as set forth in section 6-3.1(C).
- (D) **Procedures for Hearing.** Those in opposition and those in support of the administrative decision shall have no less than ten (10) minutes per side to advance their respective positions. Any additional time provided to one side shall be made equally available to the other. The Zoning Board of Appeals is authorized to issue further procedural guidelines for the conduct of hearings challenging administrative

determinations so long as such guidelines are not inconsistent with this paragraph. Any procedural guidelines shall be available for distribution to the general public.

- (E) **Zoning Board of Appeals Decision.** A Zoning Board of Appeals decision on appeals stays all legal proceedings in furtherance of the action appealed from, unless the director certifies to the Zoning Board of Appeals, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order by a court of record on application, on notice to the director, and on due cause shown.
- (F) **Application for Land Disturbance Permit or Building Permit.** Appeal of administrative decision applications approved by the Zoning Board of Appeals are eligible to continue with the development process by applying for the appropriate land disturbance permit or building permit; provided however, that all subsequent submittals are in conformance with the approved board decision, all requirements identified in this Code, and other county, state, and federal requirements, as applicable.

Figure 8.2 Variance and Appeal of Administrative Decision Process



ARTICLE VIII, APPEAL OF ZONING BOARD OF APPEAL DECISIONS:

8-8.1 **Purpose and Intent.** It is the intent of this article to specify provisions for the filing and consideration of applications for appeals of Zoning Board of Appeal decisions.

8-8.2 **When Required.**

- (A) Appeals of Zoning Board of Appeal decisions may be taken by any person aggrieved by any decision of the Zoning Board of Appeal.
- (B) Appeal of decisions of the Zoning Board of Appeal with respect to appeals of administrative decisions pursuant to Article VII of this Chapter shall be by writ of certiorari to the Superior Court and shall be pursued in compliance set forth in Chapter 4 of Title 5 of the Official Code of Georgia Annotated.
- (C) The appeal of decisions of the Zoning Board of Appeal with respect to variances and all other matters for which the Zoning Board of Appeal is vested with jurisdiction shall be by appeal to the Board of Commissioners, which appeal shall be filed within ten (10) days of the date of the public hearing in which the decision was rendered. The application shall be filed in accordance with the requirements and procedures described in sections 8-8.3 and 8-8.4 as well as the public hearing schedule adopted by the Board of Commissioners, and the Director shall schedule the matter to be heard on the next available hearing date following compliance with sections 8-3.3(B.1), (C.1) and (D).

8-8.3 **Application Requirements.** All applications for an appeal of Zoning Board of Appeal decisions which have a right of appeal to the Board of Commissioners shall provide information as specified in this section.

- (A) **Requirements for All Applications.** All applications for appeals of Zoning Board of Appeals decisions shall provide the appropriate information as specified in sections 8-2.1 (A), (B) and (G) of this Chapter.
- (B) **Written Evaluation.** The applicant for an appeal of Zoning Board of Appeals decision shall submit a petition in writing, justifying why said appeal is requested and should be granted. The director shall thereupon assemble the record in the case and submit the same to the Board of Commissioners within fifteen (15) days of service upon the director. The applicant shall set forth clearly and concisely the reasons why the Board of Commissioners should review the decision, including therein any error, procedural or substantive, allegedly committed by the Zoning Board of Appeals.

8-8.4 **Procedures.** All applications for an appeal of Zoning Board of Appeal decisions which have a right of appeal to the Board of Commissioners shall comply with the following procedures.

- (A) **Application for Board Consideration.** Applicants shall submit to the department an Application for Board consideration. The submittal shall be in conformance with the provisions set forth in Article II and this article. All applications determined complete by the department shall be subject to the following restrictions:
 - (1) **Applicant Changes.** No changes shall be allowed to any Application for Board consideration once it determined complete by the department.
 - (2) **Public Hearing Sign.** The applicant shall be required to place the Public Hearing Sign(s) on the subject property in accordance with section 8-3.3(C.1). The applicant shall be required to obtain the sign from the department in accordance with department procedures.
 - (3) **Scheduling of Public Hearing.** The department shall both advertise and schedule the application for a Public Hearing in accordance to the provisions in Article III, to include the notification requirements in section 8-3.3(B.1), (C.1) and (D), of this Chapter.
 - (4) **Staff Report.** County staff shall review each Application for Board consideration in its entirety, compile a Staff Report, and submit all necessary information to the Board of Commissioners with sufficient time for Board review prior to the Public Hearing.
- (B) **Petition for Public Hearing.** The Board of Commissioners shall review the petition and the record in the case, within thirty (30) days of the receipt of the petition, and determine whether to grant review. In determining whether to grant review, the Board of Commissioners shall consider the petition for review, the record of the case, and the decision of the Zoning Board of Appeals. Upon the grant of a review by the Board of Commissioners, the director shall schedule the matter for the next available public hearing. The petitioner and the applicant for the appeal shall be notified of the time and place when the hearing in the case will be held.
 - (1) **General Considerations for Board of Commissioners Decision to Review.** A review shall be granted only in those cases in which the Board of Commissioners makes a preliminary finding that:
 - (a) A procedural or substantive error which has materially prejudiced the rights of the applicant before the Zoning Board of Appeals, or undue hardship of a personal or financial nature upon the applicant before the Zoning Board of Appeals by reason of the denial of the application by

- the Zoning Board of Appeals, such hardship not being occasioned by a negligent or willful act on the part of the applicant or attributable to him; or
- (b) Substantial costs laid upon the applicant before the Zoning Board of Appeals, by reason of the denial of the application by the Zoning Board of Appeals, such costs not being occasioned by a negligent or willful act on the part of the applicant before the Zoning Board of Appeals or attributable to him; or
 - (c) The director or any other official with the appropriate authority to administer the Code or other County ordinances requests the Board of Commissioners review a Zoning Board of Appeals' decision due to the Zoning Board of Appeals failing to base its decision on the criteria listed in Section 8-6.4(C)(4)(a) of the Code or in the case of overturning an administrative decision, the Zoning Board of Appeals failed to follow the letter and intent of the applicable Code or ordinance section; or
 - (d) The granted variance or reversal of an administrative decision works a substantial hardship to the rights and interests of an aggrieved person disproportionate to the benefit conferred to the applicant before the Zoning Board of Appeals; or
 - (e) A decision by the Zoning Board of Appeals is detrimental to the general health, welfare and safety of the public.
 - (i) An "act" within the meaning of the preceding subparagraphs shall also include omissions. A review will not be granted by the Board of Commissioners in any case in which the relief sought by the applicant before the Zoning Board of Appeals is the direct and reasonable consequence of the applicant's violation of federal or state law or an ordinance of Forsyth County.
- (2) **Effect of Denial of Review by Board of Commissioners.** A denial of a review by the Board of Commissioners shall be an affirmation of the decision of the Zoning Board of Appeals.
- (C) **Public Hearing.** All appeals of Zoning Board of Appeal decision applications shall receive a public hearing in accordance with the provisions as set forth in Article III of this Chapter, to include the notification requirements of section 8-3.3(B.1), (C.1) and (D). Additional notice may be given to interested parties as determined by the director. Such notice to interested parties shall be sent by first class United States postage to the address indicated in the official tax records of the County.
- (1) **Receipt of Evidence by Board of Commissioners.** The Board of Commissioners shall receive either oral or written evidence from the petitioner, the applicant before the Zoning Board of Appeals and from property owners and parties of record at the time the Zoning Board of Appeals considered the matter. The Board of Commissioners shall confine the evidence to matters relating to the issues set forth in the minutes of the Zoning Board of Appeals and the petition for review. The proceedings shall be recorded and shall be open to the public.
 - (2) **Standards and Criteria.** The standards and criteria governing the Board of Commissioners' consideration of an appeal of a decision of the Zoning Board of Appeals shall be those set forth in section 8-8.4(B)(1)(a-e).
 - (3) **Procedures for Hearing.** Those in opposition and those in support of the Zoning Board of Appeals decision shall have no less than ten (10) minutes per side to advance their respective positions. Any additional time provided to one side shall be made equally available to the other. The Board of Commissioners is authorized to issue further procedural guidelines for the conduct of hearings challenging decisions of the Zoning Board of Appeals so long as such guidelines are not inconsistent with this paragraph. Any procedural guidelines shall be available for distribution to the general public.
 - (4) **Board of Commissioners Action.** Upon conclusion of the public hearing, the Board of Commissioners shall consider the case and its action concerning the decision being reviewed. Its decision shall be announced in a public meeting, either following the hearing or at any other scheduled meeting. The decision of the Board of Commissioners shall be in writing and shall
 - (a) Affirm the decision of the Zoning Board of Appeals, or
 - (b) Return the case to the Zoning Board of Appeals for reconsideration, with or without direction, or
 - (c) Take such action by way of relief to the applicant as the Board of Commissioners deems appropriate and lawful.
- (D) **Board of Commissioners Decision.** The decision of the Board of Commissioners shall be included in the minutes and a written report thereof shall be sent to the applicant before the Zoning Board of Appeals

and the petitioner to an address provided by the applicant before the Zoning Board of Appeals and the petitioner. Upon the conclusion of the case, the record and all matters adduced at the hearing shall be transmitted to the director for retention.

- (E) **Application for Land Disturbance Permit or Building Permit.** The applicant is eligible to continue with the development process by applying for the appropriate land disturbance permit or building permit (if applicable); provided however, that all subsequent work and/or submittals are in conformance with the approved Board of Commissioner decision and all requirements identified in this Code, and other County, state, and federal requirements, as applicable.

ARTICLE IX, ZONING CONDITION AMENDMENTS:

8-9.1 **Purpose and Intent.** It is the intent of this article to specify provisions for the filing and consideration of applications for zoning condition amendments. By requesting Board action regarding zoning conditions, the applicant may be subject to additional conditions given that the Board of Commissioners must review the application in its entirety in determining whether an amendment is warranted.

8-9.2 **When Required.** Applications for zoning condition amendments shall be required when land development or proposed land development may be unable to comply with the approved zoning conditions that were adopted by the Board of Commissioners during approval of a rezoning, conditional use permit, or sketch plat application. An application for a zoning condition amendment shall also be required to amend conditions as enacted by the Zoning Board of Appeals during an approval of a variance application. Applications for zoning condition amendments shall also be required to amend conditions placed on sketch plat applications for any application that was approved by the Planning Commission when they had jurisdictional decision making authority over sketch plat applications.

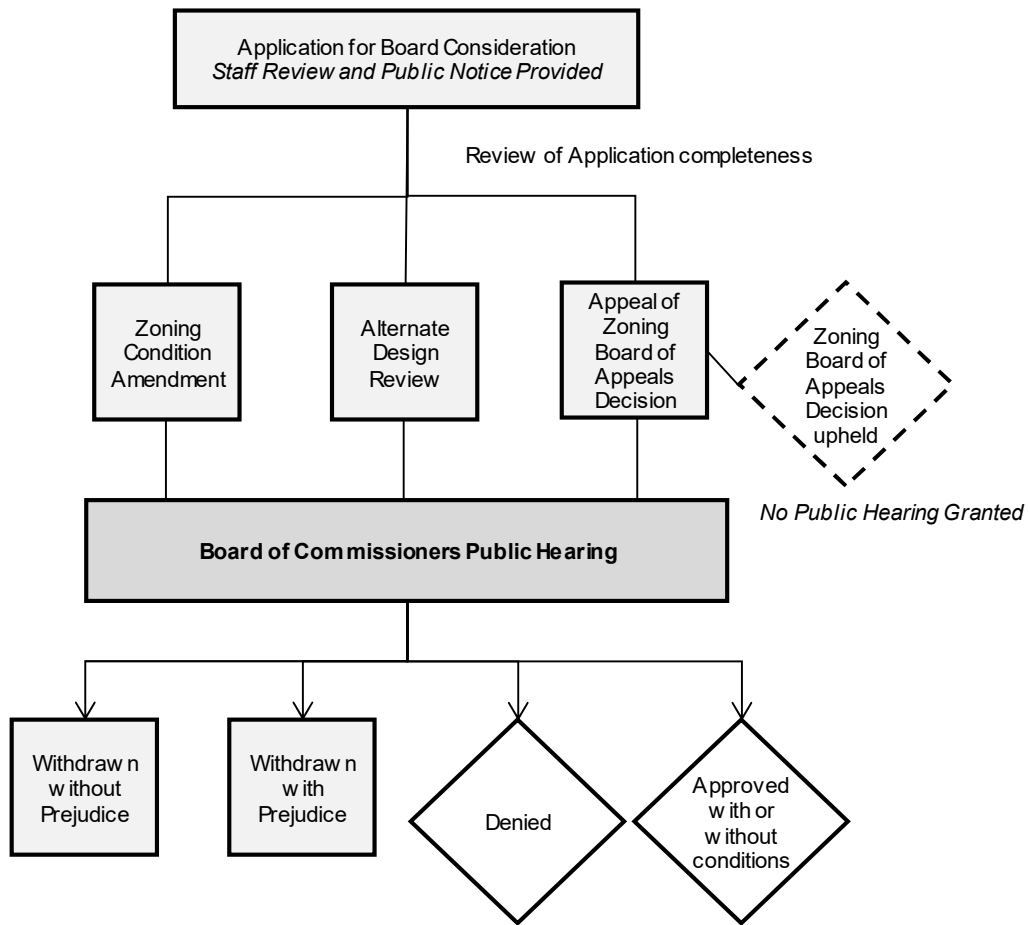
8-9.3 **Application Requirements.** All applications for zoning condition amendments, as defined by this Code shall provide the information as specified in this section. Changes in zoning conditions that conflict with other parts of this Code shall also require an approved variance which may be heard simultaneously by the Board of Commissioners. Permitted variances shall be in conformance with 8-6.2 and 8-6.3 of this Chapter.

- (A) **Requirements for All Applications.** All applications for zoning condition amendments shall provide the appropriate information as specified in sections 8-2.1 (A) through (G) of this Chapter.
- (1) **Site Plan.** All site plans submitted for zoning condition amendments shall be submitted in conformance with 8-2.1 (E). The site plan is only required if the requested language being modified involves a reconfiguration of the site plan approved as part of the original application. The reconfigured site plan shall only include changes that directly relate to the language being modified and shall not include any new site plan details which are not related to the language modifications. Depending on the scope of changes, the director may require the applicant to also submit a sketch plat application.
- (B) **Public Participation Plan.** All zoning condition amendment applications shall include a public participation plan in accordance with section 8-5.4 (B) of this chapter, with the exception of public participation sign and public participation meeting.
- (C) **Public Participation Report.** All zoning condition amendment applications shall include a public participation report in accordance with section 8-5.4 (C) of this chapter, except the report need not contain items related to a public participation meeting and the deadline for submittal of the report shall be per the deadline schedule as published by the department.
- (1) **Incomplete Public Participation Report.** The Public Participation Report shall be required prior to the public hearing. If the Public Participation Report does not meet the criteria as set forth in the Public Participation Plan, section 8-5.4 (B), then the application shall be considered incomplete and shall be postponed from being scheduled for a public hearing.
- (D) **Written Evaluation.** The applicant for a zoning condition amendment shall submit sufficient written information describing why the conditions cannot be met and the exact language of zoning conditions requested to be modified and as proposed to be modified. The written evaluation shall also include written justification for any request of variances as specified in 8-6.2 and 8-6.3(A) (1) and (B).
- (E) **Disclosure of Campaign Contributions and Gifts to Public Officials.** All zoning condition amendment applications shall include disclosure, pursuant to the Forsyth County Code of Ethics (Forsyth County Resolution and Ordinance #77), of any campaign contributions/gifts equal to or greater than \$100 given to any Forsyth County elected official within two years of the application filing date.

8-9.4 **Procedures.** All applications for zoning condition amendments shall comply with the following procedures:

- (A) **Application for Board Consideration.** Applicants shall submit to the department an Application for Board consideration. The submittal shall be in conformance with the provisions set forth in Article II and this article. All applications determined complete by the department shall be subject to the following restrictions:
 - (1) **Applicant Changes.** No changes shall be allowed to any Application for Board consideration once it determined complete by the department, except as specified by the director.
 - (2) **Public Hearing Sign.** The applicant shall be required to place the Public Hearing Sign(s) on the subject property in accordance with section 8-3.3(C). The applicant shall be required to obtain the sign from the department in accordance with department procedures.
 - (3) **Scheduling of Public Hearing.** The department shall both advertise and schedule the application for a Public Hearing in accordance to the provisions in Article III of this Chapter.
 - (4) **Staff Report.** County staff shall review each Application for Board consideration in its entirety, compile a Staff Report, and submit all necessary information to the Board of Commissioners with sufficient time for Board review prior to the Public Hearing.
- (B) **Public Hearing.** All zoning condition amendment applications shall receive a public hearing in accordance with the provisions as set forth in Article III of this Chapter.
 - (1) **Applicant Initiated Postponement.** The applicant for a zoning condition amendment may request postponement of any public hearing for the application, and such postponement may be granted by the County, provided:
 - (a) Postponement is not requested more than three (3) times for any one application; and
 - (b) The total period of time requested for postponement does not exceed six (6) months; and
 - (c) The applicant agrees to pay for the costs of readvertising the application for public hearing and agrees to post public notice signs on the property.
 - (2) **Board of Commissioners Initiated Postponement.** Shall follow the rules and procedures adopted by the Board of Commissioners.
 - (3) **Board of Commissioners Action on Zoning Condition Amendments.** All zoning condition amendment applications shall be scheduled for public hearing in front of the Board of Commissioner and consideration will be without the benefit of a Planning Commission recommendation.
 - (a) **General Considerations for Decision.** To determine whether a zoning condition amendment application should be approved, the Board of Commissioners shall utilize the same criteria used in the original determination when the conditions were enacted, specifically those criteria in section 8-5.5(F)(2)(a-b).
- (C) **Board of Commissioner Decision.** Approvals of zoning condition amendment applications shall be documented in a letter sent out by the department.
- (D) **Application for Land Disturbance Permit or Building Permit.** Zoning condition amendment applications approved by the Board of Commissioners are eligible to continue with the development process by applying for the appropriate land disturbance permit or building permit; provided however, that all subsequent submittals are in conformance with the approved Board of Commissioner decision and all requirements identified in this Code, and other County, state, and federal requirements, as applicable.

Figure 8.3 Alternative Design Review, Appeal of Zoning Board of Appeals Decision and Zoning Condition Amendment Process



ARTICLE X, HOME OCCUPATION APPLICATIONS:

8-10.1 **Purpose and Intent.** It is the intent of this article to specify provisions for the filing and consideration of applications for home occupation permits not meeting the exemption criteria found in section 16-3.1 (D) of this Code. By requesting Planning Commission action regarding home occupations, the applicant may be subject to additional conditions.

8-10.2 **When Required.** Applications for home occupation permits for consideration by the Planning Commission shall be required when any application for a home business, as provided by the provisions of section 16-3.1 of this Code, is determined to be a home occupation.

8-10.3 **Application Requirements.** All home occupation applications shall provide the information as specified in this section. Any proposed home occupation containing associated land use elements in conflict with other requirements of this Code shall, if otherwise subject to a variance, require an approved variance which may be heard simultaneously. A variance shall only be granted for the dimensional requirements of this Code.

(A) **Requirements for All Applications.** All applications for home occupation permits shall provide the appropriate information as specified in sections 8-2.1 (A) (B) (C) and (F) of this Chapter.

(1) **Site Plan.** All applications submitted for a home occupation shall include a drawing showing:

- (a) A survey plat approved by the department;
- (b) The location of the single family structure on the parcel;
- (c) The total floor area used to conduct activities associated with the home occupation;
- (d) The location of any accessory buildings to be used in association with the home occupation;
- (e) The location of existing or proposed buffers and landscaping;
- (f) The vehicle parking location and area dimensions;

(B) **Disclosure of Campaign Contributions and Gifts to Public Officials.** All home occupation permit applications shall include disclosure, pursuant to the Forsyth County Code of Ethics (Forsyth County Resolution and Ordinance #77), of any campaign contributions or gifts equal to or greater than \$100 given to any Forsyth County elected official within two years of the application filing date.

8-10.4 **Procedures.** All applications for home occupation permits shall comply with the following procedures:

(A) **Application for Board Consideration.** Applicants shall submit to the department an Application for Board consideration. The submittal shall be in conformance with the provisions set forth in this article. All applications determined complete by the department shall be subject to the following restrictions:

- (1) **Applicant Changes.** No changes shall be allowed to any Application for Board consideration once it determined complete by the department, except as specified by the director.
- (2) **Public Hearing Sign.** The applicant shall be required to place the public hearing sign(s) on the subject property in accordance with section 8-3.3(C.1) of this Chapter. The applicant shall be required to obtain the sign from the department in accordance with department procedures.
- (3) **Scheduling of Public Hearing.** The department shall forward the necessary information to advertise and schedule the application for a public hearing in accordance to the provisions in Article III of this Chapter, with specific adherence to section 8-3.3(B.1), (C.1) and (D).
- (4) **Staff Report.** County staff shall review each Application for Board consideration in its entirety, compile a Staff Report, and submit all necessary information to the Planning Commission with sufficient time for review prior to the public hearing.

(B) **Public Hearing.** Home occupation applications, not meeting the exemption criteria found in section 16-3.1 (D) of this Code, shall receive a public hearing in accordance with the provisions as set forth in Article III of this Chapter.

(1) **Procedures for Hearing.** Those in opposition and those in support of the home occupation application shall have no less than ten (10) minutes per side to advance their respective positions. Any additional time provided to one side shall be made equally available to the other. The Planning Commission is authorized to issue further procedural guidelines for the conduct of hearings regarding home occupation applications so long as such guidelines are not inconsistent with this paragraph. Any procedural guidelines shall be available for distribution to the general public.

(2) **Applicant Initiated Postponement.** The applicant for a home occupation permit may request postponement of any public hearing for the application, and such postponement may be granted by the County, provided:

- (a) Postponement is not requested more than two (2) times for any one application; and
- (b) The total period of time requested for postponement does not exceed three (3) months; and

- (c) The applicant agrees to pay for the costs of advertising the application for public hearing and agrees to post public notice signs on the property.
- (3) **Planning Commissioners Action on Home Occupation Applications.** All home occupation applications, not meeting the exemption criteria found in section 16-3.1 (D) of this Code, shall be scheduled for public hearing before the Planning Commission.
- (4) **General Considerations for Decision.** The Planning Commission shall consider the following when determining whether to approve a home occupation:
 - (a) Whether the request will impose upon existing residential and agricultural property owners excessive noise, excessive traffic, nuisance, fire hazard, and other possible adverse effects from activities of a quasi-commercial nature being conducted in residential and agricultural areas;
 - (b) Whether certain home occupational uses can be beneficial to both the community as well as the residential proprietor;
 - (c) Whether the nature of the proposed investment or business activity pose a reasonable risk of expanding such a degree that the use, value, tranquility and harmony of the residential area will be unduly impaired; and
 - (d) The county's obligation to protect the integrity of its residential and agricultural areas from activities that detract from the residential or rural character of a community and may unduly burden nearby property owners.
- (5) **Planning Commission Determination.** Approvals of home occupation applications shall be documented in a written notification from the department.

ARTICLE XI, MOBILE VENDING APPLICATIONS:

8-11.1 **Purpose and Intent.** It is the intent of this article to specify provisions for the filing and consideration of applications to allow mobile vending activity on parcels of land permitted for such use as prescribed by this code. By requesting Planning Commission action regarding mobile vending activity, the applicant may be subject to additional conditions.

8-11.2 **When Required.** An application for consideration by the Planning Commission to allow mobile vending activities shall be required when any retail use, as provided by the definitions in Article II of Chapter 3 of this Code, is determined to be a mobile vending activity. No separate application shall be required if such use has been previously approved (or has been applied for) in conjunction with a related zoning application. If the mobile vending activity is included with a related zoning application, the Board of Commissioners may approve the mobile vending activity in conjunction with the zoning application. In doing so, the Board of Commissioners shall apply the considerations in 8-11.4(B)(3) below.

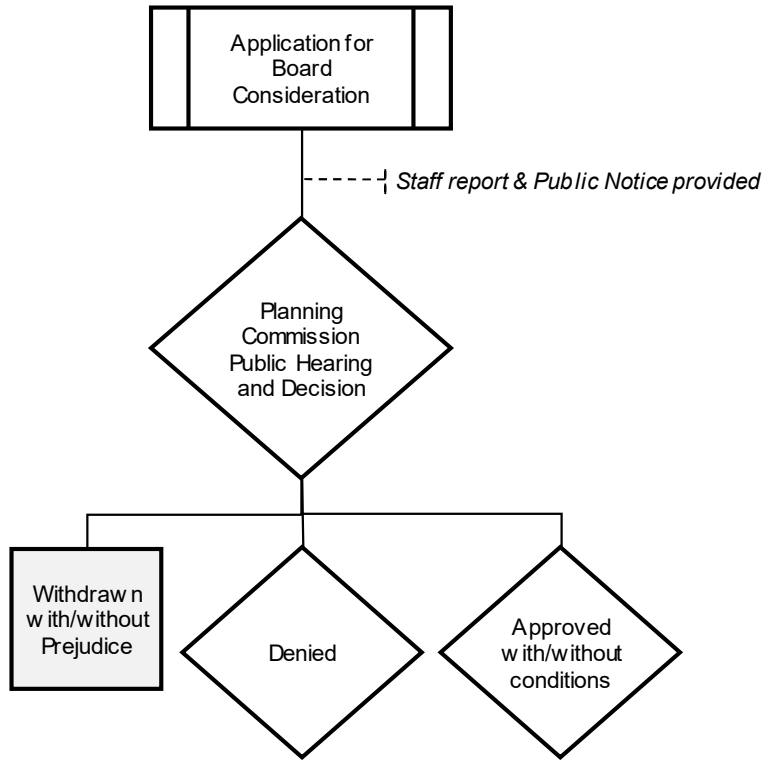
8-11.3 **Application Requirements.** All mobile vending applications shall provide the information as specified in this section. Any proposed mobile vending activity containing associated land use elements in conflict with other requirements of this Code shall, if otherwise subject to a variance, require an approved variance which may be heard simultaneously. A variance shall only be granted for the dimensional requirements of this Code.

- (A) **Requirements for All Applications.** All applications to allow mobile vending activities on a parcel of land shall provide the appropriate information as specified in sections 8-2.1 (A) (B) (C) and (F) of this Chapter.
 - (1) **Site Plan.** All applications submitted to allow mobile vending activities shall include a drawing showing:
 - (a) A survey plat approved by the department;
 - (b) The location of all existing and proposed structures on the parcel with associated parking;
 - (c) The total area to be utilized for all mobile vending activities;
 - (d) Parking calculations for the proposed mobile vending area(s) and all other existing uses on the subject parcel.
- (B) **Disclosure of Campaign Contributions and Gifts to Public Officials.** All mobile vending applications shall include disclosure, pursuant to the Forsyth County Code of Ethics (Forsyth County Resolution and Ordinance #77), of any campaign contributions or gifts equal to or greater than \$100 given to any Forsyth County elected official within two years of the application filing date.

8-11.4 **Procedures.** All applications to allow mobile vending activities shall comply with the following procedures:

- (A) **Application for Board Consideration.** Applicants shall submit to the department an Application for Board consideration. The submittal shall be in conformance with the provisions set forth in this article. All applications determined complete by the department shall be subject to the following restrictions:
 - (1) **Applicant Changes.** No changes shall be allowed to any Application for Board consideration once it is determined complete by the department, except as specified by the director.
 - (2) **Public Hearing Sign.** The applicant shall be required to place the public hearing sign(s) on the subject property in accordance with section 8-3.3(C.1) of this Chapter. The applicant shall be required to obtain the sign from the department in accordance with department procedures.
 - (3) **Scheduling of Public Hearing.** The department shall forward the necessary information to advertise and schedule the application for a public hearing in accordance to the provisions in Article III of this Chapter, with specific adherence to section 8-3.3(B.1), (C.1) and (D).
 - (4) **Staff Report.** County staff shall review each Application for Board consideration in its entirety, compile a Staff Report, and submit all necessary information to the Planning Commission with sufficient time for review prior to the public hearing.
- (B) **Public Hearing.** All mobile vending applications shall receive a public hearing before the Planning Commission in accordance with the provisions as set forth in Article III of this Chapter.
 - (1) **Procedures for Hearing.** Those in opposition and those in support of the mobile vending permit application shall have no less than ten (10) minutes per side to advance their respective positions. Any additional time provided to one side shall be made equally available to the other. The Planning Commission is authorized to issue further procedural guidelines for the conduct of hearings regarding mobile vending permit applications so long as such guidelines are not inconsistent with this paragraph. Any procedural guidelines shall be available for distribution to the general public.
 - (2) **Applicant Initiated Postponement.** The applicant may request postponement of any public hearing for the application, and such postponement may be granted by the County, provided:
 - (a) Postponement is not requested more than two (2) times for any one application; and
 - (b) The total period of time requested for postponement does not exceed three (3) months; and
 - (c) The applicant agrees to pay for the costs of advertising the application for public hearing and agrees to post public notice signs on the property.
 - (3) **Planning Commissioners Action on Mobile Vending Applications.** All applications to allow mobile vending activities shall be scheduled for public hearing before the Planning Commission.
 - (4) **General Considerations for Decision.** The Planning Commission shall consider the following when determining whether to approve mobile vending activities:
 - (a) Whether the request will impose upon existing businesses excessive noise, excessive traffic, nuisance, fire hazard, and other possible adverse effects from the proposed mobile vending activities.
 - (b) Whether mobile vending uses can be beneficial to both the community as well as the owner of the subject property;
 - (c) Whether the nature of the proposed mobile vending activities pose a reasonable risk of expanding to such a degree that the use, value, viability and harmony of the existing business in the immediate area will be unduly impaired; and
 - (d) The county's obligation to protect the integrity of its commercial and industrial areas from activities that detract from the established character of a community and may unduly burden nearby property owners and businesses.
 - (5) **Planning Commission Determination.** Decisions on mobile vending applications shall be documented in a written notification from the department.

Figure 8.4 Home Occupation and Mobile Vending Application Processes



ARTICLE XII, APPEAL OF ZONING DECISIONS:

8-12.1 **Appeal of Zoning Decisions.** Any person, persons, or entities jointly or severally aggrieved by a final zoning decision may appeal in accord with O.C.G.A. § 36-66-5.1(a)(1).

Table 8.1. Summary of Application Requirements.

Requirement	Amend Text of this Code	Rezoning	Conditional Use Permits (CUP)	Home Occupation	Mobile Vending	Sketch Plats	Variations	Appeals of Administrative Decisions	Appeals of ZBA Decisions	Zoning Condition Amendments
Application Form		Required	Required	Required	Required	Required	Required	Required	Required	Required
Fee		Required	Required	Required	Required	Required	Required	Required	Required	Required
Legal Description		Required	Required			Required	Required			Required
Boundary Survey		Required	Required	Required	Required	Required	Required			Required
Site Plan		Required	Required	Required if new construction	Required if new construction	Required	Required			Required if request changes approved site plan
Verification of Paid Taxes		Required	Required	Required	Required	Required	Required			Required
Written Evaluation		Required if > 10 acres	Required if > 10 acres				Required	Required	Required	Required
Traffic Study		Required if > 150 residential units	Required if > 150 residential units			Required if > 150 residential units				
Sewage Disposal Agreement/ Affidavit		Required				Required				
Zoning Review Submittal		Required	Required			Required				
Public Participation Plan		Required	Required			Required				Required
Applicant sponsored Public Meeting		Required	Required			Required				
Public Participation Sign		Required	Required			Required				
Public Participation Report		Required	Required			Required				Required
Title Opinion		Required	Required							
Disclosure of Campaign Contributions and Gifts		Required	Required	Required	Required	Required				Required

Requirement	Amend Text of this Code	Rezoning	Conditional Use Permits (CUP)	Home Occupation	Mobile Vending	Sketch Plats	Variations	Appeals of Administrative Decisions	Appeals of ZBA Decisions	Zoning Condition Amendments
Architectural Elevations		Required if residential uses proposed	Required if residential uses proposed			Required if residential uses proposed				
Public Hearing	Required	Required	Required	Required	Required	Required	Required	Required	Required	Required
Public Hearing Sign		Required	Required	Required	Required	Required	Required	Required	Required	Required
Legal Ad in Newspaper	Required	Required	Required	Required	Required	Required	Required	Required	Required	Required
Letter				Required	Required	Required	Required**	Required*	Required	

* If administrative decision involves discrete parcel.

** When the variance request is quasi-judicial.

ARTICLE XIII, CERTIORARI:

8-13.1 **Authority to Approve Certiorari Documents.** In order to comply with O.C.G.A. § 36-66-5.1(c), the Chair of the Board of Commissioners, Planning Commission, and/or Zoning Board of Appeals, as appropriate, is authorized to issue certiorari bonds and certificates of costs upon confirmation with County staff that such approvals are appropriate.

8-13.2 **Authority to Accept Service.** For purposes of certiorari proceedings, the Chair of the Board of Commissioners, Planning Commission, and/or Zoning Board of Appeals, as appropriate, is authorized to accept service on behalf of the Respondent. The Chair of the Board of Commissioners is authorized to accept service of process on behalf of Forsyth County as opposite party.

CHAPTER NINE

ZONING AND OVERLAY DISTRICTS

ARTICLE I, ESTABLISHMENT OF DISTRICTS:

9-1.1 **Establishment of Zoning Districts.** For the purpose of this Code, unincorporated Forsyth County, Georgia, is divided into use districts designated as follows:

- (A) Res1-----Single Family Residential District;
- (B) Res2-----Single Family Residential District;
- (C) CR2-----Single Family Residential District;
- (D) Res3-----Single Family Residential District;
- (E) Res4-----Single Family Residential District;
- (F) Res6-----Multi-Family Residential District;
- (G) MHP-----Manufactured Home Park District;
- (H) R1R-----Single Family Residential Restricted District;
- (I) CR1-----Single Family Community Residential District;
- (J) R1-----Single Family Residential District;
- (K) R2R-----Single Family Residential Restricted District;
- (L) OSR-----Open Space Residential District;
- (M) R2-----Single Family Residential District;
- (N) R3-----Multi-Family Residential District;
- (O) R4-----Mobile Home Park District;
- (P) LR-----Lake Residential District;
- (Q) NS-----Neighborhood Shopping District;
- (R) UV-----Urban Village District;
- (S) HB-----Highway Business District;
- (T) CBD-----Commercial Business District;
- (U) HC-----Heavy Commercial District;
- (V) BP-----Business Park;
- (W) O&I-----Office and Institutional District;
- (X) OR-----Office Residential District;
- (Y) OCMS-----Office Commercial Multiple Story District;
- (Z) M1-----Restricted Industrial District;
- (AA) M2-----Heavy Industrial District;
- (BB) MINE-----Mining Operations District;
- (CC) A1-----Agricultural District;
- (DD) Ag RES----Agricultural Residential District;
- (EE) PUD-----Planned Unit Development District;
- (FF) MPD-----Master Planned District;
- (GG) MCD-----Mixed-Use Center District;
- (HH) MRD-----Mixed Residential District.

9-1.2 **Establishment of Overlay Districts.** For the purpose of this Code, certain portions of unincorporated Forsyth County, Georgia, is divided into overlay districts designated as follows:

- (A) Protected Water Supply Watershed Overlay Districts;
- (B) Protected Groundwater Recharge Area Overlay Districts;
- (C) The Etowah River Corridor Protection District;
- (D) Wetland Protection District Overlays;
- (E) Atlanta Highway-McFarland Parkway-Mullinax Road Overlay District;
- (F) Castleberry-Bethelview Crossroads Overlay Zoning District;
- (G) Peachtree Parkway-Bethelview Road Overlay District;
- (H) Ronald Reagan/Union Hill Overlay District;
- (I) Campground-Castleberry-Kelly Mill-Pittman-Post-Shiloh Road Overlay District;
- (J) Buford Highway Overlay District;
- (K) Coal Mountain Overlay District;

(L) Coal Mountain Town Center Overlay District.

9-1.3 **Zoning District Boundaries.** The boundaries of the aforementioned zoning districts are hereby established as shown on a map entitled "Official Zoning Map of Forsyth County," which along with any explanatory matter thereon is hereby made a part of this Code and shall be on file in the office of the Department of Planning and Community Development, Forsyth County, Georgia, said map being marked as Exhibit "A" and attached hereto.

9-1.4 **Overlay District Boundaries.** The boundaries of the aforementioned overlay districts are hereby established as shown on a map entitled "Official Zoning Map of Forsyth County," which is hereby made a part of this Code and shall be on file in the office of the Department of Planning and Community Development, Forsyth County, Georgia, said map being marked as Exhibit "A" and attached hereto. Alternatively, the Department of Planning and Community Development may elect to present the overlay district boundaries on a separate map or maps entitled "Official Overlay District Map of Forsyth County," which if such alternative is chosen shall along with any explanatory matter thereon be made a part of this Code and shall be on file in the office of the department, said map or maps being marked as Exhibit "B" and attached hereto.

ARTICLE II, INTERPRETATION OF DISTRICT BOUNDARIES:

Where uncertainty exists with respect to the boundaries of any of the aforementioned zoning or overlay districts as shown on the Official Zoning Map, Official Overlay District Map, or both, the following rules shall apply:

9-2.1 **Property Lines.** Where boundaries are indicated as approximately following property lines or such lines extended, such property lines or such lines extended, as indicated by boundary survey, deed, or legal description maintained in the official file of said zoning adoption or amendment, if available, or if not available such survey, deed, or legal description for such property in question recorded in the official records of the Clerk of Superior Court, Forsyth County, shall be construed to be such boundaries.

9-2.2 **Street Centerlines.** Where district boundaries are indicated as approximately following the centerlines of streets or highways, the actual centerlines shall be construed to be the boundaries. In cases where the centerline of a street or highway is a zoning district boundary and such street or highway is abandoned or vacated, the regulations applicable to the property to which it reverted shall apply to such vacated or abandoned street or highway.

9-2.3 **Government Lines.** Where district boundaries are indicated as approximately following the county line, or the corporate limits line of any incorporated place, of the militia district line of any militia district, of the land lot line of any land lot, the actual county line, corporate limits line, militia district line or land lot line shall be construed to be such boundaries.

9-2.4 **Lines Parallel to Street Centerlines.** Where district boundaries are indicated as approximately parallel to the center line of streets or highways, such district boundaries, unless specifically indicated, shall be construed as being actually parallel thereto and at a distance of 150, 300, 500 or 1,000 feet from the center line of such streets and highways, each above district boundary being shown at scale on the aforementioned map or maps.

9-2.5 **Stream or River Centerlines.** Where district boundaries are indicated as approximately following the centerline of streambeds or riverbeds, such actual centerline shall be construed to be such boundaries.

9-2.6 **Director Determination.** In the case where the exact location of a boundary cannot be determined by the foregoing methods, the director shall make such a determination which may be appealed to the Zoning Board of Appeals in accordance with procedures and requirements for appeals as specified by this Code.

CHAPTER TEN

**GENERAL PROVISIONS AND
NONCONFORMING SITUATIONS**

ARTICLE I, GENERAL PROVISIONS:

10-1.1 **Application of Regulations.** No building, structure, land, water, or open space shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, structurally altered, and no new use or change shall be made of any building, structure, land, water, or open space unless in conformity with all the regulations specified in this Code. No utility may locate, operate, or expand without the approval of the Board.

10-1.2 **Minimum Requirements.** The regulations set forth in this Code shall, unless the specific context indicates otherwise, be considered minimum requirements and shall apply uniformly to each class or kind of building, structure, or use.

10-1.3 **Every Use Must Be On a Lot.** No building or structure shall be erected or use established unless it is on a lot of record, except as otherwise specifically provided.

(A) For the purposes of this section, if a land disturbance permit that requires an as-built is necessary to develop a property for a non-residential use, a minor plat establishing a lot of record is not required prior to the submittal of the land disturbance permit application. Notwithstanding the foregoing exception, the approval of an LDP without a minor plat shall not waive any other requirements of this Code, and the as-built for the project shall not be approved without full compliance with this Code.

10-1.4 **One Principal Dwelling On a Lot.** In any residential zoning district, only one principal dwelling and its accessory buildings may hereafter be erected on any one lot. In the A1 district, a maximum of two principal dwellings on a lot shall be permitted. Subject to application and receipt of a conditional use permit, a maximum of two principal dwellings on a lot may be permitted for the R1R district for lots 5 acres and greater in size.

10-1.5 **Reduction in Performance Standards Prohibited.** No lot shall be reduced, divided, or changed so that the size of lot, width of lot, street frontage, size of setbacks, or any other dimensional requirement of this Code is not maintained, unless such reduction or division is necessary to provide land which is acquired for a public purpose, or unless a variance is granted pursuant to applicable provisions of this Code.

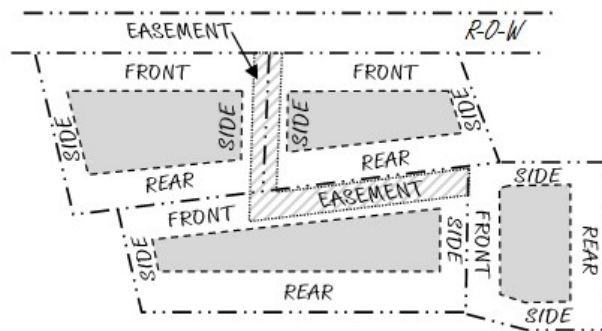
10-1.6 **Setback Reduction.** The front setback requirements of this Code may be reduced without requiring a variance in cases where one or more existing buildings located wholly or partially within one hundred (100) feet on either side of the proposed building or dwelling, on the same side of the same block and zoning district, and fronting on the same street of such block, is less than the minimum required front setback as shown on a survey provided by the applicant. In such cases, the setback on such lots may be less than the required setback, but not less than the average of the existing setbacks on the aforementioned lots, or a distance of ten (10) feet from the closest edge of the street right-of-way line, whichever is greater.

10-1.7 **Setbacks and Buffers, Government Line.** Where a lot or parcel of land is zoned Residential or Agricultural, the side and rear setbacks and exterior buffers required by this Code shall not apply when such property line is adjacent to, and contiguous with, property owned by the United States Army Corps of Engineers, United States of America.

10-1.8 **Setbacks and Buffers, Adjacent Local Governments.** Applicants for re-zoning adjacent to property outside the Forsyth County Government jurisdiction such as the City of Cumming shall submit official, current zoning verification of adjacent property from that jurisdiction. Such zoning may be subject to further investigation on the part of staff. Setbacks and buffer requirements shall apply to the property per the adjacent property's zoning district equivalent in the Forsyth County UDC and its respective performance standards.

10-1.9 **Setbacks and Buffers, Lots Accessed from an Easement.** For all lots, in which an access easement serves as the primary method of access, the side of the lot that first abuts or intersects the easement shall be considered the front lot line for purposes of establishing setback and buffer requirements.

Figure 10.1



Source: Gwinnett County, GA

10-1.10 **Setback and Planting Requirements for Georgia Highway 400:**

(A) Limited Access (Fulton County to SR 369 right-of-way):

- (1) A minimum setback of sixty (60) feet from the right-of-way of Georgia Highway 400 must be maintained with the first forty (40) feet being an undisturbed buffer that shall meet the requirements of the Forsyth County Buffer Standards.
- (2) A limited encroachment shall be allowed into the setback and undisturbed buffer identified in 10-1.10(A)(1) if a property has satisfied those requirements under Section 66-111(2) of the Forsyth County Sign Code, authorizing replacement of a legal non-conforming sign with two (2) monument signs. The encroachment authorized by this sub-paragraph shall be the minimum encroachment required to install the monument signs and otherwise implement the enhanced landscaping and beautification measures set forth in Section 66-111(2). It is the intention of this subparagraph that any encroachment authorized hereunder shall result in an overall buffer and setback that, from an aesthetic standpoint, provides a greater degree of landscaping enhancement than is otherwise required by the Forsyth County Buffer Standards. The encroachment and enhanced landscaping and beautification contemplated by this paragraph shall require application for and issuance of a land disturbance permit.

(B) Controlled Access (SR 369 right-of-way to Dawson County):

- (1) A minimum sixty (60) foot front setback shall be maintained along all property fronting the Georgia Highway 400 right-of-way.
- (2) A minimum twenty-five (25) foot wide landscape strip shall be maintained along all property fronting the Georgia Highway 400 right-of-way.
 - a. The landscape strip contain one (1) overstory tree and ten (10) shrubs per thirty-five (35) linear feet of strip length.
 - b. Trees shall be a minimum two (2) inch caliper at time of planting. Shrubs shall be a minimum of two (2) feet high at time of planting.
 - c. Trees and shrubs need not be evenly spaced but may be grouped as long as adequate space is provided for future growth and the spacing between trees does not exceed seventy (70) feet as measured parallel to the Georgia Highway 400 right-of-way.
 - d. The landscape strip shall be designed with at least thirty (30) percent coverage in mulched planting beds. Planting beds may include the required trees and shrubs as well as additional landscape plantings in any combination.
 - e. The remaining ground area within the landscape strip shall be planted with appropriate ground cover species or grass.

10-1.11 **Height Limitations.** The height limitations established herein shall not apply to chimneys, smokestacks, church spires and steeples, domes, flag poles, public monuments, observation towers, water towers, non-commercial radio and television towers, electricity transmission towers, and utility poles.

10-1.12 **Use Prohibited When Not Specified.** Except as otherwise provided, any use not specifically permitted in a zoning district as provided by this Code shall be prohibited in that district.

10-1.13 **Outside Construction.** Outside construction shall be limited to the hours of 7:00 AM to 7:00 PM Monday to Friday; 8:00 AM to 6:00 PM Saturday; and there will be no outside construction on Sunday. Concrete pours, including but not limited to tilt walls, slabs, and retaining walls, may be authorized outside these hour limits in order to avoid peak traffic, adverse temperatures, or weather, prevent unfavorable logistical impacts, or to complete the work in a single occurrence. The Director of Building and Economic Development is authorized to administratively approve such concrete pours for active commercial building permits. Such approval shall be limited to specified dates and times only and shall be sought prior to the pour occurring. Requests for such administrative approval shall be submitted via application provided by the Department of Building and Economic Development. Any application tendered after the pour has occurred shall be denied.

10-1.14 **Commercial Maintenance Requirements.** Developments in commercially zoned districts shall comply with the following site maintenance requirements once Certificate of Occupancy has been released; regardless of tenant or absence of tenant Owner shall be responsible for ensuring that:

- (A) Cleanliness of the entire site shall be maintained by removing any trash, rubbish, or other debris deposited on the site.
- (B) Landscaping shall be maintained and dead or damage plants shall be replaced
- (C) Damaged elements of building (such as but not limited to broken windows) and site (such as but not limited to curb stops, parking stripes, dumpster screening) shall be repaired or replaced if damaged, dilapidated or in disrepair.
- (D) Should any single occupant premise become vacant for more than 60 days, and the owner fails to maintain the property in accordance with the conditions above and upon notification from the County for such failure, the owner shall be subject to citation by the appropriate County Code Enforcement Officer and shall be subject to the maximum fine permitted for ordinance violations for each violation of any provision of this ordinance.

10-1.15 **Setback Exemptions.** The following shall be exempted from setback requirements;

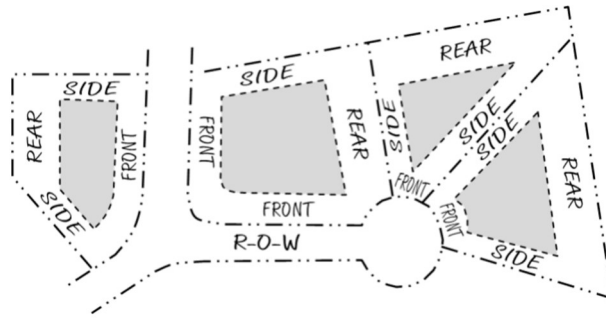
- (A) Fences and freestanding walls (per the requirements in Chapter 16-4.14)
- (B) Uncovered entrance platforms
- (C) Steps and patios which are on grade
- (D) Roofed areas provided over common mailbox facilities

10-1.16 **Encroachments.** The following shall be permitted to encroach up to eighteen (18) inches into a required setback or building separation:

- (A) Gutters
- (B) Overhangs
- (C) Footers
- (D) Sills
- (E) Belt courses
- (F) Cornices
- (G) Chimneys
- (H) Other architectural features as determined by the director.

10-1.17 **Determination of Setbacks.** Front, side and rear setbacks shall be measured from their corresponding lot line(s). Corner lot frontage is determined per Section 18-4.7.

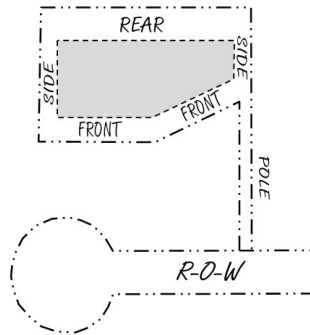
Figure 10.2



Source: Gwinnett County, GA

- (A) Flag lots. The lot line(s) adjacent and perpendicular to the “pole” of a flag lot shall be determined to be the front lot line(s) for purposes of setback calculation.

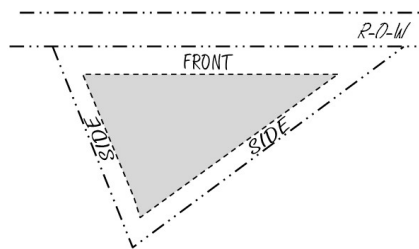
Figure 10.3



Source: Gwinnett County, GA

- (B) Triangular-shaped lots. A lot where two opposing side lot lines intersect at the rear of a lot shall be determined to have no rear lot line or corresponding setback requirement.

Figure 10.4



Source: Gwinnett County, GA

10.1.18 **Determination of Yards.**

- (A) Lots without a principal structure shall be determined as having no yards.
(B) Lots with a principal structure shall have its yards determined as follows:
1. Front Yard. A yard extending across the total width of a lot between side lot lines and being that area between the front lot line and that line or lines established by the front wall or walls of the principal structure projected to intersect the side lot lines. There can only be one front yard.

2. Rear Yard. A yard extending across the total width of a lot between side lot lines and being that area between the rear lot line and that line or lines established by the rear wall or walls of the principal structure projected to intersect the side lot lines.
3. Side Yard. A yard extending the total depth of a lot between the front and rear yards and being that area between the side lot lines and that line or lines established by the side wall or walls of the principal structure.

10.1.19 **Setback and Zoning Buffer Encroachments for Accessory Structures and Accessory Buildings.**

- (A) Encroachments into the minimum required front or rear setbacks and zoning buffers otherwise required in this Code or previously approved zoning conditions are permitted for accessory structures, including pools, and accessory buildings for property located in residential, agricultural and mixed-use zoning districts with the exceptions as noted below:
 1. Detached accessory apartments.
 2. Detached offices, pool houses, or leisure sheds designed for recreational and leisure activities, but that do not qualify as a dwelling unit, and similar buildings.
 3. Detached garages.
 4. Storage and utility sheds.
 5. Barns and other agricultural outbuildings.
 6. Greenhouses, backyard chicken coops, and other structures related to non-commercial plant and animal shelter or storage.
- (B) Zoning buffers as referenced in this section include residential exterior buffers as required by zoning district performance standards or previously approved buffers as required by zoning conditions.
- (C) The maximum encroachment permitted pursuant to this section shall not exceed fifty (50) percent of the minimum required front or rear setback or zoning buffer based on zoning district performance standards or previously approved zoning conditions, nor shall any such encroachment reduce the effective setback or buffer to less than twenty (20') feet under any circumstance. Encroachments permitted pursuant to this section that would exceed the maximum indicated shall require a variance application and approval in accordance with sections 8-2, 8-3 and 8-6.

ARTICLE II, NONCONFORMING SITUATIONS:

10-2.1 **Nonconforming Lots.** A lot of record that does not conform to the minimum lot size or minimum lot width for the zoning district in which it is located may be used as a building site, provided that the access, height, and setback requirements of the zoning district in which the lot of record is located are complied with or a variance is obtained and provided further, that the lot meets all the current standards and requirements of the Forsyth County Health Department.

- (A) Legacy Residential Home Exception. A tax parcel that is not a lot of record and which does not conform to the minimum lot size or minimum lot width for the zoning district in which it is located, but which in the opinion of the Director has had located on it a residential structure that has been in uninterrupted residential use for at least twenty (20) years, shall be entitled to apply for and receive building permits under UDC Chapter 7, Article II.

10-2.2 **Nonconforming Structures.** A nonconforming structure may continue to be occupied and used, except that the nonconforming structure shall not be:

- (A) Repaired, rebuilt, or altered after damage exceeding 50 percent of its replacement cost at the time of destruction, except that a structure or structures located on property zoned R3 may be, where a certificate of occupancy was issued for the structure(s) prior to December 1, 2017, rebuilt and repaired even if the structure is completely destroyed or damaged, with such rebuilt or repaired structures allowed to operate in the same manner as existed immediately prior to the event causing the damage or destruction;
- (B) Enlarged or altered in a way which increases its nonconformity. For purposes of this section, conversion of any sign from a static or tri-vision sign face to LED display or an electronic message board shall constitute a prohibited enlargement or alteration which increases the non-conformity of the structure unless such conversion is authorized pursuant to the electronic message board upgrade provisions of the Forsyth County Sign Ordinance (Chapter 66 of the Code of Forsyth County),

10-2.3 **Nonconforming Uses.** To avoid undue hardship, the lawful but nonconforming use of any structure or land at the time of the enactment of this ordinance or any amendment thereto may be continued even though such use does not conform with the provisions of this ordinance, except that the nonconforming use shall not be:

- (A) Changed to another nonconforming use;
- (B) Re-established after discontinuance for 12 months or more except that a vehicle sales dealership and/or vehicle rental establishment may not be re-established after discontinuance for six (6) months.
- (C) Repaired, rebuilt or altered after damage exceeding 50 percent of its replacement cost at the time of destruction, except that a use on property zoned R3 may be, where the use was established prior to December 1, 2017, continued even if any structure where such use occurs is completely destroyed or damaged, with such use allowed to continue in the same manner as existed immediately prior to the event causing the damage or destruction to the associated structure;
- (D) Enlarged or altered in a way which increases its nonconformity. For purposes of this section, conversion of any sign from a static or tri-vision to LED display or an electronic message board shall constitute a prohibited enlargement or alteration which increases the non-conformity of the use unless such conversion is authorized pursuant to the electronic message board upgrade provisions of the Forsyth County Sign Ordinance (Chapter 66 of the Code of Forsyth County, Georgia);
- (E) Subparagraph (c) of 10-2.3 shall have no application if a property owner provides evidence to the Director that a use was lawful at the time of commencement of the use and that the sole basis for legal nonconformity is that the owner's lot size was reduced by way of condemnation or by sale or dedication to an entity with the power of condemnation, and that the acreage so sold, dedicated or condemned reduced the lot size such that a previously legal use became a legal nonconforming use.

Nothing herein shall be deemed to prevent the strengthening or restoring to a safe condition any structure or part thereof declared to be unsafe by an official charged with protecting the public safety or health, upon order of such official.

10-2.4 **Buildings Under Construction.** Nothing in this article shall be construed to require a change in the plans, construction, or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of this Code.

10-2.5 **Cost to Cure Variance Due to Condemnation.** In the event that a condemning authority issues cost to cure documentation to a property owner as part of a condemnation of right of way or right of way easements or acquisition of such right of way or right of way easements in lieu of condemnation, the Department, for a period of five years following transfer of title of the acquired property or interests in property to the condemning authority, shall recognize that minimum degree of variance from those then-existing performance standards that are necessitated by the cost to cure documentation such that a land disturbance permit shall issue for the balance of the property to implement same. The property owner or successor in interest, to derive the benefit of this paragraph, shall be required to provide the Department at the time of land disturbance permit application with cost to cure documentation issued by a condemning authority as well as documentation establishing the date of transfer of title of the acquired property or interests in property to the condemning authority.

CHAPTER ELEVEN

RESIDENTIAL DISTRICTS

ARTICLE 1, RESIDENTIAL DISTRICTS PRIOR TO UDC VERSION 5:

11-1.1 **Purpose and Intent.** Residential districts existent prior to September 25, 2003, are to comply with permitted uses and performance standards as specified in this article.

11-1.2 **Permitted and Conditional Uses.** As provided in Table 11.1(a); and subject to the following provisions which apply to all uses in this district:

(A) A conditional use is required for any establishment conducting around the clock business hours.

11-1.3 **Performance Standards.** As provided in Table 11.2(a).

11-1.4 **Design Standards.** As provided in Article Section 11-9.3.

ARTICLE II, SINGLE FAMILY RESIDENTIAL DISTRICT (RES1):

11-2.1 **Purpose and Intent.** Res1 districts are intended to provide for subdivisions and neighborhoods consisting of detached single family dwellings surrounded by yards that provide a desirable and healthy environment. Res1 districts provide for detached manufactured/mobile homes and site built single family detached dwellings on individual lots. Res1 districts are generally served by public water supply, and public sanitary sewer is generally not available. This district shall be considered appropriate in areas designated as such in the Forsyth County Comprehensive Plan and where compatible with surrounding land uses, density and performance standards.

11-2.2 **Permitted and Conditional Uses.** As provided in Table 11.1(b); and subject to the following provisions which apply to all uses in this district:

(A) A conditional use is required for any establishment conducting around the clock business hours. Certain specific uses are regulated by Chapter 16.

11-2.3 **Performance Standards.** As provided in Table 11.2(b).

11-2.4 **Design Standards.** As provided in Article Section 11-9.3.

11-2.5 **Incentives for Large Lots.** To encourage the development of large lots in the Res1 zoning district, any requirement to connect to sewer found elsewhere in this Code shall be waived for both major and minor subdivisions with a minimum lot size of one (1) acre or larger. A Conditional Use Permit shall be required for a large lot subdivision not connected to sewer.

ARTICLE III, SINGLE FAMILY RESIDENTIAL DISTRICT (RES2):

11-3.1 **Purpose and Intent.** Res2 districts are intended to provide for subdivisions and neighborhoods consisting of detached single family dwellings surrounded by yards that provide a desirable and healthy environment. Res2 districts are generally served by public water supply, and public sanitary sewer is generally not available. Because Res2 districts are generally served by individual septic tanks, maximum density is based on the health requirement that lots must be large enough to accommodate a septic tank drain field and replacement drain field area. This district shall be considered appropriate in areas designated as such in the Forsyth County Comprehensive Plan and where compatible with surrounding land uses, density and performance standards.

11-3.2 **Permitted and Conditional Uses.** As provided in Table 11.1(b); and subject to the following provisions which apply to all uses in this district:

(A) A conditional use is required for any establishment conducting around the clock business hours. Certain specific uses are regulated by Chapter 16.

11-3.3 **Performance Standards.** As provided in Table 11.2(b).

11-3.4 **Design Standards.** As provided in Article Section 11-9.3.

ARTICLE IV, SINGLE FAMILY COMMUNITY RESIDENTIAL DISTRICT (CR2):

11-4.1 **Purpose and Intent.** CR2 districts are intended to provide for subdivisions and neighborhoods consisting of detached single family dwellings surrounded by yards that provide a desirable and healthy environment. The CR2 district is intended for larger-scale subdivisions built to higher than minimum standards allowing for variability in lot sizes to encourage variation in design to enhance neighborhood character. Development within this district must be served by public water and public sewer or an existing private sewage treatment plant with sufficient capacity. This

district shall be considered appropriate in areas designated as such in the Forsyth County Comprehensive Plan and where compatible with surrounding land uses, density and performance standards.

11-4.2 **Permitted and Conditional Uses.** As provided in Table 11.1(b); and subject to the following provisions which apply to all uses in this district:

(A) A conditional use is required for any establishment conducting around the clock business hours.
Certain specific uses are regulated by Chapter 16.

11-4.3 **Performance Standards.** As provided in Table 11.2(b).

11-4.4 **Design Standards.** As provided in Article Section 11-9.3.

ARTICLE V, SINGLE FAMILY RESIDENTIAL DISTRICT (RES3):

11-5.1 **Purpose and Intent.** Res3 districts are intended to provide for subdivisions and neighborhoods consisting of detached single family dwellings surrounded by yards that provide a desirable and healthy environment. The Res3 district is intended for larger-scale subdivisions built to higher than minimum standards. Open space should be provided for throughout the development and should be accessible and available for recreational use by residents. Since a higher density is permitted, Res3 districts must be served by public water and Public Sewer or an Existing Private Sewage Treatment Plant with Sufficient Capacity. This district shall be considered appropriate in areas designated as such in the Forsyth County Comprehensive Plan and where compatible with surrounding land uses, density and performance standards.

11-5.2 **Permitted and Conditional Uses.** As provided in Table 11.1(b); and subject to the following provisions which apply to all uses in this district:

(A) A conditional use is required for any establishment conducting around the clock business hours.
Certain specific uses are regulated by Chapter 16.

11-5.3 **Performance Standards.** As provided in Table 11.2(b).

11-5.4 **Design Standards.** As provided in Article Section 11-9.3.

ARTICLE VI, SINGLE FAMILY RESIDENTIAL DISTRICT (RES4):

11-6.1 **Purpose and Intent.** The Res4 district is solely intended to provide for age-restricted housing in which at least one person 55 years or older inhabits at least 90% of occupied units within a given development, with all applicable verification requirements to the U. S. Department of Housing and Urban Development (HUD) in UDC section 16-4.9(C) otherwise receiving compliance. The Res4 district is to be composed of single family, primarily detached dwellings, situated on smaller lots and with buildings located closely together; attached duplex and quadraplex units may also be permitted. To compensate for reduced lot sizes and setbacks, greater open space is required. Open space should be provided for throughout the development and should be accessible and available for recreational use by residents. Public water and sanitary sewer are required for developments within Res4 districts. Res4 districts shall connect to Public Sewer or an Existing Private Sewage Treatment Plant with Sufficient Capacity. This district shall be considered appropriate in areas designated as such in the Forsyth County Comprehensive Plan and where compatible with surrounding land uses, density and performance standards.

11-6.2 **Permitted and Conditional Uses.** As provided in Table 11.1(b); and subject to the following provisions which apply to all uses in this district:

(A) A conditional use is required for any establishment conducting around the clock business hours.
Certain specific uses are regulated by Chapter 16.

11-6.3 **Performance Standards.** As provided in Table 11.2(b).

11-6.4 **Special Application Requirements.** Applications for rezoning to the Res4 zoning district shall, in addition to the general requirements for rezoning applications specified in Chapter 8, submit the following as part of the application:

(A) Proof of availability of adequate sewer capacity including the size and location of connection points;

11-6.5 **Design Standards.** As provided in Article Section 11-9.3.

ARTICLE VII, MULTI FAMILY RESIDENTIAL (RES6):

11-7.1 **Purpose and Intent.** The Res6 district is intended to provide for single family attached dwellings that allow options to increase housing variety and opportunities. In addition, Res6 districts may allow institutional type residences and other conditional institutional uses, but not to such an extent as to sacrifice the overall residential image and character. Open space should be provided for throughout the development and shall be accessible and available for

recreational use by residents. Public water and sanitary sewer are required for developments within Res6 districts. Res6 districts shall connect to Public Sewer or an Existing Private Sewage Treatment Plant with Sufficient Capacity. The overall density of Res6 developments is four (4) units per acre and therefore allows for fee simple townhouses and condominiums. This district shall be considered appropriate in areas designated as such in the Forsyth County Comprehensive Plan and where compatible with surrounding land uses, density and performance standards.

11-7.2 **Permitted and Conditional Uses.** As provided in Table 11.1(b); and subject to the following provisions which apply to all uses in this district:

(A) A conditional use is required for any establishment conducting around the clock business hours.

Certain specific uses are regulated by Chapter 16.

11-7.3 **Performance Standards.** As provided in Table 11.2(b).

11-7.4 **Special Application Requirements.** Applications for rezoning to the Res6 zoning district shall, in addition to the general requirements for rezoning applications specified in Chapter 8, submit the following as part of the application:

(A) Proof of availability of adequate sewer capacity including the size and location of connection points.

11-7.5 **Design Standards.** As provided in Article Section 11-9.3.

ARTICLE VIII, MANUFACTURED/MOBILE HOME PARK DISTRICT (MHP):

11-8.1 **Purpose and Intent.** MHP districts are intended to provide for affordable housing developments consisting of detached manufactured/mobile homes surrounded by minimal yards. The Manufactured/Mobile Home Park District is intended to provide for the leasing of spaces for the placement of manufactured/mobile homes, owned or rented by tenants, within a planned residential community. A manufactured/mobile home park is different from a residential subdivision in that the individual home spaces for manufactured/mobile homes are leased rather than platted and sold. By requiring less land per home space, manufactured/mobile home parks are built at densities greater than those for other detached dwellings. Service facilities such as laundry and leasing office are permitted uses in MHP districts. This district shall be considered appropriate in areas designated as such in the Forsyth County Comprehensive Plan and where compatible with surrounding land uses, density and performance standards.

11-8.2 **Permitted and Conditional Uses.** As provided in Table 11.1(b); and subject to the following provisions which apply to all uses in this district:

(A) A conditional use is required for any establishment conducting around the clock business hours.

Certain specific uses are regulated by Chapter 16.

11-8.3 **Performance Standards.** As provided in Table 11.2(b).

11-8.4 **Site Plan Review and Approval Required.** No manufactured/mobile home park shall be developed until and unless a site plan shall have been approved by the director and Director of Engineering.

11-8.5 **General Development Requirements.** In addition to the performance standards specified in Table 11.2(b), development within the MHP district shall meet the following requirements:

(A) **Site Frontage and Minimum Width.** Properties containing manufactured/mobile home parks shall have a minimum of two hundred (200) feet of public road frontage and a minimum lot width of two hundred (200) feet throughout the entire depth of the developed portion of the property.

(B) **Perimeter Buffer or Landscaping.** A minimum twenty (20) foot wide buffer, where natural vegetation exists, or where no natural vegetation exists, a landscape strip with evergreen trees and a solid wooden fence of six (6) feet in height shall be installed and maintained around the entire perimeter of the development, except for approved access crossings.

(C) **Open and Recreational Areas.** A minimum of 20 percent of the site area shall be open space and recreational area, including the required perimeter buffer and landscaping. A minimum of five percent of the total site area, counted as part of the required 20 percent, shall be devoted to active recreational facilities.

(D) **Community Services.** As part of the site plan review process, the developer may propose and the County may approve one or more other structures for manufactured/mobile home park occupants, such as laundries, storage, garages, parking, and park offices. Any structure that draws its trade from outside the park boundaries is prohibited.

(E) **Access.** The road system, both within and adjacent to the proposed park, shall be designed to meet the requirements of the County Fire Marshal's Office and the traveling public to include the following: 1) All interior roads shall be private but constructed to provide fire apparatus access and paved; 2) One-way interior roads shall be constructed with a minimum surface width of fourteen (14) feet, and shall be designated "no parking"; 3) Two-way interior roads shall be constructed with a minimum surface width of

- twenty-four (24) feet, and shall be designated "no parking"; 4) Interior roads shall be clearly marked at each intersection to identify traffic directions and space numbers served by the road.
- (F) **Guest Parking.** In addition to on-site parking, guest parking spaces shall be provided as part of the development, at a ratio of one parking space for every six (6) home spaces. Guest parking spaces shall be grouped and distributed evenly throughout the manufactured/mobile home park.
 - (G) **Utilities.** All manufactured/mobile home parks, and each home space within the park, shall be served by approved public water and public sanitary sewer or community sewerage system.
 - (H) **Drainage.** Drainage facilities shall be designed by an engineer and are subject to the approval of the Director of Engineering as part of the site plan review process.
 - (I) **Refuse Collection.** Each manufactured/mobile home park shall provide refuse collection pads at locations convenient to each home space.
 - (J) **Walkways.** Sidewalks shall be required along one side of the street and in areas where pedestrian traffic is expected, such as around recreation, management, mailbox groupings if provided, and service areas.
 - (K) **Park Rules.** The property owner or manager shall submit operating rules and regulations governing the park to the director.

11-8.6 **Home Spaces in Manufactured/Mobile Home Parks.**

- (A) **Design.** Each home space shall be designed and constructed at such elevation, distance, and angle with respect to its access to provide for safe and efficient placement and removal of manufactured/mobile homes.
- (B) **Width, Depth, and Size of Spaces.** Each home space shall be at least forty (40) feet wide and seventy five (75) feet in depth. The minimum area for a home space shall be 3,000 square feet.
- (C) **Stands.** Each home space shall be provided with a concrete pad of sufficient size to accommodate the typical manufactured/mobile home to be located within that space, and the pad should be large enough to accommodate patios and provide for the anchoring of the home to secure it against movement; provided, however, that any individual stand shall be no less than fourteen (14) feet by sixty (60) feet and spaces intended to serve double-wide homes shall be at least twenty four (24) feet by sixty (60) feet.
- (D) **Use of Spaces.** No more than one (1) manufactured/mobile home shall occupy any individual home space. Recreational vehicles shall not be permitted on any home space, except that park management may permit a household with a valid lease agreement for a recreational vehicle to occupy a home space on a home space not occupied by a manufactured/mobile home for a period not to exceed fourteen (14) days within any six month period.
- (E) **Space Identification Numbers.** Home space numbers at least four inches in height shall identify each home space and shall remain readily identifiable while in use.
- (F) **Parking.** Two on-site parking spaces shall be provided on each home space or immediately off-site.
- (G) **Walkways.** A walkway at least two (2) feet wide must be provided from each individual home space to connect the manufactured/mobile home with the common walk or street.
- (H) **Setbacks.** No manufactured/mobile home shall be located closer than five (5) feet to a home space boundary, and home spaces shall be designed to provide for a minimum of twenty (20) feet of separation between manufactured/mobile homes on abutting home spaces.
- (I) **Additions and Accessory Structures.** Decks, porches, outdoor storage, or other exterior additions may be constructed or erected on a home space, subject to the approval of the park management. No such accessory structure shall be located closer than five (5) feet to a manufactured/mobile home space boundary.

Uses	R1R	CR1	R1	R2R	R2	R3	R4	LR	OSR
Dwellings, single-family attached (townhouses)	X	X	X	X	X	P	X	X	X
Dwellings, two-family (duplexes)	X	X	X	X	X	P	X	X	X
Dwellings, four-family (quadraplex)	X	X	X	X	X	P	X	X	X
Dwellings, single-family attached, joint ownership of common grounds (condominiums)	X	X	X	X	X	P	X	X	X
Dwellings, multi-family (apartments)	X	X	X	X	X	X	X	X	X
Gardens, non-commercial	P	P	P	P	P	P	P	P	P
Greenhouses, non-commercial	P	P	P	P	P	P	P	P	P
Guest houses	P	P	P	P	P	P	P	P	P
Horse stables, non-commercial	P	X	P	C	C	X	X	X	C
Industrialized housing	P	P	P	P	P	P	P	P	P
Kennels, Animal Hospitals and Veterinary Clinics	X	X	X	X	X	X	X	X	X
Land application systems (spray irrigation fields) for sewage waste disposal (Note 4)	C	C	C	C	C	C	C	C	C
Livestock raising, not including poultry and hogs	P	X	P	X	X	X	X	X	X
Major subdivisions for single family detached dwellings (Note 5)	P	P	P	P	P	P	X	P	P
Major subdivisions for manufactured homes	X	X	P	X	P	X	X	X	X
Manufactured/Mobile homes	X	X	P	X	P	X	X	P	X
Manufactured/Mobile home parks	X	X	X	X	X	X	P	X	X
Minor subdivisions for single family detached dwellings (Note 5)	P	P	P	P	P	P	X	P	P
Minor subdivisions for manufactured/mobile homes	X	X	P	X	P	X	X	P	X
Open spaces	P	P	P	P	P	P	P	P	P
Personal care homes and institutionalized living facilities, serving ten persons or less	C	C	C	C	C	P	X	C	C
Personal care homes and institutionalized living facilities, serving more than ten persons	X	X	X	X	X	C	X	X	X

Uses	R1R	CR1	R1	R2R	R2	R3	R4	LR	OSR
Place of worship 10,000 square feet or less in aggregate size (Note 7)	C (Note 3)	C (Note 3)	C (Note 3)	C (Note 3)	C (Note 3)	C (Note 3)	X	C (Note 3)	C (Note 3)
Place of worship more than 10,000 square feet in aggregate size (Note 7)	X	X	X	X	X	X	X	X	X
Poultry houses	X	X	X	X	X	X	X	X	X
Professional home offices	P	P	P	P	P	P	P	P	P
Public and semi-public uses	P	P	P	P	P	P	P	P	P
Relocated residential structures	X	X	P	X	P	X	X	X	X
Roadside stands for the sale of produce and agricultural products produced on the premises	P	X	P	X	X	X	X	X	X
Schools for dance, martial arts, and other disciplines operated for profit or nonprofit 10,000 square feet or less in aggregate size	C (Note 3)	C (Note 3)	C (Note 3)	C (Note 3)	C (Note 3)	C (Note 3)	X	C (Note 3)	C (Note 3)
Schools for dance, martial arts, and other disciplines operated for profit or nonprofit more than 10,000 square feet in aggregate size	X	X	X	X	X	X	X	X	X
Schools, private and parochial 10,000 square feet or less in aggregate size	C (Note 3)	C (Note 3)	C (Note 3)	C (Note 3)	C (Note 3)	C (Note 3)	X	C (Note 3)	C (Note 3)
Schools, private and parochial more than 10,000 square feet in aggregate size	X	X	X	X	X	X	X	X	X
Short-term Rental	X	X	X	X	X	X	X	X	X
Uses not specified in this table	(Note 1)	(Note 1)	(Note 1)	(Note 1)	(Note 1)	(Note 1)	(Note 1)	(Note 1)	(Note 1)

* For any establishment conducting around the clock business hours, a conditional use permit is required.

Notes

Table 11.1(a)

- (1) In cases where a use is proposed but is not listed in this table, the director shall make an administrative determination as to whether or not the use is permitted in the zoning district or districts in question. The director will compare the proposed use to substantially similar uses to determine if the proposed use will be considered a prohibited, permitted, or conditional use. In making such determinations, the director shall consult the purpose and intent statements of the zoning district or districts in question, in addition to comparing the use in question to uses specifically listed in this table.
- (2) Rezoning approved as conservation subdivisions prior to 4/18/2024 must comply with Chapter 19, Conservation Subdivisions.

- (3) All accessory uses shall be identified in the conditional use permit application and on the associated site plan. Accessory uses proposed to be added after the initial conditional use permit approval shall require a new conditional use permit.
- (4) In addition to receiving County approval, all applicable state and federal approvals must be obtained.
- (5) In the R3 zoning district, major and minor subdivisions for single family detached dwellings require a 6,000 sq. ft. lot and have a maximum density of 4 units per acre.
- (6) Regulations for home businesses are found in Chapter 16, article 3.
- (7) Places of worship for which a CUP, rezoning or development permit application is being processed, that have been approved but not constructed, that are under construction, or that have received a Certificate of Occupancy prior to February 2, 2017, are exempt from the size cap. In addition, property immediately adjacent to the property on which a place of worship that is exempt pursuant to this note is located, that is purchased after February 2, 2017, is also exempt from the size cap. For properties exempted from the size cap pursuant to this note, the requirements for places of worship 10,000 square feet or less in aggregate size (either conditional use permit (C) or not permitted (X)) shall apply for each zoning district. For purposes of this chart, "aggregate size" shall mean total square footage of all structures on the property on which the place of worship is located.
- (8) Second principal dwelling for lots 5 acres and greater only.
- (9) Regulations for the keeping of backyard chickens are found in Section 16-4.4.
- (10) Regulations for accessory structures are found in Section 16-4.1.

TABLE 11.1(b)
USES PERMITTED IN RESIDENTIAL DISTRICTS*

P = Permitted
C = Conditional
X = Not Permitted

Uses	Res1	Res2	CR2	Res3	Res4	Res6	MHP
Accessory apartment, attached	C	C	C	C	C	X	X
Accessory apartment, detached	C	C	C	C	C	X	X
Active recreational facilities	P	P	P	P	P	P	P
Agricultural production of field crops, fruits, nuts, and vegetables	P	X	X	X	P	X	X
Accessory uses and structures determined by the director to be normally incidental to one or more permitted principal uses	P (Note 10)	P (Note 10)	P (Note 10)	P (Note 10)	P (Note 10)	P (Note 10)	P (Note 10)
Adult Entertainment & Adult Materials Establishments	X	X	X	X	X	X	X
Apiaries	P	P	P	P	P	P	P
Backyard chickens	P (Note 8)	P (Note 8)	X	X	X	X	X
Bed and breakfast inns	X	X	X	X	X	X	X
Boarding houses	X	X	X	X	X	X	X
Build-to-rent	C	C	C	C	C	C	C
Campgrounds	X	X	X	X	X	X	X
Cemeteries	C	C	C	C	C	C	C
Club or lodge, nonprofit 10,000 square feet or less in aggregate size	C (Note 3)	C (Note 3)	C (Note 3)	C (Note 3)	C (Note 3)	C (Note 3)	C (Note 3)
Club or lodge, nonprofit more than 10,000 square feet in aggregate size	X	X	X	X	X	X	X
Communication towers	X	X	X	X	X	X	X
Conservation areas	P	P	P	P	P	P	P
Conservation subdivision	(Note 2)	(Note 2)	X	(Note 2)	X	X	X
Country clubs, including golf courses and clubhouses including restaurants and golf pro shops as accessory uses	C (Note 3)	C (Note 3)	C (Note 3)	C (Note 3)	C (Note 3)	X	X
Day care home, family	C	C	C	C	C	C	C
Day care centers	C	C	C	C	C	C	C
Dwellings, single-family detached	P	P	P	P	P	P	X
Dwellings, single-family attached (townhouses)	X	X	X	X	P	P	X
Dwellings, two-family (duplexes)	X	X	X	X	P	P	X

Uses	Res1	Res2	CR2	Res3	Res4	Res6	MHP
Place of worship more than 10,000 square feet in aggregate size (Note 7)	X	X	X	X	X	X	X
Poultry houses	X	X	X	X	X	X	X
Professional home offices	P	P	P	P	P	P	P
Public and semi-public uses	P	P	P	P	P	P	P
Relocated residential structures	P	X	X	X	X	X	X
Roadside stands for the sale of produce and agricultural products produced on the premises	C	X	X	X	X	X	X
Schools for dance, martial arts, and other disciplines operated for profit or nonprofit 10,000 square feet or less in aggregate size	C (Note 3)	C (Note 3)	C (Note 3)	C (Note 3)	C (Note 3)	C (Note 3)	C (Note 3)
Schools for dance, martial arts, and other disciplines operated for profit or nonprofit more than 10,000 square ft in aggregate size	X	X	X	X	X	X	X
Schools, private and parochial 10,000 square feet or less in aggregate size	C (Note 3)	C (Note 3)	C (Note 3)	C (Note 3)	C (Note 3)	C (Note 3)	C (Note 3)
Schools, private and parochial more than 10,000 square feet in aggregate size	X	X	X	X	X	X	X
Senior housing, assisted living facility	X	X	X	X	C	C	X
Senior housing, continuing care retirement community (CCRC)	X	X	X	X	X	X	X
Senior housing, senior independent living	X	X	X	C	C	C	X
Senior housing, skilled nursing facility	X	X	X	X	X	X	X
Short-term Rental	X	X	X	X	X	X	X
Uses not specified in this table	(Note 1)	(Note 1)	(Note 1)	(Note 1)	(Note 1)	(Note 1)	(Note 1)

* For any establishment conducting around the clock business hours, a conditional use permit is required.

Notes

Table 11.1(b)

- (1) In cases where a use is proposed but is not listed in this table, the director shall make an administrative determination as to whether or not the use is permitted in the zoning district or districts in question. The director will compare the proposed use to substantially similar uses to determine if the proposed use will be considered a prohibited, permitted, or conditional use. In making such determinations, the director shall consult the purpose and intent statements of

the zoning district or districts in question, in addition to comparing the use in question to uses specifically listed in this table.

- (2) Rezoning approved as conservation subdivisions prior to 4/18/2024 must comply with Chapter 19, Conservation Subdivisions.
- (3) All accessory uses shall be identified in the conditional use permit application and on the associated site plan. Accessory uses proposed to be added after the initial conditional use permit approval shall require a new conditional use permit.
- (4) In addition to the receiving County approval, all applicable state and federal approvals must be obtained.
- (5) Deleted.
- (6) Regulations for home businesses are found in Chapter 16, article 3.
- (7) Places of worship for which a CUP, rezoning or development permit application is being processed, that have been approved but not constructed, that are under construction, or that have received a Certificate of Occupancy prior to February 2, 2017, are exempt from the size cap. In addition, property immediately adjacent to the property on which a place of worship that is exempt pursuant to this note is located, that is purchased after February 2, 2017, is also exempt from the size cap. For properties exempted from the size cap pursuant to this note, the requirements for places of worship 10,000 square feet or less in aggregate size (either conditional use permit (C) or not permitted (X)) shall apply for each zoning district. For purposes of this chart, "aggregate size" shall mean total square footage of all structures on the property on which the place of worship is located.
- (8) Regulations for the keeping of backyard chickens are found in Section 16-4.4.
- (9) Regulations for major and minor subdivisions with a minimum lot size of one (1) acre or larger are found in Section 11-2.5.
- (10) Regulations for accessory structures are found in Section 16-4.1.

TABLE 11.2(a)
PERFORMANCE STANDARDS
FOR RESIDENTIAL DISTRICTS

Performance Standard	Residential Zoning Districts								
	R1R	CR1	R1	R2R	R2	R3	R4	OSR	LR
Minimum lot area for zoning to the district	None	100 acres	None	None	None	None	5 acres	None	None
Maximum area for the district	None	None	None	None	None	None	15 acres	None	None
Minimum lot size in sq. ft. of land area with individual on-site sewage disposal	30,000	NA	40,000	25,500	30,000	NA	NA	20,000	25,500
Maximum density per acre with individual on-site sewage disposal	1.45 units per acre	NA	1.09 units per acre	1.71 units per acre	1.45 units per acre	NA	NA	1.00 units per acre	1.71 units per acre
Minimum lot size when connected to approved public or private sewer system	30,000	12,000 with an avg. of 19,500	40,000	22,000	30,000	7,260	NA	20,000	25,500
Maximum density per acre when connected to approved public or private sewer system	1.45 units per acre	2.2 units per acre	1.09 units per acre	1.98 units per acre	1.45 units per acre	6 units per acre	8 units per acre	1.00 units per acre	1.71 units per acre
Minimum lot width (feet) (Note 2)	100	100	150	100	100	80 feet	NA	80	100
Minimum lot size for major sub-divisions for manufactured homes	NA	NA	43,560	NA	43,560	NA	NA	NA	NA

Performance Standard	Residential Zoning Districts								
	R1R	CR1	R1	R2R	R2	R3	R4	OSR	LR
Minimum open space (percent of total site area)	None	10%	None	None	None	15%	20%	2 contiguous acres	None
Minimum front setback (Note 1)	35 feet	30 feet	50 feet	30 feet	30 feet	20 feet	50 feet	25 feet	25 feet
Minimum side setback	10 feet	10 feet	25 feet	10 feet	10 feet	10 feet	10 feet	10 feet	10 feet
Minimum rear setback	25 feet	25 feet	40 feet	25 feet	25 feet	25 feet	15 feet	25 feet	25 feet
Minimum exterior setback, (major subdivisions only)	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet
Minimum heated floor area per dwelling unit	700 sq. feet	1250 sq. feet	700 sq. feet	1100 sq. feet	700 sq. feet	400 sq. feet	550 sq. feet	700 sq. feet	1200 sq. feet

Maximum height	Character Areas																					
	McFarland		South GA 400		Big Creek		Haw Creek & Daves Creek		Lanier		Vickery Creek		Campground		North GA 400		Chestatee / Jot Em Down		Etowah		Sawnee Mountain	
	McFarland	McFarland/ Shiloh Road Regional Node	South GA 400	South GA 400/ Highway 141 Regional Node	Big Creek	Peachtree Parkway Community Node	Haw Creek & Daves Creek	Haw Creek Community Node	Lanier	Lake Lanier/ Mary Alice Park Community	Vickery Creek	Castleberry/ Bethelview Community Node	Campground	Highway 20 Neighborhood Node	Highway 20 Community Node	North GA 400	Hammond's Crossing Regional Node	Chestatee/Jot Em Down	Chestatee Neighborhood Node	Etowah	Matt and Silver City Neighborhood Nodes	Sawnee Mountain
50'	Office Uses: 80' Mixed Use: 70' (Note 3)	50'	Office Uses and Mixed Use: 60' (Note 3)	40'	50'	40'	Non-Residential Uses and Mixed Use: 50' (Note 3)	40'	60'	40'	Non-Residential Uses and Mixed Use: 60' (Note 3)	30'	40'	50'	50'	Non-Residential Uses and Mixed Use: 80' (Note 3)	30'	40'	30'	40'	30'	40'

Notes

Table 11.2(a)

- (1) For corner lots and double frontage lots, this setback shall be observed along both frontages.
- (2) The minimum lot width for single family detached units shall be 60 feet for any project that is zoned R3 and has an approved sketch plat that identifies the proposed use as single family detached units.
- (3) The maximum height for any use not referenced for this node shall be the maximum height allowed for the character area in which the node is located.

TABLE 11.2(b)
PERFORMANCE STANDARDS
FOR RESIDENTIAL DISTRICTS

Performance Standards	Residential Zoning Districts						
	Res1	Res2	CR2	Res3	Res4	Res6	MHP
Minimum lot area for zoning to the district	N/A	N/A	30 acres	N/A	N/A	N/A	5 acres
Maximum area for the district	N/A	N/A	N/A	N/A	N/A	N/A	15 acres
Minimum lot size in sq. ft. of land area with individual on-site sewage disposal	37,000	30,000	N/A	N/A	N/A	N/A	N/A
Maximum density per acre with individual on-site sewage disposal	1.00 unit per acre	1.3 units per acre	N/A	N/A	N/A	N/A	N/A
Minimum lot size in sq. ft. when connected to approved public or private sewer system	37,000	22,000	10,000 with a min. avg. of 16,000 (Note 4)	14,750 with a min. avg. of 18,500 (Note 1)	10,000	4,000	N/A
Maximum density per acre when connected to approved public or private sewer system	1.00 unit per acre	1.5 units per acre	2.0 units per acre	1.8 units per acre	2.5 units per acre	4.00 units per acre	8.00 units per acre
Minimum lot width (feet)	100	100	65 with a min. avg. of 80	80	60	N/A	N/A
Minimum open space (percent of total site area)(for major subdivisions only)	None	None	None	15%	25%	40%	20%
Common area	5%	5%	8%	5%	5%	5%	5%
Minimum front setback (Note 2 and Note 6)	50 feet	30 feet	25 feet	25 feet	20 feet	20 feet	50 feet
Minimum side setback	25 feet	15 feet	5 feet with no less than 20 ft. between structures	10 feet	10 feet	10 feet	15 feet
Minimum rear setback	25 feet	25 feet	25 feet	25 feet	20 feet	20 feet	15 feet
Minimum exterior setback, (major sub-divisions only and MHP districts)	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet
Minimum exterior buffer (Note 3)	25 feet (Note 8)	25 feet (Note 9)	25 feet (Note 8)	25 feet (Note 9)	25 feet (Note 9)	25 feet (Note 8)	25 feet (Note 8)
Minimum heated floor area per dwelling unit	1,500 sq. ft.	2,000 sq. ft.	2,000 sq. ft. (Note 10)	2,000 sq. ft. (Note 10)	1,500 sq. ft. (Note 11)	1,500 sq. ft.	700 sq. ft.
Maximum lot coverage (Note 7)	No maximum	35%	No maximum	35%	40%	No maximum	No maximum

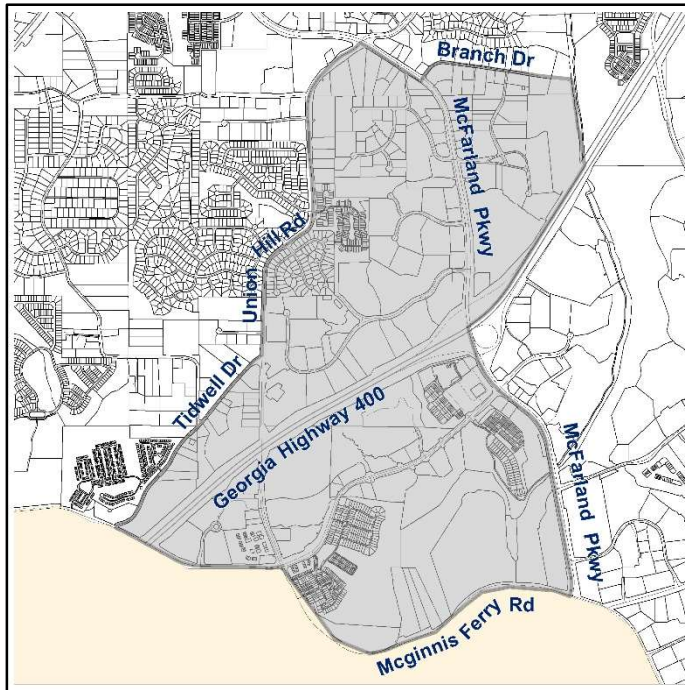
Maximum height	Character Areas																					
	McFarland		South GA 400		Big Creek		Haw Creek & Daves Creek		Lanier		Vickery Creek		Campground		North GA 400		Chestatee / Jot Em Down		Etowah		Sawnee Mountain	
	McFarland	McFarland/ Shiloh Road Regional Node	South GA 400	South GA 400/ Highway 141 Regional Node	Big Creek	Peachtree Parkway Community Node	Haw Creek & Daves Creek	Haw Creek Community Node	Lanier	Lake Lanier/ Mary Alice Park Community Node	Vickery Creek	Castleberry/ BethelView Community Node	Campground	Highway 20 Neighborhood Node	Highway 20 Community Node	North GA 400	Hammond's Crossing Regional Node	Chestatee/Jot Em Down	Chestatee Neighborhood Node	Etowah	Matt and Silver City Neighborhood Nodes	Sawnee Mountain
50'	Office Uses: 80' (Note 12) Mixed Use: 70' (Note 5)	50'	Office Uses and Mixed Use: 60' (Note 5)	40'	50'	40'	Non-Residential Uses and Mixed Use: 50' (Note 5)	40'	60'	40'	Non-Residential Uses and Mixed Use: 60' (Note 5)	30'	40'	50'	50'	Non-Residential Uses and Mixed Use: 80' (Note 5)	30'	40'	30'	40'	30'	40'

Notes

Table 11.2(b)

- (1) Res3 rezoning applications applied for and/or approved by the Board of Commissioners between the following dates may comply with the minimum lot size requirement as follows – between July 18, 2013 and October 2, 2014: 10,000 sq. ft.
- (2) For corner lots and double frontage lots, this setback shall be observed along both frontages.
- (3) The exterior buffer shall begin at the edge of the lot line, dedicated right of way, or property line, whichever is applicable. The buffer may be disturbed, but it must be replanted in accordance with the Forsyth County Buffer Standards. If the buffer is undisturbed, it still must meet the purposes and intent of the Forsyth County Buffer Standards, to wit, an undisturbed buffer must be supplemented with additional plantings if it is not visually impervious. Buffer plantings must be identified on either a landscape plan or Tree Protection and Replacement Plan to demonstrate compliance. Any plantings that die within the first year must be replaced.
- (4) A maximum lot size of 32,670 sq. ft. (¾ acre) shall be allowed for use in the calculation of the minimum average lot size.
- (5) The maximum height for any use not referenced for this node shall be the maximum height allowed for the character area in which the node is located.
- (6) Front setback may be reduced to ten (10) feet for the principal dwelling if pulling the house to the street is a preferred design strategy as specified within character area guidelines for appropriate zoning classifications identified in the Forsyth County Comprehensive Plan. Setbacks must be consistent for all principal dwellings located on the same street.
- (7) Maximum lot coverage for the purposes of this chapter means the percentage of the lot covered by all structures including primary and any accessory buildings, however lot coverage does not include other impervious surfaces such as driveways, pools, at grade patios or at grade pool decks.
- (8) For Res1, CR2, Res 6, and MHP when paralleling right-of-way, the minimum exterior buffer width increases to 40 feet.
- (9) For Res2, Res3, and Res4 major subdivisions where the exterior of the development abuts the right-of-way, the development shall comply with the requirements of Section 11-9.6(J). For Res2, Res3, and Res4 minor subdivisions, no exterior buffer is required.
- (10) 1,250 sq. ft. minimum for lots not part of a major subdivision.

- (11) 800 sq. ft. minimum for lots not part of a major subdivision.
- (12) Height maximum of 125' for office uses is permitted within the portion of the McFarland/Shiloh Road Regional Node illustrated below:



ARTICLE IX. SITE DEVELOPMENT AND DESIGN STANDARDS FOR ALL RESIDENTIAL DISTRICTS, EXCLUDING MHP DISTRICT:

11-9.1 **Purpose and Intent.** Residential design regulations are intended to improve aesthetic appearance and enhance community character. Mindful consideration of attractive and quality residential design is essential to implement policy goals identified in the county's comprehensive plan that focus upon the creation and maintenance of quality building and site design standards. The objective of this Article is to bolster community identity through the establishment of requirements that promote distinctive materials and craftsmanship in residential building.

Community character areas identified within the comprehensive plan seek to distinguish neighborhoods within given vicinities through the promotion of identifiable characteristics related to house design, lot requirements and subdivision guidelines. A strategic approach to achieving quality design is through the incorporation of regulations pertaining to elements such as building details, siting, circulation and landscaping as well as the location of amenities. These types of measures shall accommodate growth while ensuring community character is prioritized, which ultimately supports the quality of life aspiration that has been acknowledged as a key component of the county's vision statement communicated in the comprehensive plan.

11-9.2 **Applicability.**

- (A) All new major subdivisions and future phases of existing major subdivisions within all residential zoning districts of unincorporated Forsyth County, excluding the MHP District, shall comply with 11-9.4.
- (B) Notwithstanding subparagraph (A), this article shall not apply to the remodel of or addition to an existing structure to the extent the existing structure does not comply with the provisions of this article.
- (C) If a structure for which this article would otherwise apply is damaged, the structure may be rebuilt without needing to comply with those provisions of this article with which the prior structure did not comply at the time of destruction.
- (D) New, major subdivisions located within R2R, CR1, CR2, LR, Res2, Res3, and Res4 zoning districts must comply with sections 11-9.3, 11-9.5, and 11-9.6. New, major subdivisions within the Res6 zoning district must comply with sections 11-9.3 and 11-9.5 for any single family detached product.
- (E) Future phases of existing, major subdivisions within R2R, CR1, CR2, LR, Res2, Res3, and Res4 zoning districts for which houses have not been permitted shall comply with sections 11-9.3 and 11-9.5. This

requirement shall also pertain to any future phases of existing, major subdivisions for which houses have not been permitted and which involve single family detached products within the Res6 zoning district. This requirement shall be waived for the final phase of a multi-phased development, which was approved under a single zoning application with a single multi-phase site plan, that is in need of a land disturbance permit in order to complete its final phase when all other phases are either complete or when no less than 90% of the total approved residential structures in the other phases have been issued certificates of occupancy.

- (F) New, minor subdivisions within R2R, CR1, CR2, LR, Res2, Res3, and Res4 zoning districts for which houses have not been permitted must comply with sections 11-9.3, 11-9.4 and 11-9.5. New, minor subdivisions within the Res6 zoning district for which houses have not been permitted must comply with sections 11-9.3 and 11-9.5 for any single family detached product.

11-9.3 **Application Requirements.**

- (A) Submission of the materials otherwise required in this section may be waived if neither the district performance standards nor the scope of the application request would be affected by the materials.
- (B) Where required by the applicability requirements of section 11-9.2, and not otherwise waived, the following materials must be submitted with a building permit application.
- (1) Elevation drawings of all building types; renderings may also be submitted in addition to required elevations.
 - (2) Visual examples including photographs or physical samples and narrative description of exterior building materials.
 - (3) Details, finish material imagery, and descriptions for fencing and retaining walls.
- (C) At the time of final plat for new, major subdivisions or building permitting for platted lots and new, minor subdivisions, the following shall be submitted.
- (1) Details pertaining to windows, garage doors, porches, decks, exterior walls, gutters and roof detailing.
 - (2) Details pertaining to walkways, landscaping and exterior lighting.
 - (3) Details pertaining to design and finish materials for fencing and retaining walls.
 - (4) Sidewalks, planting strips and trails must be shown on the site plan.
 - (5) Images or other visual examples of the proposed open space character.

11-9.4 **Building Materials.** Where required by the applicability requirements of section 11-9.2, vinyl exterior wall cladding of any kind is prohibited.

11-9.5 **Lot Standards.** Where required by the applicability requirements of section 11-9.2, the following standards apply to individual lots.

- (A) **Wall Finishes.** Exterior wall finish materials (excluding foundations, trim, windows, and doors) are limited to the following.
- (1) Brick: Full-depth masonry brick, but not adhered brick veneers;
 - (2) Stone: Unpainted natural stone, unpainted cast stone or manufactured stone having the appearance of natural stone, and unpainted terra cotta;
 - (3) True three (3) coat cement stucco;
 - (4) Siding: Natural wood or cementitious siding including lap siding and board and batten; and
 - (5) Shingles: Wood or cementitious shakes and shingles.
- (B) **Siding.** Cementitious siding must have a twenty (20) year or greater warranty.
- (C) **Lap siding.** Lap siding must have a seven (7) inches maximum lap exposure with the Director authorized to provide an administrative variance to increase or decrease this numerical requirement subject to the Director's determination that the requested variance is consistent with the size and scale of the dwelling.
- (D) **Foundation walls.** Exposed foundation walls must be faced in brick, stone, or manufactured stone to the level of the first finished floor when there is a basement or at least eighteen (18) inches above grade for the entire perimeter wall when the building has a slab on grade.
- (E) **Massing.** Any exterior wall of a single-family detached dwelling which is longer than twenty (20) feet and which faces a right-of-way or public space that is exterior to the development must incorporate exterior wall projections or recesses of at least eighteen (18) inches. Porches shall count toward this requirement, but chimneys shall not be counted toward this requirement.
- (F) **Eaves and Overhangs.** Eaves on sloped roofs must extend a minimum of twelve (12) inches from the face of the building. Roof overhangs at gables must extend a minimum of six (6) inches from face of the building.
- (G) **Roof Shingles.** Asphalt shingle roofs must have a twenty-five (25) year or greater manufacturer's warranty.

- (H) **Gutters.** Where provided, all gutters must be metal. Gutters must be provided on all sloped roofs except roofs which project less than two (2) feet from the face of the building, roofs on dormers, or roofs above bay windows.
- (I) **Windows.** Any exterior wall facing the side yard must provide window openings or false windows as defined in section 11-9.5.J that equal or exceed five percent (5%) of the total area of that wall. Any exterior wall facing the front yard must provide window openings that equal or exceed thirteen percent (13%) of the area of the wall. Walls that face the side yard and are finished in brick, stone, or manufactured stone are exempt from the window area requirement.
- (J) **False Windows and Louvers.** False windows may count toward the side window area requirement in Section 11-9.5.I where they are similar in size, shape, and materials to other windows on that building and consist of trim with closed shutters that have the appearance of a shuttered window or windows. A single louvered panel with trim may also count toward this requirement. False windows shall not be allowed to count toward this requirement unless shutters adjacent to a true window or windows are also provided on another exterior wall.
- (K) **Window depth.** The window glass pane must be recessed a minimum of one and three sixteenths (1.1875) inches from either the adjacent exterior wall (when no trim is provided) or from the trim (when trim of at least three and a half (3.5) inches wide is provided).
- (L) **Garage Doors.** For single-family detached dwellings with attached garages, garage doors facing a street must not project or be recessed less than eighteen (18) inches, or project more than ten (10) feet from the surface of the exterior wall or from the front face of a porch. For the sake of this requirement, a porch must be:
- (1) At least six (6) feet deep. The depth of a porch shall be measured from the outer most edge of the walking surface to the lowest projecting face of the wall cladding.
 - (2) At least thirty-three percent (33%) of the width of the exterior wall from which it projects.
 - (3) Covered and continuous.
 - (4) If a porch exceeds the thirty-three (33%) percent width requirement, the portion which exceeds this standard may measure less than six (6) feet in depth.
- (M) **Variation in facades.** No more than three (3) adjacent houses located on the same side of the street may have identical façade designs. Differentiation between adjacent houses may be accomplished by at least four (4) of the following:
- (1) Different exterior wall materials (color alone is not sufficient);
 - (2) Different window placement, including a change of at least twenty-four (24) inches or a different window type;
 - (3) Different building heights, including a variation of at least twenty-four (24) inches between adjacent buildings; and
 - (4) Different roof forms, including but not limited to slope, gables, hips, or dormers; and
 - (5) Different garage configuration, including garage doors facing a different direction or a variation in the setback of the garage door from the main building or porch as defined in section 11-9.5(L) of at least twenty-four (24) inches as well as a different garage door type.
- (N) **Landscape.** A minimum of ten percent (10%) of the uncovered area of the lot must be planted in trees, shrubs, or perennial ground cover other than turf grass.
- (O) **Tree planting.** Trees in the front yard must be planted five (5) feet measured in a straight line from the center of the trunk to the edge of the right-of-way. In Res2 and Res3 zoning districts provide at least one two (2) inch caliper minimum overstory tree for each lot in addition to the requirements of the Forsyth County Ordinance 98 (Tree Protection and Replacement Ordinance).
- (1) In order to provide adequate growing area and soil volume for planted trees, the following minimum criteria must be observed unless otherwise approved by the County Arborist to improve the viability of the planted trees:
 - (a) Minimum open soil surface area with average soil depths greater than or equal to three (3) feet:
Overstory Trees: 400 square feet.
Understory Trees: 100 square feet.
 - (b) Minimum setbacks from exterior of trunk to buildings:
Overstory Trees: 20 feet
Understory Trees: 10 feet
 - (c) Minimum setbacks from exterior of trunk to sidewalks, driveways, and other impervious surfaces:

Overstory Trees: 8 feet
Understory Trees: 4 feet

- (2) In some situations, certain conditions or constraints, such as but not limited to existing or proposed utilities, infrastructure, streams, wetlands or other environmental factors, may limit the ability of a site to support the minimum number of required trees. The County Arborist may approve and/or require alternative planting locations or other means of compliance for fulfilling the planting requirement for any tree required by the Tree Ordinance, UDC, or other development regulations. Such decisions shall be based on established principles and practices of arboriculture and with consideration to maximizing the tree's health and contribution to the landscape and environment in order to fulfill the purpose and intent of this Article.

11-9.6 **Subdivision standards.** Where required by the applicability requirements of section 11-9.2, the following subdivision-based standards apply.

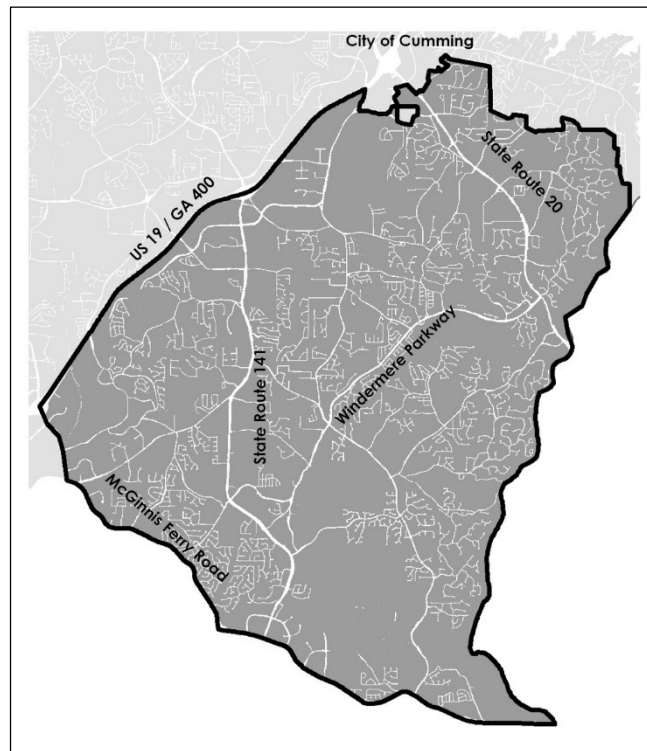
- (A) **Retaining Walls.** Retaining walls must be faced with natural stone, brick, or minimum four (4) inch thick manufactured stone; modular block is allowed. The underlying substrate may not be visible through the facing material. Retaining walls located on individual lots are not subject to this requirement.
- (B) **Gabion Walls.** Retaining walls constructed of metal cages filled with rock or similar material are prohibited where visible from any adjacent or nearby lot, or any public or private street. In addition, gabion walls are restricted to the location of designated common areas and stormwater facilities. Maintenance of the gabion wall structure and any associated vegetation shall be the responsibility of the homeowner association.
- (C) **Retaining wall height.** Retaining walls are limited to six (6) feet in height. When multiple retaining walls are needed, each wall must step back a distance equal to at least two-thirds of the maximum height of the other two nearest retaining walls.
- (D) **Common Mailbox facilities.** Common mailbox areas must include a roofed area to provide shelter to the patron from the elements and provide a fixed trashcan or recycling bin within the covered area.
- (E) **Amenity Area location.**
- (1) Active amenity areas such as pools are not permitted within two hundred (200) feet of street frontage outside of the development or to be visible from a public street outside of the development.
 - (2) Alternatively the active amenity areas must be screened from the public street by a twenty (20) foot wide buffer planted with evergreen trees and shrubs that will reach a minimum height of six (6) feet within a year of planting. The above required buffer applies in addition to the exterior buffer requirements of 11-9.6(J).
- (F) **Street layout.** Straight street lengths are limited to no more than one thousand (1,000) feet without an intervening street intersection or a horizontal curve with a centerline radius of no more than two hundred (200) feet. An exception to this requirement for unnecessary hardship due to topography or natural features may be granted by the Director of Engineering.
- (G) **Light fixtures.** Any lighting fixture not attached to a building must be full-cutoff, this shall take precedence over Section 16-4.26(B)(3)(a).
- (H) **Common Area size.** Common area shall be no smaller than eight thousand (8,000) square feet in size.
- (I) **New trees.** All new trees planted in Home Owner Association maintained areas must be two (2) inch caliper minimum in size, planted before the issuance of the final plat.
- (J) **Exterior Buffer.** Exterior buffers must be provided according to either (1) or (2) as noted below:
- (1) A forty (40) foot buffer must be provided along the right(s)-of-way, with an additional ten (10) foot landscape strip adjacent to the right(s)-of-way. Both the buffer and the landscape strip shall be owned and maintained by the homeowner association. If the undisturbed buffer is sparsely vegetated as determined by the County Arborist, the buffer must be planted to meet the requirements of the Forsyth County Buffer Standards. Each hundred (100) linear feet of landscape strip must contain a minimum mix of three (3) overstory trees, two (2) inch caliper size minimum; sixty-four (64), two (2) gallon evergreen shrubs; and thirty-two (32), two (2) gallon perennials. Alternative configurations that meet the intent of this Article are allowed if approved by the County Arborist. Notwithstanding the requirements of Section 18-10.3, driveways and signage within 30 feet of the edge of driveway pavement shall be exempt from this requirement.
 - (2) Where consistent with the intent of this Article, the rear yard may face a public right of way when treated with the identified, front facade elements below:

- (a) The rear pedestrian entrance must face a public street. A minimum three (3) foot walkway must be provided from the rear pedestrian entrance of the house to the adjacent sidewalk along the public right of way.
 - (b) Any wall facing the rear yard must provide window openings whose area sum equals or exceeds fifteen percent (15%) of the area of the wall.
 - (c) Trees in the rear yard must meet the front yard tree requirements of the Tree Ordinance, and
 - (d) Maximum front yard fence height requirements from section 16-4.14(A) shall apply to the rear yard fencing.
- (K) **Park and trail connection.** If any trails or pedestrian paths within an existing public park are located within 500 feet of the property line of a development, a connection to that pedestrian path or trail must be provided from a sidewalk or trail within the development. If any parks or trails are proposed in any County-approved plan within 500 feet of the property line of a development, a stub out trail leading to the proposed park or trail must be provided up to the property line. Walking trails must be at least five (5) feet wide and shall be surfaced with tree mulch, rock dust, pea gravel, or similar material appropriate for pedestrian use. An exception to this requirement for unnecessary hardship due to topography or natural features may be granted by the director. The trail or path area required by this section both on and off the property may count towards required common area.
- (L) **Sidewalks required.** Five (5) foot sidewalks are required on one side of all new streets. Sidewalks and trails must form a continuous network.

11-9.7 **Southeast Forsyth Design Standards.**

- (A) **Intent.** The intent of this article is to provide a set of design standards that elevate the quality of residential construction permitted in Southeast Forsyth County. In creating a higher standard of construction, this article aims to enhance a sense of place, inspire a variety of building appearances, and address Comprehensive Plan character area goals including tightening the relationship between buildings and the street and providing enhanced connectivity to the community.
- (B) **Delineation of Southeast Forsyth.** The Southeast Forsyth design standards set out in this section shall apply to all properties located within the area indicated in Illustration 11.1, the boundary of which area is described as follows: Beginning at the point where McGinnis Ferry Road meets the eastern boundary of the County, following McGinnis Ferry Road west (generally) to McFarland Road, then following McFarland Road northwest (generally) to US 19/GA 400, then following US 19/GA 400 northeast (generally) to the City limits of Cumming, Georgia, then following the City limits of Cumming, Georgia northeast (generally) to the northern boundary of the Haw Creek and Daves Creek character area as depicted in the July 6, 2017 Forsyth County Comprehensive Plan 2017-2037, then following said northern boundary west (generally) to the eastern boundary of the County, then following the eastern boundary of the County south (generally) to McGinnis Ferry Road and the point of beginning. The Southeast Forsyth design standards are meant to be supplemental to other design standards and requirements of this Code and shall be applied in conjunction therewith where possible. In the event of a direct conflict between the Southeast Forsyth design standards and those standards found elsewhere in this Code, the Southeast Forsyth design standards shall apply. Notwithstanding the foregoing sentence, in the event of a direct conflict between the Southeast Forsyth design standards and those standards governing an overlay district identified in Chapter 21, the overlay district standards of Chapter 21 shall apply.

Illustration 11. 1: Southeast Forsyth Boundary



(C) **Lot Standards.**

(1) **Landscaping.**

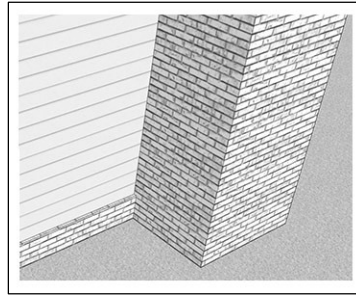
- (a) **Foundation Planting.** Foundation plantings are required in the form of evergreen shrubs, which must be planted no further than three (3) feet from all street-facing foundation walls and be spaced no more than three (3) feet apart.
- (b) **Species Diversity.** No more than 33% of shrubs on a lot may be a single species.
- (c) **Minimum Size.** New trees must be at least three (3) inch caliper. New shrubs must be at least five (5) gallon in size.
- (d) **Planting Beds.** At least 5% of the front yard must be devoted to planting beds, in addition to the foundation planting and tree requirements.
- (e) **Planting Bed Materials.** Planting beds must have a minimum of one annual or perennial plant per square foot at the time of installation.

(2) **Materials.**

- (a) **Wall Finishes.** Exterior wall finish materials more than 18 inches above grade (excluding trim, windows, and doors) are limited to the following.
 - (i) Brick: Full-depth masonry brick, but not adhered brick veneers;
 - (ii) Stone: Unpainted natural stone, unpainted cast stone having the appearance of natural stone, and unpainted terra cotta;
 - (iii) True three (3) coat cement stucco;
 - (iv) Siding: natural wood or cementitious siding including lap siding and board and batten; and
 - (v) Shingles: Wood or cementitious shakes and shingles.
- (b) **Lower Wall Finishes.** Exterior wall finish materials less than 18 inches above grade are limited to the following:
 - (i) Brick: Full-depth masonry brick, but not adhered brick veneers;
 - (ii) Stone: Unpainted natural stone, unpainted cast stone having the appearance of natural stone, and unpainted terra cotta;

- (c) **Vertical Joints.** At the vertical meeting of different exterior wall finish materials, the transition between the materials must occur at inside corners as shown in Illustration 11.2.

Illustration 11. 2: Vertical wall material joints



- (3) **Windows.**
- (a) **Shutters.** Where present, shutters must match one half the width and shape of the window opening to which they are adjacent.
 - (b) **Front Window Coverage.** All walls facing the front yard must provide window openings whose total area equals or exceeds fifteen percent (15%) of the total area of that wall.
 - (c) **Side Window Coverage.** All walls facing the side yard must provide window openings whose area equals or exceeds ten percent (10%) of the total area of that wall.
 - (d) **Window Depth.** Where no trim is provided or trim is provided but is less than 3.5 inches in width, window panes must be recessed a minimum of one and one half (1.5) inches from the outermost finished surface of the adjacent exterior wall. Where trim of at least three and a half (3.5) inches wide is provided, window panes must be recessed a minimum of one and one half (1.5) inches from the surface of the adjacent trim.
- (4) **Garage Doors.** For single family detached dwellings with attached garages, garage doors facing a street must be recessed at least ten (10) feet from the surface of the front, exterior wall of the dwelling.
- (5) **Building Orientation to Street.**
- (a) **Pedestrian Entrance.** The primary pedestrian entrance for each main building must face a street or public open space. A walkway with a minimum width of three (3) feet and distinct from the driveway must be provided between the primary pedestrian entrance and the adjacent sidewalk. If no sidewalk is present, and the driveway connects to the same public street that the primary pedestrian entrance faces, and the primary pedestrian entrance is more than thirty (30) feet from the property line, a walkway with a minimum width of three (3) feet must be provided between the primary pedestrian entrance and the driveway.
 - (b) **Alley-Loaded Fronts.** All lots with vehicular access exclusively from an alley and with a main building located less than twenty-five (25) feet from any adjacent street must provide a continuous evergreen hedge, wood or metal fence, or full-depth brick wall between the main building and the street. Said hedge, fence, or wall must be at least eighteen (18) inches and no more than forty-eight (48) inches in height.
- (6) **Accessory Buildings and Structures.**
- (a) **Exterior Materials.** Accessory buildings and structures must use the same exterior wall materials as the primary building.
 - (b) **Floor Area.** The total floor area of all accessory buildings and structures on a lot may not exceed fifty percent (50%) of the total floor area of the primary building on that same lot.
- (D) **Subdivision Standards.**
- (1) **Open Space.** Public open spaces not including buffers must preserve or provide twenty (20) overstory trees per acre. Preserved healthy overstory trees over sixteen (16) inch dbh shall count as three (3) overstory trees for the sake of this requirement, subject to confirmation by the County arborist.
 - (2) **Connectivity & Walking.**
 - (a) **Walking Trail Connections.** All cul-de-sacs greater than five hundred (500) feet in length must be connected to the closest adjacent cul-de-sac that is greater than five hundred (500) feet in length

- by a walking trail, unless prevented by topographical or hydrological constraints, as determined by the director. Walking trails must be at least five (5) feet wide and must be surfaced with tree mulch, rock dust, pea gravel, or similar material appropriate for pedestrian use.
- (b) **Sidewalk Requirement.** Five (5) foot wide sidewalks are required on one side of all new streets. For streets that provide vehicular access to thirty (30) or more houses, a five (5) foot wide sidewalk must be provided on both sides of the street. Sidewalks and trails must form a continuous network.
- (3) **Monument Signs.** Monument Signs located at the entrance of residential subdivisions shall comply with the following standards:
- (a) **Sign Supports.** The supporting sign structure may be constructed with the following durable materials:
- (i) Brick: Full-depth masonry brick, but not adhered brick veneers;
 - (ii) Stone: Unpainted natural stone, unpainted cast stone having the appearance of natural stone, and unpainted terra cotta;
- (b) **Sign Supports Disallowed.** The supporting structure may not be constructed of wood, treated or untreated
- (c) **Sign Face.** Sign faces may be composed of the following materials:
- (i) Metal: painted or unpainted;
 - (ii) Wood: treated to withstand water or painted;
 - (iii) Synthetic material having the appearance of wood or metal;
 - (iv) Any material permitted for the supporting structure
- (d) **Lighting.** Internally illuminated signs are prohibited
- (4) **Lighting.**
- (a) **Consistency.** Subdivisions must provide a consistent pole-mounted light fixture throughout the development
- (b) **Light Levels.** The provided lighting must illuminate all sidewalks and common areas intended for use after dark and must provide a minimum of 1 footcandle average of illuminance, with a range of 0.5 to 2 footcandles to avoid excessive dark and bright spots.
- (5) **Landscaping.**
- (a) **Diversity of Trees.** No more than 33% of newly planted trees in a development may be of a single species.
- (6) **Site design.**
- (a) **Retaining Walls.** Retaining Walls. Retaining walls must be faced with natural stone, brick, or minimum four (4) inch thick manufactured stone. The underlying substrate may not be visible through the facing material.
- (b) **Gabion Walls.** Retaining walls constructed of metal cages filled with rock or similar material are prohibited.
- (c) **Street Layout.** Straight street segments are limited to no more than six hundred (600) feet in length without an intervening intersection or a horizontal curve with a centerline radius of no more than ninety (90) feet.
- (d) **Exterior Buffer.** Lots along the exterior property line of a development that do not abut a right-of-way or public space must provide a thirty (30) foot buffer.

ARTICLE X. DESIGN STANDARDS FOR SINGLE-FAMILY ATTACHED AND MULTI-FAMILY RESIDENTIAL

11-10.1 **Purpose and Intent.** The residential design regulations in this article are intended to increase the overall durability, construction quality and attractiveness of single-family attached and multi-family residential developments. The objectives are to address community character, enhance attractiveness of the built environment and contribute to quality of life for residents. The design guidelines are functional in both maintaining comfortable living standards and shaping the development pattern within the larger community. These guidelines shall ensure that single-family attached and multi-family residential developments are architecturally diverse, but also strengthen a cohesive neighborhood identity to complement the setting and character of residential neighborhoods.

11-10.2 **Applicability.**

- (A) This article shall not apply to the remodel of or addition to an existing structure to the extent the existing structure does not comply with the provisions of this article.

- (B) If a structure for which this article would otherwise apply is damaged, the structure may be rebuilt without needing to comply with those provisions of this article with which the prior structure did not comply at the time of destruction.
- (C) Residential development for which units have not been permitted must comply with sections 11-10.3 and 11-10.4. If at least one building permit has been issued for a residential unit on the property or within the same subdivision prior to the effective date of this article, compliance with sections 11-10.3 and 11-10.4 is not required for any further residential development on the property or within the same subdivision.
- (D) New, minor subdivisions and platted lots not located within subdivisions shall be exempt from the site standard requirements found in 11-10.4 (A)(6) and 11-10.4 (B)(7).

11-10.3 **Application Requirements.**

- (A) Submission of the materials otherwise required in this section may be waived if neither the zoning district performance standards nor the scope of the application request would be affected by the materials.
- (B) Where required by the applicability requirements of section 11-10.2, and not otherwise waived, the following materials must be submitted with a road construction permit for townhomes:
 - (1) Details pertaining to sidewalks and pedestrian paths that connect each unit with adjacent public streets and all on-site amenities.
 - (2) Details pertaining to building orientation with primary entrance and front façade of each unit oriented towards, streets, private drives, or enhanced open space.
- (C) Where required by the applicability requirements of section 11-10.2, and not otherwise waived, the following materials must be submitted with a site development permit for apartments, condominiums, quadplexes, triplexes, and duplexes:
 - (1) Details pertaining to sidewalks and pedestrian paths that connect each building with adjacent public streets and all on-site amenities.
 - (2) Details pertaining to building orientation with primary entrance and front façade of each unit oriented towards, streets, private drives, or enhanced open space for quadplexes, triplexes, and duplexes.
 - (3) Details pertaining to fencing materials.
- (D) At the time of building plan review for any single family attached product within a major subdivision or for any multi-family development, the following shall be submitted to illustrate building design standards:
 - (1) Details pertaining to wall finishes with indication of primary and secondary wall cladding material.
 - (2) Details pertaining to facade design elements, including façade ratio and window requirements.
 - (3) Details pertaining to roof types, roof slope, and roof material.
 - (4) Details pertaining to optional landscape elements to address blank walls.
 - (5) Details pertaining to exterior lighting.
- (E) At the time of building permitting for new, minor subdivisions and platted lots not located within subdivisions, the following shall be submitted to illustrate building design standards:
 - (1) Details pertaining to wall finishes with indication of primary and secondary wall cladding material.
 - (2) Details pertaining to facade design elements, including façade ratio and window requirements.
 - (3) Details pertaining to roof types, roof slope, and roof material.

11-10.4 **Architectural Standards**

(A) **Single-Family Attached Residential**

(1) **Wall Finishes.**

- (a) A minimum of sixty (60%) percent of the total façade of all exterior walls, excluding windows and doors, must consist of primary wall cladding materials as listed below.
 - (i) Brick or masonry brick veneer;
 - (ii) Manufactured or natural stone or stone veneer;
 - (iii) True three (3) coat cement stucco;
 - (iv) Cementitious siding including lap siding and board and batten.
- (b) A maximum of forty (40%) percent of the total façade of all exterior walls, excluding windows and doors, may consist of secondary wall cladding materials as listed below.
 - (i) Natural wood siding;
 - (ii) Cementitious shakes and shingles;
 - (iii) Exterior Insulation and Finish System (EIFS). If within three (3) feet of grade or within six (6) feet of grade adjoining a public right-of-way or a parking area, shall be compliant with impact resistance standards set by ASTM.
- (c) The use of the following materials is prohibited for the exterior of buildings:
 - (i) Architectural concrete masonry units (CMUs);

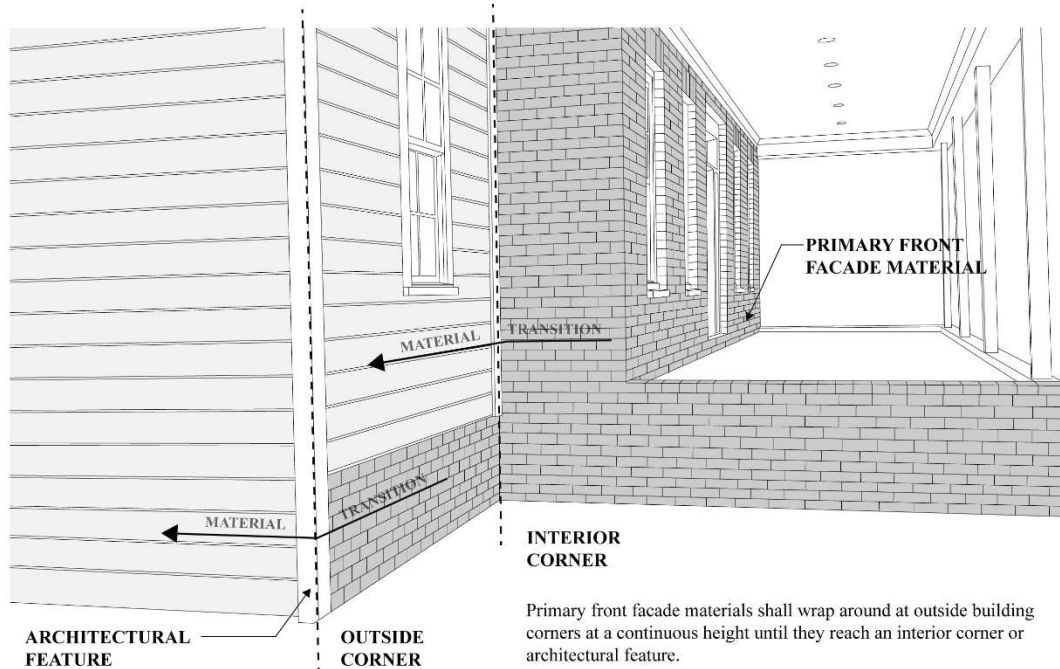
- (ii) Plywood and oriented strand board (OSB);
 - (iii) Standing seam or corrugated metal panels;
 - (iv) Vinyl siding and other polymeric siding;
 - (v) Mirrored glass;
 - (vi) Corrugated fiberglass;
 - (vii) Any spray-on materials, such as shot-crete.
- (d) On the arrangement of façade materials
- (i) Where two (2) or more materials are proposed to be combined on a façade, the heavier material shall be located below the lighter material as shown in Illustration 11.3. Material changes on a façade shall occur along a continuous horizontal line or where two (2) building forms meet. The use of brick, manufactured or natural stone, or stone veneer shall be considered equivalent for the purpose of material weight.

Illustration 11.3: Material arrangement



- (ii) Primary front façade materials shall wrap around at outside building corners at a continuous height until they reach an interior corner or another architectural feature. See Illustration 11.4.

Illustration 11. 4: Building Corners



- (e) Accessory Materials
 - (i) The exterior of accessory buildings shall be constructed of similar materials, colors, and detailing to match those used on the principal structure(s).
 - (f) In cases where a material is proposed but is not listed, the director shall make an administrative determination as to whether or not the material shall be permitted under present design standards based on the purpose and intent of this Article.
- (2) **Variation in Facades.** For the purpose of this subsection, a building façade shall be considered the entire wall surface on a building side from the finished grade level to the bottom of an overhanging eave or to the top of a cornice as shown in Illustration 11.5.
 - (a) Front facades shall be varied to avoid long, flat building fronts. Any building containing more than three (3) units shall have the façade of each attached unit distinct from the other.
 - (b) All facades shall provide doors, porches, stoops, balconies, or windows in the following ratios:
 - (i) A minimum of thirty (30%) percent of the front building façade. Garage doors shall not count towards compliance with this requirement.
 - (ii) A minimum of ten (10%) percent of the side building façade. Garage doors shall not count towards compliance with this requirement.
 - (iii) A minimum of twenty-five (25%) percent of the rear building façade. Rear-loaded garages are encouraged and shall count towards compliance with this requirement.
 - (iv) Windowless walls are prohibited along all facades. A minimum of one-quarter (1/4) of the front and side building façade ratio requirements shall be comprised of windows.
 - (v) Faux window treatments may be used to satisfy ratio requirements for side and rear facades.
 - (vi) Garage door windows may count towards ratio requirements.
 - (vii) Box or bay windows as well as roof projections above a porch, stoop, or balcony shall count towards the façade ratio requirements.
 - (c) All front facades shall provide a minimum of three (3) of the following design features for each unit:
 - (i) Projection(s) or recess(es) in the façade plane that differentiate the unit from the adjacent unit, with a minimum depth or projection of eighteen (18) inches;

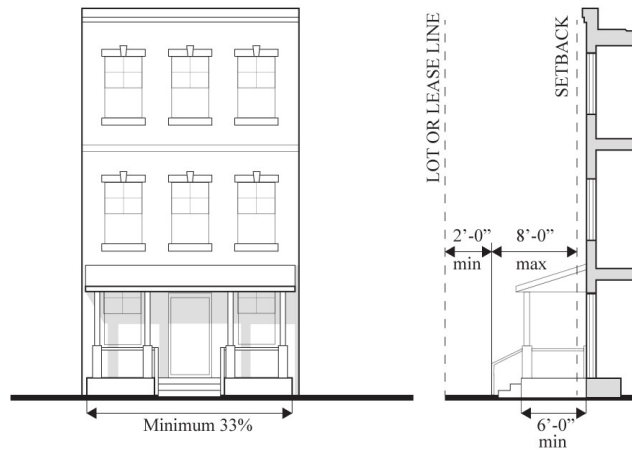
- (ii) Decorative patterns on the exterior finish such as wainscoting, moldings, and similar features;
- (iii) A stoop, porch, balcony, or a recessed entrance with a minimum of eighteen (18) inches from the front façade;
- (iv) A box or bay window with a minimum eighteen (18) inch projection from the façade plane;
- (v) Window and door openings in masonry facades that express a lintel or arch above the opening. Lintels or arches used either structurally or as a decorative trim, shall extend beyond the width of the opening;
- (vi) Eaves with either exposed rafters or a cornice projecting a minimum of twelve (12) inches from the façade plane;
- (vii) A minimum of three (3) ornamental features, including but not limited to: gable vents or windows, minimum window trim of four (4) inches, decorative brackets or corbels, transom windows, and window shutters. For purposes of the minimum design features for front facades, the inclusion of three ornamental features pursuant to this subsection shall constitute a single design feature.

Illustration 11. 5: Front façade area measurements



- (3) **Building Elements.** Notwithstanding the requirements of Tables 11.2(a) and 11.2(b), a porch, stoop, or balcony shall follow the standards listed below. These standards are to ensure that certain building elements when added to a building façade are of sufficient size to be both usable and functional and be architecturally compatible with the frontage to which they are attached.
 - (a) The depth of a porch, stoop, or balcony shall be measured from the outer most edge of the walking surface to the lowest projecting face of the wall cladding.
 - (b) **Porch.** Porches shall comply with the following standards listed below. See Illustration 11.6.
 - (i) Shall be at least six (6) feet deep, not including the steps;
 - (ii) A front porch must be contiguous to the building façade, with at least thirty-three (33%) percent of the width of the exterior wall from which it projects;
 - (iii) If a porch exceeds the thirty-three (33%) percent width requirement, the portion which exceeds this standard may measure less than six (6) feet in depth;
 - (iv) Shall be roofed and may be screened but shall not be fully enclosed by walls;
 - (v) Shall not encroach into the public right-of-way or required sidewalk;
 - (vi) May extend up to eight (8) feet, including steps, into the required front setback, provided that such an extension is at least two (2) feet from the lot or lease line.

Illustration 11. 6: Porch requirements



- (c) **Stoop.** Stoops shall comply with the following standards listed below. See Illustration 11.7.
- (i) Shall be no more than six (6) feet deep and six (6) feet wide, not including steps;
 - (ii) May be covered but shall not be fully enclosed;
 - (iii) Shall not encroach into the public right-of-way or required sidewalk;
 - (iv) May extend up to six (6) feet, including steps, into the required front setback, provided that such an extension is at least two (2) feet from the lot or lease line.
- (d) **Balcony.** Balconies shall comply with the following standards listed below. See Illustration 11.8.
- (i) Shall be at least four (4) feet deep;
 - (ii) Shall have a clear height above the sidewalk of a minimum of ten (10) feet;
 - (iii) May be covered and screened, but not fully enclosed;
 - (iv) May extend up to six (6) feet into the required setback, provided that such extension is at least two (2) feet from the lot or lease line, but shall not encroach into the public right-of-way.

Illustration 11. 7: Stoop requirements

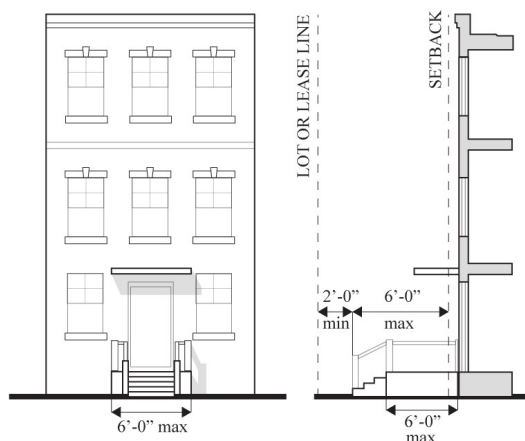
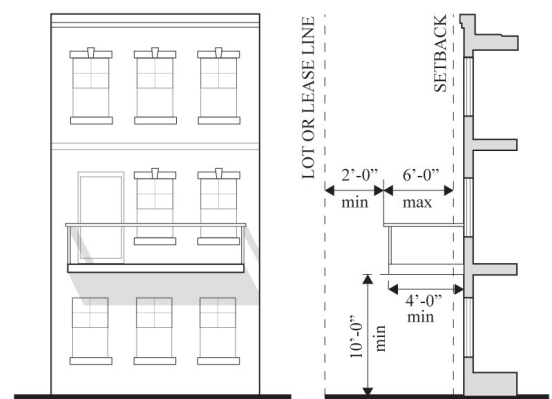


Illustration 11. 8: Balcony requirements

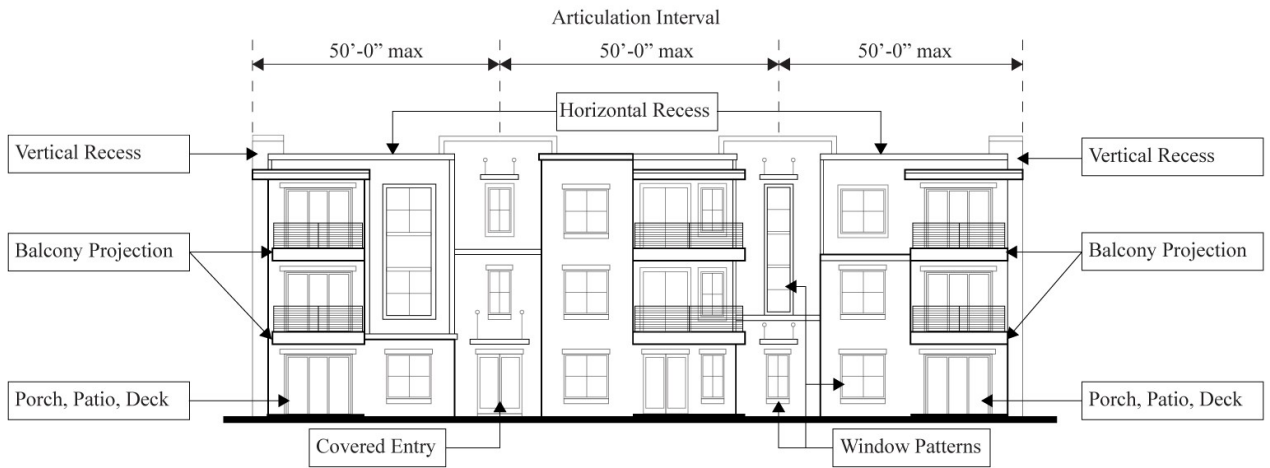


- (4) **Garage Doors.** Garage doors shall be recessed a minimum of twelve (12) inches from the front façade. In the case of rear loaded, garage doors shall be recessed a minimum of nine (9) inches from the front façade.
- (5) **Roofs.** The roofs of each unit shall comply with the following standards:
- (a) Roofs shall be symmetrical gables, flat with parapet along the front façade, or shed style. Alternative roof forms or pitches may be used over porches, covered stoops, covered balconies, entryways, or similar features;
 - (b) Shed style roofs shall have a minimum roof pitch of 4:12;
 - (c) Symmetrical gable style roofs shall have a minimum roof pitch of 3:12;

- (d) Hip roofs shall be permissible provided that the roof line is stepped between each unit when facing the front façade or when visible from the right of way. Hip roofs shall have a minimum roof pitch of 4:12;
 - (e) When a parapet is part of the roof design, the projection of the front façade must be varied and must use decorative elements such as crown molding, dentils, brick soldier courses, or similar ornamental features;
 - (f) Additional roof forms, such as dormers, shall be permitted to enhance the aesthetic of the roofline;
 - (g) Overhangs, if provided, shall be no less than twelve (12) inches;
 - (h) Sloped roofs on primary buildings shall be clad in wood shingles, standing seam metal, clay or concrete tile, stone coated metal tile, painted metal tile, recycled rubber tile, slate, asphalt shingles or similar material or combination of materials. This regulation does not prohibit the application of solar panels, which shall not be considered an architectural material for purposes of building form regulations;
 - (i) In cases where an alternative roofing material is proposed but is not listed, the director shall make an administrative determination as to whether or not the material shall be permitted under present design standards based on the purpose and intent of this Article.
- (6) **Site Standards.**
- (a) Sidewalks and pedestrian pathways shall provide a continuous network that connects each unit with adjacent public streets and all on-site amenities designed for use by residents of the development.
 - (b) The primary entrance and front façade of individual units within a single family attached development may be oriented toward streets, private drives or enhanced open space, and shall not be oriented toward off-street parking lots, garages, alleyways, or carports except in cases where the director is presented with evidence showing that ADA compliance requires such orientation.
- (B) **Multi-Family Residential**
- (1) **Wall Finishes.**
- (a) A minimum of sixty (60%) percent of the total façade of all exterior walls, excluding windows and doors, must consist of primary wall cladding materials as listed below.
 - (i) Brick or masonry brick veneer;
 - (ii) Manufactured or natural stone or stone veneer;
 - (iii) True three (3) coat cement stucco;
 - (iv) Cementitious siding including lap siding and board and batten.
 - (b) A maximum of forty (40%) percent of the total façade of all exterior walls, excluding windows and doors, may consist of secondary wall cladding materials as listed below.
 - (i) Exterior Insulation and Finish System (EIFS). If within three (3) feet of grade or within six (6) feet of grade adjoining a public right-of-way or a parking area, shall be compliant with impact resistance standards set by ASTM.
 - (ii) Architectural grade metal wall panels, which shall:
 - a) Be matte finish in neutral or earth tone and;
 - b) Include two (2) or more of the following elements:
 - i. Visible window and door trim painted or finished in a complementary color.
 - ii. Color and edge trim that cover exposed edges of the sheet metal panels.
 - iii. A base constructed from the materials listed in Section 11-10.4(B)(1)(a).
 - (c) The use of the following materials is prohibited for the exterior of buildings:
 - (i) Architectural concrete masonry units (CMUs);
 - (ii) Plywood and oriented strand board (OSB);
 - (iii) Vinyl siding and other polymeric siding;
 - (iv) Mirrored glass;
 - (v) Corrugated fiberglass;
 - (vi) Any spray-on materials, such as shot-crete.
 - (d) On the arrangement of façade materials
 - (i) Where two (2) or more materials are proposed to be combined on a façade, the heavier material shall be located below the lighter material as shown in Illustration 11.3 in section 11-10.4(A)(1). Material changes on a façade shall occur along a continuous horizontal line or

- where two (2) building forms meet. The use of brick, manufactured or natural stone, or stone veneer shall be considered equivalent for the purpose of material weight.
- (ii) Primary front façade materials shall wrap around at outside building corners at a continuous height until they reach an interior corner or another architectural feature. See Illustration 11.4 in section 11-10.4(A)(1).
- (e) Accessory Structure Materials
 - (i) The exterior of accessory buildings shall be constructed of similar materials, colors, and detailing to match those used on the principal structure(s).
 - (f) In cases where a material is proposed but is not listed, the director shall make an administrative determination as to whether or not the material shall be permitted under present design standards based on the purpose and intent of this Article.
- (2) **Site Materials.** Except as otherwise stated, use of the following materials is prohibited on the property:
- (a) Crushed color rock or tumbled glass;
 - (b) Chain link fencing shall be permissible on the property provided it is vinyl coated. All vinyl coated chain link fences must be fully screened by vegetation and not visible from the public right-of-way.
- (3) **Variation in Facades.** For the purpose of this subsection, a building façade shall be considered the entire wall surface on a building side from the finished grade level to the bottom of an overhanging eave or to the top of a cornice as shown in Illustration 11.5 in section 11-10.4(A)(2). The facades of multi-family buildings shall incorporate several design techniques to create an appropriate building scale and to provide distinction between similar structures.
- (a) All facades shall provide doors, porches, stoops, balconies, or windows in the following ratios:
 - (i) A minimum of forty (40%) percent of the front building façade.
 - (ii) A minimum of twenty (20%) percent of the side building façade.
 - (iii) A minimum of thirty (30%) percent of the rear building façade.
 - (iv) Windowless walls are prohibited along all facades. A minimum of one-quarter (1/4) of the front, side, and rear building façade ratio requirements shall be comprised of windows.
 - (b) Faux window treatments shall be permitted for side and rear facades to comply with window ratio requirements.
 - (c) For buildings over three (3) stories, over five thousand (5,000) square feet in gross building footprint or with façades longer than one hundred (100) feet.
 - (i) The “articulation interval” at which the repetitive element repeats should not be greater than fifty (50) feet in length measured horizontally as shown in Illustration 11.9.
 - (ii) The building shall provide a minimum of three (3) of the following modulations or articulation design features listed below as shown in Illustration 11.9:
 - a) Horizontal modulation. The stepping back or extending forward of building stories or horizontal building elements, the depth (extension out or set back from the building facade) of the modulation must be at least two (2) feet when tied to a change in the roofline and at least five (5) feet in other situations;
 - b) Vertical modulation. The extension or stepping back of vertical elements of a building, the minimum depth of modulation is eighteen (18) inches and minimum width for each modulation is fifteen (15) feet;
 - c) Porch, stoop, patio, deck or covered entry at each articulation interval;
 - d) Distinctive window patterns repeated at intervals less than the articulation interval;
 - e) Lighting fixtures, trellises, or other landscape features within each articulation interval;
 - f) Incorporation of projections such as windows, porch additions, stair enclosures, chimneys, balconies, recesses at windows, entryways, doors or other openings, and minor projecting masses;
 - g) Change in materials with a change in building plane;
 - h) Use of materials and colors to emphasize both major and minor changes in building scale to introduce sense of detail and create distinctions between structures.

Illustration 11. 9: Modulation Example



- (4) **Blank Walls.** For the purpose of this section, a “blank wall” is any portion of wall that either has a surface area of at least two hundred (200) square feet of vertical surface without a window, door or building modulation or other architectural feature; or is over four (4) feet in height from ground level and longer than fifteen (15) feet as measured horizontally without having a window, door, building modulation or other architectural feature as shown in Illustration 11.10. All blank walls visible from an adjacent or nearby lot, or a public street or private street, shall be treated in one (1) or more of the following ways:
- (a) A vertical trellis in front of the wall with climbing vines or other plant material. The trellis must be used in conjunction with other treatments described below.
 - (b) A landscaped planting bed or raised planter bed in front of the wall.
 - (i) Plant material shall be selected to screen at least fifty (50%) percent of the blank wall’s surface within four (4) years.
 - (c) A combination of building materials as listed in 11-10.4(B)(1)(a) and 11-10.4(B)(1)(b) to provide visual interest and craftsmanship to building façades consistent with the purpose and intent of this Article.

Illustration 11. 10: Example Blank Wall



Not compliant

Compliant

- (5) **Exterior Lighting.**
 - (a) Full cutoff fixtures shall be required with the exception of special architectural lighting that adheres to the following:
 - (i) Uplighting shall be shielded by a roof overhang or a similar structural shield.
 - (ii) Luminaires shall be aimed to shield the lamp and its reflective surfaces from off-site view and to prevent light output beyond the building.
 - (iii) A licensed architect or engineer shall stamp a prepared lighting plan that ensures that all exterior lighting adheres to county design standards.
- (6) **Roofs.** All roofs shall comply with the following standards:
 - (a) Roofs shall be symmetrical gables, flat with parapet along the front facing façade, hip-style, or shed style. Alternative roof forms or pitches may be used over porches, covered stoops, entryways, or similar features;
 - (b) Shed style roofs shall have a minimum roof pitch of 4:12;
 - (c) Symmetrical gable and hip-style roofs shall have a minimum roof pitch of 3:12;
 - (d) Additional roof forms, such as dormers, shall be permitted to enhance the aesthetic of the roofline.
 - (e) All building entrances shall be sheltered by roof forms, and/or additional roof features;
 - (f) Overhangs, if provided, shall be no less than twelve (12) inches;
 - (g) For flat roofs or facades with horizontal fascia or parapet, the roofline shall vary at least every sixty (60) feet. There shall be a minimum vertical dimension of roofline modulation of two (2) feet;
 - (h) Other roof forms such as arched or saw-toothed may satisfy this design standard if the individual segments of the roof with no change in slope or discontinuity are less than sixty (60) feet in width;
 - (i) Sloped roofs on primary buildings shall be clad in wood shingles, standing seam metal, clay or concrete tile, stone coated metal tile, painted metal tile, recycled rubber tile, slate, asphalt shingles or similar material or combination of materials. This regulation does not prohibit the application of solar panels, which shall not be considered an architectural material for purposes of building form regulations;
 - (j) In cases where an alternative roofing material is proposed but is not listed, the director shall make an administrative determination as to whether or not the material shall be permitted under present design standards based on the purpose and intent of this Article.
- (7) **Site Standards.**
 - (a) Sidewalks and pedestrian pathways shall provide a continuous network that connects each building entrance with adjacent public streets and all on-site amenities designed for use by residents of the development.

CHAPTER TWELVE

COMMERCIAL AND OFFICE DISTRICTS

ARTICLE I, NEIGHBORHOOD SHOPPING DISTRICT (NS):

12-1.1 **Purpose and Intent.** Several areas have been designated as appropriate for development as neighborhood activity centers. Some neighborhood activity centers exist and are developed or developing according to a conventional automobile-dependent model for suburban shopping centers. It is the intent of the County that existing neighborhood shopping districts be encouraged, as additional development and redevelopment occurs within them, to be retrofitted as neighborhood activity centers, consistent with design guidelines for activity centers specified in this Chapter.

Neighborhood shopping districts are activity centers that provide convenient commercial developments that serve residential areas within an approximate one-half mile radius. Generally, the uses permitted to locate in NS districts are those that have an economic threshold of 5,000 population or less. Some uses that are not retail or service in nature are also allowed so a variety of uses may locate in existing buildings. In any given location, NS districts are not intended to exceed ten acres of land or a total gross leaseable floor area of more than 75,000 square feet, and in many cases they are not that large in area or square footage. Individual establishments do not exceed 10,000 square feet. Neighborhood shopping districts contain uses of low intensity when compared to urban village districts and commercial business districts.

This district is to intended to discourage the random sprawl of commercial development by concentrating neighborhood-serving businesses in activity centers at road intersections rather than in a strip or linear pattern, and to limit commercial and other uses to those that do not compete with the continued development of urban villages. Objectives of the neighborhood shopping district are to encourage new smaller-scale activity centers that have definable edges, to locate shops and services at high visibility places, and to require that new buildings respect the scale and design of existing neighborhoods and fit into the streetscape. Some of the residential areas served by neighborhood shopping districts are within walking distance, and therefore, pedestrian access is facilitated and off-street parking is restricted.

Development within the NS district is subject to the general site development and design regulations and is further encouraged to adhere to the design guidelines for activity centers.

12-1.2 **Permitted and Conditional Uses.** As provided in Table 12.1; and subject to the following provisions which apply to all uses in this district:

(A) A conditional use is required for any establishment conducting around the clock business hours. Certain specific uses are regulated by Chapter 16.

12-1.3 **Performance Standards.** As provided in Table 12.2.

12-1.4 **Site Development Regulations.** As provided in Chapter 12, Article 10. In addition, development within the NS district should adhere to the design guidelines for activity centers as specified in Chapter 13. However, newly established NS districts are expected to substantially conform to the design guidelines for activity centers.

ARTICLE II, URBAN VILLAGE (UV):

12-2.1 **Purpose and Intent.** These districts are intended to provide mixed use centers of moderate intensity, including primarily commercial developments that serve the recurring weekly shopping and service needs of residential areas within an approximate one and one-half to two-mile radius. Generally, the uses permitted to locate in the UV district are those that have an economic threshold of between 10,000 and 40,000 population. In any given location, UV districts are not intended to exceed seventy-five acres of land. UV districts do not exceed a total gross leaseable floor area of more than 300,000 square feet for retail and service uses. Individual establishments do not exceed 60,000 square feet. "Big box" retail is not considered appropriate in urban village zoning districts unless reduced considerably in scale and intensity and developed according to design guidelines for activity centers. UV districts contain uses of approximately twice the intensity of NS districts but of lower intensity when compared to the Commercial Business zoning district (CBD).

Urban Village zoning districts are intended to discourage the random sprawl of commercial development by concentrating businesses in focus areas at road intersections rather than in a strip or linear pattern. Objectives of the urban village zoning district are to accommodate the automobile but provide environments that facilitate pedestrian access. The urban village should be pedestrian friendly and human scaled, with wide sidewalks, period furnishings and lighting, and landscape planting. Pedestrian safety must be facilitated with crosswalks, crossing lights, and

shelters. Vehicular traffic should be slowed within the district and parking developed on-street where permitted and off-street.

Urban villages provide for a mixture of compatible land uses. Some uses that are not retail or service in nature are also allowed so a variety of uses may locate in existing buildings. This district may also include cultural and social activities, museums, and theaters. Objectives of UV districts are to encourage activity centers that have definable edges, to locate shops and services at high visibility places, and to provide for an attractive building arrangement and streetscape.

12-2.2 **Permitted and Conditional Uses.** As provided in Table 12.1; and subject to the following provisions which apply to all uses in this district:

(A) A conditional use is required for any establishment conducting around the clock business hours. Certain specific uses are regulated by Chapter 16.

12-2.3 **Performance Standards.** As provided in Table 12.2.

12-2.4 **Site Development Regulations.** As provided in Chapter 12, Article 10. In addition, development within the UV district should adhere to the design guidelines for activity centers as specified in Chapter 13. However, newly established UV districts are expected to substantially conform to the design guidelines for activity centers.

ARTICLE III, COMMERCIAL BUSINESS DISTRICT (CBD):

12-3.1 **Purpose and Intent.** This district is intended to provide for the more intensive commercial uses that serve the weekly and less frequent shopping and service needs of the locality and region. Commercial business districts permit uses of approximately twice the intensity of village activity center districts. While the size of establishment is unlimited, those developments that are 75,000 square feet or greater are limited to location criteria as defined by 12-11.4(c) and 12-12.3. Development is expected to be generally auto-accommodating, although adequate provision should be made for pedestrian and bicycle access per the Bicycle Transportation and Pedestrian Plan and for public transit where appropriate.

12-3.2 **Permitted and Conditional Uses.** As provided in Table 12.1; and subject to the following provisions which apply to all uses in this district:

(A) A conditional use is required for any establishment conducting around the clock business hours. Certain specific uses are regulated by Chapter 16.

12-3.3 **Performance Standards.** As provided in Table 12.2 and when applicable, per Articles 11 and 12.

12-3.4 **Site Development Regulations.** As provided in Chapter 12, Article 10 and when applicable, Articles 11 and 12. Newly established CBD districts are not required to conform to Chapter 13, design guidelines for activity centers. However, the principles and guidelines for activity centers may be considered in the rezoning process for CBD zoning districts to ensure compatibility with adjacent residential neighborhoods.

ARTICLE IV, HIGHWAY BUSINESS DISTRICT (HB):

12-4.1 **Purpose and Intent.** These districts are intended to provide commercial activities specifically designed to serve patrons from automobiles and to serve automobile needs. Development in the highway business district is expected to be predominantly auto-accommodating. The County's intent in establishing this district is to provide for highway commercial developments while improving their appearance and function. A string of freestanding businesses leads to an anonymous character of most highways. This district is intended to provide for the gradual visual improvement of commercially developed corridors. Improvements and new development within this district must be consistent with general site development and design regulations that are designed to improve views from the roadway and provide for enhanced treatment of roadway edges. Strip commercial revitalization districts must protect adjacent single family residential areas with buffers and screening. The reuse of aging commercial areas is encouraged to reinforce the County's efforts to remain free of blight over the long term.

12-4.2 **Permitted and Conditional Uses.** As provided in Table 12.1; and subject to the following provisions which apply to all uses in this district:

(A) A conditional use is required for any establishment conducting around the clock business hours. Certain specific uses are regulated by Chapter 16.

12-4.3 **Performance Standards.** As provided in Table 12.2.

12-4.4 **Site Development Regulations.** As provided in Chapter 12, Article 10. Newly established HB districts are not required to conform to Chapter 13, design guidelines for activity centers.

ARTICLE V, HEAVY COMMERCIAL DISTRICT (HC):

12-5.1 **Purpose and Intent.** These districts are intended to provide areas for the operation of heavy commercial uses such as contractor's establishments, open storage yards, and pre-fabricated metal shop and pole buildings. These districts are not suitable for location adjacent to single family residential subdivisions unless extensively buffered, screened, and separated from residential neighborhoods. Heavy commercial uses are generally not compatible with retail shopping and service uses, because they are not frequented by the traveling public but instead cater to a limited clientele. HC districts do not create pedestrian friendly environments. These areas do not necessarily require highway frontage but have access to major roads either directly or through other commercially zoned properties. Due to their infrequent or low volume use, heavy equipment storage and use areas are not necessary required to be paved with asphalt or concrete but must be appropriately surfaced with at least gravel and drained. Uses that require frequent visitations should provide for paved parking areas. Equipment and storage yards are typically required to be secured with chain link fencing, including barbed wire top strands. Lighting of yards is required for security purposes but not at a level needed for nighttime human activity. Activity is dormant outside of regular business hours, except for occasional starting, exiting, and entering of service vehicles and trucks.

12-5.2 **Permitted and Conditional Uses.** As provided in Table 12.1; and subject to the following provisions which apply to all uses in this district:

(A) A conditional use is required for any establishment conducting around the clock business hours. Certain specific uses are regulated by Chapter 16.

12-5.3 **Performance Standards.** As provided in Table 12.2.

12-5.4 **Site Development Regulations.** As provided in Chapter 12, Article 10. Newly established HC districts are not required, nor expected, to conform to Chapter 13, design guidelines for activity centers.

ARTICLE VI, BUSINESS PARK (BP):

12-6.1 **Purpose and Intent.** These districts are established to promote sound and harmonious economic development by providing high-quality business and distribution sites for research laboratories, wholesale centers, and commerce in an attractive, campus-style setting with good access to major roads and provided with public water supply and sewerage. Generally, a business park requires ten acres or more of land, with frontage on a state highway or with arterial access connecting to a nearby state highway, and requires the development of one or more new public roads built to accommodate large trucks. Business parks are intended to accommodate the overnight parking and storage of trucks and truck trailers subject to consistency with a campus-style environment. Roads and utilities are installed for multiple development sites that are graded and prepared for individual sale or lease. Campus developments that include individual sites to be sold and developed must comply with applicable requirements for subdivisions. In addition, proposals for BP districts are expected to submit for public review, and abide by, a set of restrictive covenants designed to ensure an attractive campus-style environment and compatibility with adjacent land uses.

12-6.2 **Permitted and Conditional Uses.** As provided in Table 12.1; and subject to the following provisions which apply to all uses in this district:

(A) A conditional use is required for any establishment conducting around the clock business hours. Certain specific uses are regulated by Chapter 16.

12-6.3 **Performance Standards.** As provided in Table 12-2.

12-6.4 **Site Development Regulations.** As provided in Chapter 12, Article 10. Newly established BP districts are not required to conform to Chapter 13, design guidelines for activity centers. However, development is expected to be consistent with principles of campus planning for business parks and compatibility as may be articulated in restrictive covenants.

ARTICLE VII, OFFICE AND INSTITUTIONAL DISTRICT (O&I):

12-7.1 **Purpose and Intent.** These districts are established to promote the development of a complementary mix of professional, medical, and general offices and institutional uses that are oriented toward the provision of services rather than the sale of products. Generally, O&I districts are intended to accommodate office developments that provide in the aggregate less than 75,000 square feet of gross floor area. Office developments greater than 75,000 square feet are appropriate in CBD districts, or integrated into urban villages. Business services and restaurants that are integrated into, and which are primarily intended to serve office parks containing at least 50,000 square feet of gross floor area, are permitted so as to reduce vehicle trips. Restaurants that serve more than

the office park or that cater to passerby traffic may be permitted as conditional uses. O&I districts may be appropriate as a transition between activity centers and single family residential neighborhoods, although vacant tracts situated as such shall not necessarily be assumed to be appropriate for O&I zoning.

12-7.2 **Permitted and Conditional Uses.** As provided in Table 12.1; and subject to the following provisions which apply to all uses in this district:

(A) A conditional use is required for any establishment conducting around the clock business hours. Certain specific uses are regulated by Chapter 16.

12-7.3 **Performance Standards.** As provided in Table 12.2.

12-7.4 **Site Development Regulations.** As provided in Chapter 12, Article 10. Development within existing O&I districts is strongly encouraged to consider appropriate aspects of the activity center design guidelines specified in Chapter 13. When new O&I districts are proposed to abut or are to be located within 1,000 feet of a NS or UV zone, such districts will be reviewed for consistency with, and expected to conform to, design guidelines for activity centers.

ARTICLE VIII, OFFICE RESIDENTIAL DISTRICT (OR):

12-8.1 **Purpose and Intent.** These districts are appropriate in areas situated between activity centers or office and institutional districts and single family residential areas. These districts are intended to provide for low intensity, small-scale offices that do not exceed 5,000 square feet of gross floor area devoted to offices on an individual site. Development is intended to be of an intensity, scale, and character similar to nearby residential development to promote compatibility with the surrounding area. All new development is required to be in architectural harmony with existing residential structures.

OR districts are particularly appropriate for properties that front collector or arterial streets on the fringe of stable residential neighborhoods. Rezoning to the OR district is anticipated at the individual parcel level in such locations, though parcels situated as such shall not necessarily be assumed to be appropriate for OR uses. Development within OR districts are expected to have roof-pitches and architectural treatments similar to detached single-family residences, parking areas in proportion to single family residential uses, and site development features that ensure a coexistence with the adjacent, quiet residential living environment. OR districts allow the conversion of existing residential structures to offices. Small-scale institutional residential facilities are permitted as conditional uses.

12-8.2 **Permitted and Conditional Uses.** As provided in Table 12.1; and subject to the following provisions which apply to all uses in this district:

(A) A conditional use is required for any establishment conducting around the clock business hours. Certain specific uses are regulated by Chapter 16.

12-8.3 **Performance Standards.** As provided in Table 12.2.

12-8.4 **Site Development Regulations.** As provided in Chapter 12, Article 10. Development within OR districts is strongly encouraged to consider applicable residential design guidelines to ensure compatibility with adjacent residential neighborhoods.

ARTICLE IX, OFFICE COMMERCIAL MULTIPLE STORY (OCMS):

12-9.1 **Purpose and Intent.** These districts are intended to provide for significant vertical (multi-story) developments within employment centers. Uses within these districts are primarily office and major institutional uses but may include a mix of retail, service, and restaurant space, typically on the ground floor within a single building. Only those commercial uses that support a predominantly pedestrian orientation are permitted. Automobile-related businesses, open air businesses, open storage yards, and other uses that do not support pedestrian activity between and among uses in the employment center are not permitted. Individual business establishments do not exceed 25,000 square feet in these districts.

A minimum of fifteen acres is required to establish an office-commercial multi-story district; this requirement is intended to ensure that buildings and developments are master planned, to provide adequate setbacks and buffering, and to avoid small-scale, piecemeal, uncoordinated development of multi-story buildings that would be out of character with the purposes of this district. These districts are not appropriate adjacent to residential and office residential districts unless extensively separated and buffered at side and rear property lines according to a sliding scale of increased buffer widths and setbacks determined on the basis of the number of stories. In most instances, multi-story buildings will need to be accompanied by decked parking structures rather than (or in addition to) surface parking lots because of the limitations on building coverage and the minimum open space requirements. These districts are only appropriate in areas with arterial road access and where developments are adequately served by

public water, sanitary sewerage, fire, emergency medical services, police and/or private security, and other public facilities and services.

12-9.2 **Permitted and Conditional Uses**. As provided in Table 12.1; and subject to the following provisions which apply to all uses in this district:

(A) A conditional use is required for any establishment conducting around the clock business hours. Certain specific uses are regulated by Chapter 16.

12-9.3 **Performance Standards**. As provided in Table 12.2.

12-9.4 **Site Development Regulations**. As provided in Chapter 12, Article 10.

TABLE 12.1
PERMITTED USES IN COMMERCIAL AND OFFICE DISTRICTS*

P = Permitted, C = Conditional, X = Not Permitted

Use	Commercial and Office Zoning Districts								
	NS	UV	CBD	HB	HC	BP	O&I	OR	OCMS
Accessory uses and structures determined by the director to be normally incidental to one or more permitted principal uses	P	P	P	P	P	P	P	P	P
Adult entertainment and adult materials establishments	X	X	X	X	X	X	X	X	X
Apiaries	P	P	P	P	P	P	P	P	P
Automobile service establishment, major	X	X	X	C	P	X	X	X	X
Automobile service establishment, minor	X	X	C	P	P	X	X	X	X
Bar, lounge, nightclub	X	C	C	C	X	X	X	X	X
Bed and breakfast inns	X	C	C	C	X	X	X	X	C
Bowling alley	X	C	C	C	X	X	X	X	X
Build-to-rent	X	C (Note 6)	C (Note 6)	X	X	X	C (Note 6)	X	X
Business service establishments, not exceeding 2,500 square feet of gross floor area	P	P	P	P	X	P	C	C	P
Business service establishments of 2,500 square feet or more of gross floor area	C	P	P	P	X	P	X	X	P
Campgrounds	X	X	C	C	X	X	X	X	X
Car Wash, self-service	X	X	C	C	P	X	X	X	X
Car Wash, staffed	X	X	C	C	P	X	X	X	X
Cemeteries	X	X	P	P	X	X	X	X	X
Clinics	X	P	P	P	X	C	P	C	P
Club or lodge, nonprofit 10,000 square feet or less in aggregate size	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)
Club or lodge, nonprofit more than 10,000 square feet in aggregate size	C (Note 1)	C (Note 1)	P (Note 1)	P (Note 1)	C (Note 1)	C (Note 1)	C (Note 1)	C (Note 1)	C (Note 1)
Colleges, universities, and trade and technical schools 10,000 square feet or less in aggregate size	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)
Colleges, universities, and trade and technical schools more than 10,000 square feet in aggregate size	C (Note 1)	C (Note 1)	P (Note 1)	P (Note 1)	C (Note 1)	C (Note 1)	C (Note 1)	C (Note 1)	C (Note 1)
Commercial athletic fields, outdoor	X	X	C	C	C	X	X	X	C
Commercial recreational facility, indoor	X	P (Note 1)	P (Note 1)	P (Note 1)	X	C (Note 1 and 2)	C (Note 1 and 2)	X	P (Note 1)

Use	Commercial and Office Zoning Districts								
	NS	UV	CBD	HB	HC	BP	O&I	OR	OCMS
Commercial recreational facility, outdoor	X	X	C (Note 1)	C (Note 1)	C (Note 1)	X	X	X	C (Note 1)
Communication towers and antennas	C	C	C	C	C	C	C	C	C
Conservation areas	P	P	P	P	P	P	P	P	P
Conservation subdivisions	X	X	X	X	X	X	X	X	X
Contractor's establishments	X	X	C	C	C	C	X	X	X
Convenience stores, with or without fuel dispensing units	C	C	C	C	X	X	X	X	C
Day care centers	P	P	P	P	X	P	P	P	P
Drive-throughs, excluding car washes	X	C	P	P	X	X	X	X	C
Dwellings, single-family detached	X	X	X	X	X	X	X	X	X
Dwellings, single-family attached (townhouses)	X	X	X	X	X	X	X	X	X
Dwellings, two-family (duplexes)	X	X	X	X	X	X	X	X	X
Dwellings, multi-family	X	X	X	X	X	X	X	X	X
Electronic game playing centers	X	C	C	C	X	X	X	X	X
Finance, insurance and real estate establishments, less than 5000 square feet of gross floor area per establishment	P	P	P	P	X	P	P	X	P
Finance, insurance and real estate establishments of 5000 square feet or more of gross floor area per establishment	X	P	P	P	X	P	P	X	P
Fuel stations	C	C	C	C	C	X	X	X	C
Heliports and Helipads	X	X	C	C	C	X	X	X	X
Horse stables, commercial	X	X	C	C	C	X	X	X	C
Hospitals and related health services not otherwise specified	X	X	P	P	X	X	C	X	P
Hotel	X	C	C	C	X	X	X	X	C
Hotel, Dual-brand	X	C	C	C	X	X	X	X	C
Hotel or Motel, Extended Stay	X	C	C	C	X	X	X	X	C
Junk yards	X	X	X	X	C	X	X	X	X
Kennels, Animal Hospitals and Veterinary Clinics with outdoor facilities such as pens, kennels, runs, etc.	X	X	C	C	C	X	X	X	X
Kennels, Animal Hospitals and Veterinary Clinics without outdoor facilities	X	X	P	P	P	X	X	X	X
Machine shops	X	X	C	P	P	P	X	X	X
Major subdivisions for non-residential uses	P	P	P	P	P	P	P	P	P
Manufacturing, processing, and assembling	X	X	C	C	C	P	X	X	X

Use	Commercial and Office Zoning Districts								
	NS	UV	CBD	HB	HC	BP	O&I	OR	OCMS
Massage parlor	C	C	C	C	X	X	C	C	C
Micro-brewery	X	X	P	C	C	X	X	X	X
Micro-distillery	X	X	P	C	C	X	X	X	X
Minor subdivisions for non-residential uses	P	P	P	P	P	P	P	P	P
Miscellaneous service establishments	X	C	C	C	X	C	X	C	C
Motel	X	C	C	C	X	X	X	X	C
Offices	P	P	P	P	P	P	P	P	P
Open air businesses	X	C	C	C	P	X	X	X	X
Open storage yards	X	X	C	C	C	C	X	X	X
Pawn shops	X	C	C	C	C	X	X	X	X
Personal care homes and institutionalized living facilities, serving ten persons or less	C	P	P	P	X	X	C	C	P
Personal care homes and institutionalized living facilities, serving more than ten persons	X	P	P	P	X	X	C	X	P
Personal service establishments, not exceeding 2,500 square feet of gross floor area per establishment	P	P	P	P	X	P	C	C	P
Personal service establishments greater than 2,500 square feet of gross floor area per establishment	X	P	P	P	X	P	X	X	P
Place of worship 10,000 square feet or less in aggregate size (Note 5)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)
Place of worship more than 10,000 square feet in aggregate size (Note 5)	C (Note 1)	C (Note 1)	P (Note 1)	P (Note 1)	C (Note 1)	C (Note 1)	C (Note 1)	C (Note 1)	C (Note 1)
Pool Hall	X	C	C	C	X	X	X	X	X
Public and semi-public uses	P	P	P	P	P	P	C	P	P
Residence for caretaker or night watchman	X	X	C	C	P	P	X	X	X
Restaurants, including outside seating areas but not including drive-throughs	P	P	P	P	P	P	C	C	P
Retail package liquor store	C	C	C	C	X	X	X	X	C
Retail trade establishments, enclosed	P	P	P	P	P	P	X	X	P
Salon	P	P	P	P	X	P	C	C	P
Schools, private and parochial, 10,000 square feet or less in aggregate size	X	C (Note 1)	C (Note 1)	C (Note 1)	X	X	C (Note 1)	X	C (Note 1)
Schools, private and parochial, more than 10,000 square feet in aggregate size	X	C (Note 1)	C (Note 1)	C (Note 1)	X	X	X	X	C (Note 1)

Use	Commercial and Office Zoning Districts								
	NS	UV	CBD	HB	HC	BP	O&I	OR	OCMS
Schools for dance, martial arts, and other disciplines operated for profit or nonprofit, 10,000 square feet or less in aggregate size	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	C (Note 1)	P (Note 1)	P (Note 1)	C (Note 1)	P (Note 1)
Schools for dance, martial arts, and other disciplines operated for profit or nonprofit, more than 10,000 square feet in aggregate size	X	X	C (Note 1)	C (Note 1)	X	C (Note 1)	C (Note 1)	X	C (Note 1)
Schools for driving, DUI, or massage operated for profit or nonprofit, 10,000 square feet or less in aggregate size	C (Note 1)	C (Note 1)	C (Note 1)	C (Note 1)	C (Note 1)	C (Note 1)	C (Note 1)	C (Note 1)	C (Note 1)
Schools for driving, DUI, or massage operated for profit or nonprofit, more than 10,000 square feet in aggregate size	X	X	C (Note 1)	C (Note 1)	X	C (Note 1)	C (Note 1)	X	C (Note 1)
Senior housing, assisted living facility	X	C	C	X	X	X	C	X	X
Senior housing, continuing care retirement community (CCRC)	X	C	C	X	X	X	C	X	X
Senior housing, senior independent living	X	C	C	X	X	X	C	X	X
Senior housing, skilled nursing facility	X	C	C	X	X	X	C	X	X
Shooting range, indoor	X	X	C (Note 3)	C (Note 3)	C (Note 3)	X	X	X	C (Note 3)
Shooting range, outdoor	X	X	C (Note 3)	C (Note 3)	C (Note 3)	X	X	X	C (Note 3)
Short-term Rental	X	X	X	X	X	X	X	X	X
Smoke shops, vapor cigarette shops, or non-traditional tobacco paraphernalia shops	C	C	C	C	X	X	X	X	C
Specialty pharmacy	C	C	C	C	C	C	X	X	C
Storage, self-service, climate controlled	X	X	C	C	C	C	X	X	X
Storage, self-service, courtyard	X	X	C	C	C	C	X	X	X
Storage, self-service, mini-warehouse	X	X	X	X	C	X	X	X	X
Temporary structures and uses	C	P	P	P	P	P	C	X	P
Theater	X	C	C	C	X	X	X	X	X
Transportation, communication, and utility facilities	X	X	C	C	C	C	X	X	C
Uses not specified in this table	(Note 4)	(Note 4)	(Note 4)	(Note 4)	(Note 4)	(Note 4)	(Note 4)	(Note 4)	(Note 4)
Vehicle rental establishment	X	X	C	C	P	P	X	X	X
Vehicle sales dealership, new	X	X	C	C	X	X	X	X	X
Vehicle sales dealership, used	X	X	C	C	X	X	X	X	X
Warehouses and storage buildings not exceeding 10,000 square feet on a given site	X	X	C	X	X	X	X	X	X
Wholesale trade establishments	X	X	C	X	X	P	X	X	X

* For any establishment conducting around the clock business hours, a conditional use permit is required.

Notes

Table 12.1

- (1) Prior to development of any associated accessory uses, approval of the site plan must be granted by the Board of Commissioners. If the accessory use is a school, a conditional use permit is required and all requirements for a conditional use permit must be followed.
- (2) Within the Business Park (BP) and Office and Institutional (O&I) zoning districts, only the following indoor commercial recreational facilities shall be considered as conditional uses (C): assembly halls, auditoriums, meeting halls, art galleries and museums, physical fitness centers, and health clubs. All other indoor commercial recreational facilities are considered prohibited (X).
- (3) See Ordinance No. 103 (Shooting Range Ordinance).
- (4) In cases where a use is proposed but is not listed in this table, the director shall make an administrative determination as to whether or not the use is permitted in the zoning district or districts in question. The director will compare the proposed use to substantially similar uses to determine if the proposed use will be considered a prohibited, permitted, or conditional use. In making such determinations, the director shall consult the purpose and intent statements of the zoning district or districts in question, in addition to comparing the use in question to uses specifically listed in this table.
- (5) Places of worship for which a CUP, rezoning or development permit application is being processed, that have been approved but not constructed, that are under construction, or that have received a Certificate of Occupancy prior to February 2, 2017, are exempt from the size cap. In addition, property immediately adjacent to the property on which a place of worship that is exempt pursuant to this note is located, that is purchased after February 2, 2017, is also exempt from the size cap. For properties exempted from the size cap pursuant to this note, the requirements for places of worship 10,000 square feet or less in aggregate size (either conditional use permit (C) or not permitted (X)) shall apply for each zoning district. For purposes of this chart, "aggregate size" shall mean total square footage of all structures on the property on which the place of worship is located.
- (6) Within the UV, CBD, and O&I zoning districts, build-to-rent shall be considered as a conditional use only for senior housing as provided in Section 16-4.9 of this Code. All other build-to-rent developments within these districts are considered prohibited.

TABLE 12.2
PERFORMANCE STANDARDS
FOR COMMERCIAL AND OFFICE DISTRICTS

Performance Standard	Commercial and Office Zoning Districts								
	NS	UV	CBD	HB	HC	BP	O&I	OR	OCMS
Minimum lot area for zoning to the district (Note 1)	1 acre	5 acres	None	None	0.5 acre	10 acres	2 acres	0.5 acre	15 acres
Maximum building coverage (% of lot)	23%	46%	70%	55%	55%	35%	35%	18%	55%
Maximum gross square footage per business establishment	10,000 square feet	60,000 square feet	No maximum	No maximum	40,000 square feet	10,000 square feet (Note 2)	10,000 square feet	2,500 square feet	25,000 square feet
Minimum landscaped open space (%)	20%	15%	15%	15%	15%	30%	20%	20%	25%
Minimum front landscape strip paralleling right-of-way (Note 4)	10 feet	10 feet	10 feet	10 feet	10 feet	25 feet	10 feet	10 feet	40 feet
Minimum setback for all lot lines abutting right-of-way	10 feet	10 feet	40 feet	40 feet	50 feet	50 feet	40 feet	40 feet	10 feet of set-back per story
Minimum buffer along lot line abutting a residential, OR, A1 or AG-Res district	20 feet	30 feet	40 feet	40 feet	50 feet	50 feet	30 feet	15 feet	75 feet, plus 5 feet buffer per story
Minimum setback along lot line abutting a residential, A1, AG-Res, or OR district	30 feet	40 feet	50 feet (Note 7)	50 feet	60 feet	60 feet	40 feet	30 feet	85 feet, plus 5 feet set-back per story
Minimum side setback	10 feet (Note 5)	10 feet (Note 5)	10 feet (Note 5)	15 feet	30 feet	30 feet	25 feet	15 feet	50 feet
Minimum rear setback	25 feet	25 feet	25 feet	25 feet	30 feet	30 feet	25 feet	25 feet	75 feet
Minimum rear setback abutting an alley	10 feet	10 feet	None	10 feet	30 feet	30 feet	25 feet	25 feet	75 feet

Performance Standard	Commercial and Office Zoning Districts										
	NS	UV	CBD	HB	HC	BP	O&I	OR	OCMS		
Maximum density, residential uses (units per acre) (Note 6)	4 units per acre	6 units per acre	10 units per acre	6 units per acre	Not permitted	Not permitted	Not permitted	4 units per acre	10 units per acre		
Minimum heated floor space (Note 3)	1,000 square feet	900 square feet	900 square feet	900 square feet	700 square feet	700 square feet	900 square feet	900 square feet	700 square feet		
Maximum height	Character Areas										
	McFarland	South GA 400	Big Creek	Haw Creek & Daves Creek	Lanier	Vickery Creek	Campground	North GA 400	Chestatee / Jot Em Down	Etowah	Sawnee Mountain
	McFarland McFarland/ Shiloh Road Regional Node South GA 400 South GA 400/ Highway 141 Regional Node	Big Creek Peachtree Parkway Community Node Haw Creek & Daves Creek Haw Creek Community Node	Lanier Lake Lanier/ Mary Alice Park Community Node Vickery Creek Castleberry/ Bethelview Community Node	Campground Highway 20 Neighborhood Node Highway 20 Community Node North GA 400 Hammond's Crossing Regional Node	Chestatee/Jot Em Down Chestatee Neighborhood Node Etowah Matt and Silver City Neighborhood Nodes Sawnee Mountain Coal Mountain Community Node	50' Office Uses: 80' (Note 9) Mixed Use: 70' (Note 8)	50' Office Uses and Mixed Use: 60' (Note 8)	40' 50' 40' Non-Residential Uses and Mixed Use: 50' (Note 8)	40' 60' 40' Non-Residential Uses and Mixed Use: 60' (Note 8)	30' 40' 50' 50' Non-Residential Uses and Mixed Use: 80' (Note 8)	30' 40' 30' 40'

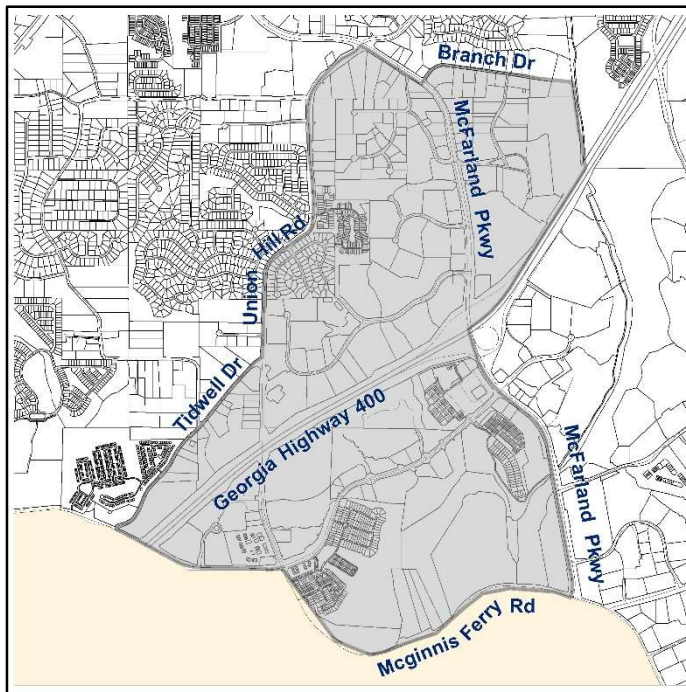
Notes:

Table 12.2

- (1) A smaller area can be rezoned to this category if combined with an existing and when combined, the two parcels meet this minimum size.
- (2) This provision does not apply to manufacturing, processing, and assembling, office uses, and wholesale or warehousing uses, when permitted and located in the BP district.
- (3) The minimum heated floor area per dwelling unit excludes common areas such as common hallways and shared spaces. This performance standard is solely for those properties zoned commercial with a conditional use permit for residential dwellings approved prior to the May 17, 2004 amendments to the UDC. This performance standard should not be interpreted as permitting residential dwellings in a commercial district.
- (4) Measured from the dedicated right-of-way.
- (5) The side setback in a NS, UV, or CBD zoning district may be reduced to zero setback on a side where an existing building(s) on property abutting the subject property is or will be constructed without a side setback. The purpose of this provision is to allow for a continuous building façade across property lines to create a pedestrian-oriented streetscape that would otherwise be interrupted by a side setback requirement.
- (6) Where permitted, single family detached dwellings, single family attached dwellings, two family dwellings (duplexes), and multi-family dwellings within the NS, UV and CBD districts shall be limited to twenty-five

percent (25%) of the total acreage. Such residential uses shall be connected to sewer. This performance standard is solely for those properties zoned commercial with a conditional use permit for residential dwellings approved prior to the May 17, 2004 amendments to the UDC. This performance standard should not be interpreted as permitting residential dwellings in a commercial district.

- (7) For individual retail 40,000 square feet or greater, see also Article 11 and Article 12 for minimum standards.
- (8) The maximum height for any use not referenced for this node shall be the maximum height allowed for the character area in which the node is located.
- (9) Height maximum of 125' for office uses is permitted within the portion of the McFarland/Shiloh Road Regional Node illustrated below:



ARTICLE X, GENERAL SITE DEVELOPMENT AND DESIGN REGULATIONS FOR ALL COMMERCIAL AND OFFICE DISTRICTS:

12-10.1 **Purpose and Intent.** Careful attention to attractive and citizen-friendly urban design is in the economic interests of the County, its citizens, and business owners. The County's Land Use Element of the Comprehensive Plan places an emphasis on design guidelines to improve the aesthetic appearance and function of the County's commercial areas. The Land Use Element reveals civic concerns over design-related issues, such as pedestrian access, safe bike routes, roadway landscaping and medians, attractive shopping centers, and less intrusive parking lots. Attractive and integrated urban design features tend to improve the County's image, raise overall property values, attract new businesses and residents, and improve the quality of life. Investment in design features tends to result in a positive return on investment for government, private industry, and property owners. For example, the money spent on landscaped roadway medians, sidewalks, and street trees is likely to be amply returned in the form of increased tax revenue resulting from the overall increase in property values that accompanies attractive and desirable urban and suburban areas.

Much of the existing commercial development in Forsyth County, particularly development along the County's principal highways, is in need of aesthetic and functional enhancement. Existing conditions that are inconsistent with the objectives of the County's Land Use Element include: chain link fencing enclosures of autos and trailers without adequate screening; various building materials and/or equipment stored in front yards in view of the traveling public; continuous, uncurbed, highway access; old, dilapidated, and/or unattractive awnings and façade treatments; excessive signage in the form of fluttering ribbons, portable signs, sandwich signs, and welcome flags; a lack of front yard landscaping; storage/maintenance bay doors and loading areas facing the highway; dumpsters placed in front/side yards in unobstructed view from highways; and a general lack of interparcel access (i.e., connections between adjacent developments).

It is the intent of Forsyth County to require that new commercial developments install appropriate improvements and comply with general design regulations that are intended to improve aesthetic appearance and function. It is also the intent of the County to require substantial progress toward compliance with these improvement requirements and general design regulations in cases where existing businesses are expanded.

These design regulations are intended to merge traffic engineering, civil engineering, urban design, landscape architecture, and land use planning principles into a set of regulations for commercial developments and properties in the unincorporated areas of the County. The regulations are the minimum necessary to: preserve the carrying capacity of major arteries; reduce the number of vehicular turning movements to and from the major artery, thereby reducing the potential for automobile and pedestrian traffic accidents; encourage and promote the most suitable uses of land; ensure the adequate grading and draining of developments; promote an environment which reduces the visual clutter and other distracting characteristics resulting from various aspects typical of urban and suburban commercial strip development; prohibit the needless, wasteful and purposeless aesthetic degradation of the County's highway and major street corridors; and promote a more healthy environment.

12-10.2 **Applicability.** This article shall apply to all properties located within all commercial and office zoning districts of unincorporated Forsyth County. New development shall be required to conform to these regulations. A substantial improvement of an existing development shall be required to conform to these regulations or make substantial progress toward meeting the regulations contained within this chapter.

12-10.3 **Utilities.** All telephone and electricity transmission lines serving uses on site shall be installed underground.

12-10.4 **Grading and Site Development.** Buildings and parking lots shall be appropriately drained so as to prevent damage to abutting properties or public streets. Grading plans for new development shall be submitted to the director, who shall disseminate the plans to all appropriate departments for review and approval, and all grading activities shall comply with approved plans. Stormwater management plans shall be submitted to the director and shall be reviewed by the Director of Engineering for review and approval, and all such drainage improvements shall be designed, installed and maintained in accordance with the standards of Ordinance No. 75 (Stormwater Management Ordinance) as adopted and as may be amended from time to time. All disturbed or graded ground areas of a building site not used for buildings or open storage areas shall be appropriately stabilized and grassed or covered with plants or landscaping materials.

12-10.5 **Curb Cuts and Access Specifications.** All entrances or exits of any street or driveway, public or private, from or to any state highway shall be approved by the State Department of Transportation and the Director of Engineering prior to the construction of such entrances or exits and prior to the issuance of any development permit for any improvement to be served by such entrances or exits.

No curb cut or access driveway shall be permitted to be located closer than one hundred (100) feet to the nearest existing or proposed right-of-way of an intersecting roadway or closer than forty (40) feet to a side property line unless the adjacent property owner is in agreement with the encroachment of the driveway and approval is obtained from the Director of Engineering. Curb cuts or access driveways shall be no narrower than twenty four (24) feet from back of curb to back of curb. Strict adherence to these requirements may not be practical in all instances as determined by the Director of Engineering. The Director of Engineering may limit the maximum width of a curb cut and/or the number of curb cuts to a parcel as necessary when it is deemed to be of benefit to the safety and welfare of the public.

The Director of Engineering must approve any commercial or office development accessed by an easement. Such approval will only be granted upon verification that the proposed access maintains a safe and efficient transportation network.

In cases of a substantial improvement of an existing development on a site that does not meet these curb cut and access specifications, the applicant may be required by the Director of Engineering to prepare an access plan as part of plans for the substantial improvement that either meets these requirements or moves substantially toward compliance with these regulations. Approval by the Georgia Department of Transportation and the Director of Engineering shall be required, as applicable.

Additional right-of-way shall be dedicated to the public as required by the most current functional classification of Forsyth County roads as designated in the Major Transportation Plan. Roadway entrances and improvements, including necessary acceleration and/or deceleration lane(s) and right/left turn lanes, shall be designed, installed, and maintained as approved by the State Department of Transportation, as applicable, or the Director of Engineering, in accordance with State or County requirements, as applicable and as may be amended from time to time.

The following factors may be considered during the review and approval of a specific location of an entrance: 1) The location of existing or planned median breaks; 2) separation requirements between the entrance and major intersections; 3) separation requirements between other entrances; 4) the need to provide shared access with other

sites; 5) the need to align with previously approved or constructed access points on the opposite side of the street; 6) and the minimum number of entrances needed to move traffic onto and off the site safely and efficiently.

12-10.6 **Interparcel Connections.** The standards below are intended to provide safe and convenient vehicular and pedestrian access within developments and between adjacent developments and to lessen traffic congestion and increase connectivity.

(A) New developments and substantial improvements to existing developments shall provide for pedestrian and automobile access connections between adjacent properties and shall prepare and have recorded in the real property records of the county cross access connection easements to confirm such access. The Director shall have the discretion to waive this requirement if the anticipated land uses are incompatible.

(B) Parcels and buildings must be arranged and designed so as to allow for the opening of future streets and must provide access to those areas not presently served by streets. No development may be designed to completely eliminate street access to abutting parcels.

(C) The stub-out street right-of-way, pavement, and curbing must extend to the boundary of the abutting parcel at the point where the connection to the anticipated street is expected.

(D) If a stub-out street exists next to an abutting parcel, the street system of any new or substantially renovated development must connect to the stub-out street to form a through street.

(E) The department may eliminate the requirement for a stub-out street or require pedestrian and bicycle-only access when steep slopes in excess of twenty-five (25%) percent, freeways, waterways, tree conservation areas, stream buffers, cemeteries, open space or easements would make the provision of a stub-out street infeasible.

(F) Where pedestrian crossings must cross parking areas and drives, decorative paving material (i.e., pavers, stamped or textured concrete, or color concrete) shall be used to delineate the pedestrian crossing.

12-10.7 **Location of Loading and Unloading Areas.** All areas and facilities devoted to the loading and unloading of goods and merchandise shall be located to the side or rear of the building and lot. Loading and unloading areas shall not front the right-of-way of the highway or major street. Overhead doors for loading bays shall not face the highway or major street.

In cases where this regulation is not practical for new development, or in cases where an existing building to be substantially improved does not meet the requirements in this section, the property shall be screened from view from the highway or major street along the entire property frontage, except in cases where access areas are approved. Buildings that are permitted to have overhead doors facing the public right-of-way shall incorporate design features so that aesthetic impact of the overhead doors is softened through architectural detailing, or staggering with recesses and projections.

12-10.8 **Location of Parking Areas.** Parking areas shall be set back at least ten (10) feet from public rights-of-ways. Parking areas are encouraged but not required to be located in side and rear yards where such parking areas can be partially or wholly screened by buildings from the public right-of-way.

12-10.9 **Open Display of Vehicles, Equipment, and Merchandise.** In commercial zoning districts where permitted, the outside storage or display of vehicles, equipment, and merchandise to be rented, leased, or sold, shall be visible along no more than thirty percent (30%) of the frontage of the property abutting the highway or major street, excluding approved driveway entrances and exits. Major streets include all roads classified by the Forsyth County Transportation Plan as minor arterial and greater and include Freedom Parkway, Ronald Reagan Boulevard and Old Atlanta Road. Screening may be accomplished by vegetation, by a building that meets architectural standards of this chapter, by an earthen berm, by a 100 percent opaque, solid wooden fence or wall, or combination of these screening methods. Vegetative screening must be specified on the applicant's landscape plan. The use of low-lying landscaping that does not screen the display areas from view from the public right-of-way shall not be deemed to comply with this requirement.

12-10.10 **Screening of Outside Storage Yards.** All areas devoted to the outside storage of vehicles, merchandise, and/or equipment not intended for display for public rent, lease, or sale, shall be screened from view from the right-of-way of the highway or major street along the entire property frontage, except in areas where access crossings have been approved. Screening may be accomplished by vegetation, by a building that meets architectural standards of this chapter, by an earthen berm, by a 100 percent opaque, solid wooden fence or wall, or combination of these screening methods. Vegetative screening must be specified on the applicant's landscape plan. The use of low-lying landscaping that does not screen the display areas from view from the public right-of-way shall not be deemed to comply with this requirement.

12-10.11 **Screening of Dumpsters.** All garbage dumpsters and other similar areas devoted to the storage of waste materials shall be screened on three (3) sides of said dumpster or area with a minimum six (6) foot high solid wooden fence, or a wall constructed of materials substantially similar in appearance to the building on site that

complies with the architectural requirements of these regulations. In addition, said dumpster areas shall be gated on the fourth side, and the gate shall be architecturally finished.

12-10.12 **Outdoor Lighting.** See Chapter 16.

12-10.13 **Building Materials.** Building exteriors not screened from view from the right-of-way or any property line shall have an architectural treatment of brick, brick/frame, stone, or stucco, or another architectural treatment approved by the director. Any awnings shall be maintained in good order, and any dilapidated awnings or canopies shall be removed.

12-10.14 **Building and Utility Appurtenances.** All water towers, cooling towers, storage tanks, and other structures or equipment incidental to the primary use of a building or site shall be architecturally compatible with the principal building or effectively screened from view from the public right-of-ways. All rooftop mechanical equipment shall be screened from the view from the public right-of-way and adjacent streets by material compatible with the building architecture, by the use of a parapet wall, or by specially designed rooftop penthouse enclosures. Ground mounted equipment such as power transformers and air-conditioning units shall be screened from view from public right-of-ways by fencing or landscaping.

12-10.15 **Landscaping.** Every building site and commercial use area shall be landscaped. A minimum ten-foot wide landscape strip shall be installed and maintained along the entire property fronting the highway or major street, except in cases where access areas are approved. A minimum ten (10) foot wide landscape strip shall be required along all side and rear lot or lease lines, except in cases where access areas are approved. The area surrounding the road entrance(s) to the site or area, the front landscape strip, required parking lot landscaping, and all other required landscape and/or open spaces, shall be designed, installed, and maintained according to plans prepared by a professional landscape architect, architect, surveyor, engineer, or land planner submitted to and approved by the department. Landscaping shall be reviewed and approved via submittal of a landscaping plan prior to the issuance of a site development permit. Plantings shall be completed prior to issuance of a final plat or as built approval by the department. Tree installation and removal shall be in compliance standards provided in Ordinance No. 98 (Tree Protection and Replacement Ordinance), as may be amended from time to time, and administrative standards for the preservation and replacement of trees as adopted and as may be amended from time to time. The landscape strips required in this section shall not be required for any front, side, or rear lot or lease lines that require a buffer, which is equal to or greater than the depth of the otherwise required landscape strip.

12-10.16 **Signage.** All signs in commercial districts shall comply as applicable with Ordinance No. 74 (Sign Ordinance), as may be amended from time to time.

12-10.17 **Plans.** Site development as-built drawings, containing a boundary survey, location, elevation, height, and square footage of buildings, parking areas, utilities, walls, and stormwater facilities, pertinent site development data, and any other requirements of the Planning Director or Director of Engineering, shall be submitted to and approved by the department prior to the issuance of a certificate of occupancy.

12-10.18 **Maintenance.** Commercially zoned properties require maintenance per Chapter 10-1.14.

12-10.19 **Fencing.**

- (A) Chain link fencing is prohibited along any road frontage in all commercial zoning districts except Heavy Commercial (HC). Road frontage is defined as the property line abutting a public right of way that provides public access or visibility to the premises.
- (B) Chain link fencing may be allowed along the sides or rear if screened from view of the right of way with vegetation for the full length and height of fencing material. Chain link fencing may also be allowed if located within the front yard as long as the length of fencing does not measure more than twenty-five (25) percent of the road frontage length if screened from view of the right of way with vegetation for the full length and height of fencing material.

ARTICLE XI, ADDITIONAL REQUIREMENTS FOR LARGE-SCALE RETAIL ESTABLISHMENTS 40,000 SQUARE FEET OR GREATER:

12-11.1 **Purpose and Intent.** “Large-scale retail” refers to any individual retail establishment that is 40,000 square feet or greater. This size threshold refers to an individual establishment and its associated outdoor areas used for display and storage. The purpose of establishing requirements for large-scale retail establishments is to apply design standards and additional conditions to large developments proposed in Forsyth County in order to ensure that such developments are appropriately located, are integrated with surrounding area or positively contribute to the changing community character, and meet the County’s goals for new commercial development per the Comprehensive Plan. As such, these regulations intend to promote high quality materials and design, promote pedestrian-friendly environments, encourage infrastructure concurrency, and encourage responsible storm-water management practices.

Furthermore, within newly emerging centers of commercial activity, large-scale retail development plays an important role in defining the direction of the community character. In the absence of previously adopted Overlay Design Standards regulating sites for new large-scale retail, prior to the issuance of a land-disturbance permit, applicants shall work with Planning Staff to establish an architectural theme for the area in keeping with surrounding characteristics and/or with goals documented in the Comprehensive Plan. The architectural theme area shall be the subject of a future overlay designation to be defined by the Board of Commissioners.

12-11.2 **Restrictive Covenants.** For individual retail establishments 75,000 square feet or greater, a landlord shall not be permitted to enter into a lease agreement whereby the landlord is precluded from marketing and renting to future lessees once a tenant has vacated the premises. Once a tenant has vacated the premises, the landlord shall be free to market to any person or company allowed by County codes.

12-11.3 **Delivery and Garbage Pick-Up.** Hours for truck delivery or for garbage pick-up services shall be limited to the hours between 7:00 a.m. and 9:00 p.m. Trucks shall turn off their engines during deliveries; trucks with refrigeration units may be exempt from this provision. Signs posted in delivery area shall advise truck drivers of this requirement.

12-11.4 **Infrastructure Requirements.**

- (A) **Availability of Sewer.** Large-scale retail establishments shall be served by either Public Sewer, or an existing Private Sewage Treatment Plant. Private Sewage Treatment Plant service shall only be approved if the proposed site was approved by the Forsyth County BOC as part of the service area for the Private Plant. If the property where the development is to be located is already correctly zoned, proof of sewer availability must be demonstrated prior to a land disturbance permit being issued. If the property needs to be rezoned or obtain sketch plat approval, the applicant for the rezoning/sketch plat approval must demonstrate sewer will be available within one year of the rezoning/sketch plat request being approved or by the time a land disturbance permit is issued, whichever is sooner. In no case shall a Certificate of Occupancy be released without existing, operational access to off-site sewage treatment.
- (B) **Traffic Study.** A traffic study is required for all large-scale retail development. Two copies of said traffic study shall be submitted with all rezoning requests and/or sketch plat applications for approval by the Director of Engineering. If rezoning or sketch plat approval is not required, two copies of a traffic study shall be submitted with an application for a land disturbance permit. Based on the approved traffic study, the Forsyth County Master Transportation Plan, and any other local, state or federal requirements, the Director of Engineering shall determine all necessary road improvements to be completed.
- (C) **Access Road Classification.** Additionally, individual retail establishments 75,000 square feet or greater shall not be accessed via Minor Collector or Local Streets, as classified by the Master Transportation Plan, unless there is also frontage on a road of higher classification (Arterial, Highway, etc). Under exceptionally unusual circumstances, if there already exists a concentration of commercial activity, the Director of Engineering may waive the road classification criteria based upon documentation that road improvements with identified funding sources will accommodate anticipated project-generated traffic volume to the degree that LOS D or better is maintained for the affected road segment.

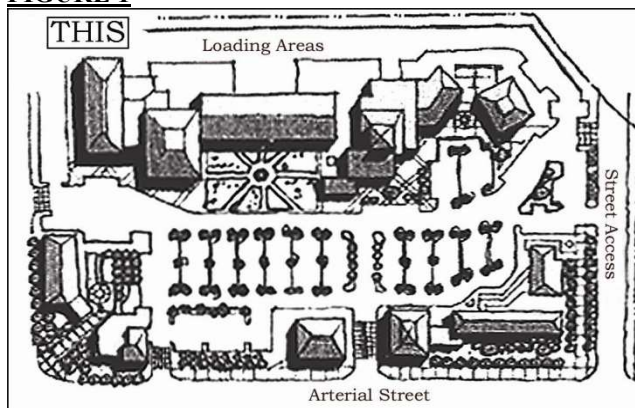
12-11.5 **Site Design Guidelines and Requirements.**

- (A) **Open Space.** A minimum of twenty percent (20%) of the site shall be landscaped open space.
- (B) **Location of Loading and Unloading Areas.** All areas and facilities devoted to loading and unloading of goods and merchandise shall be located to the side or rear of the building and lot. Location should be restricted, however, to whichever location does not abut a residentially zoned property, if applicable.
- (C) **Outdoor Storage and Display.** Neither parking lots, nor areas immediately adjacent to the buildings other than garden center uses shall be used for storage or sale of goods. Garden center goods shall be within areas enclosed by decorative fencing and be at least partially screened. Display or sale of goods outside the interior permanent and sheltered portions of a building is prohibited. Exceptions to this provision include: seasonal holiday trees, seasonal sales of nursery supplies, and pumpkin sales. In no instance shall outdoor display obstruct sidewalks or otherwise impede pedestrian movement to entrance of the store.
- (D) **Setbacks and Buffer, adjacent to residentially zoned parcels.** If the subject property abuts a residential, OR, A1, or AG-Res district, the following minimum side or rear setback and buffer requirements apply:
 - (1) The minimum setback shall be 100 feet, the first 50 feet being an undisturbed buffer, which shall meet the requirements of the Forsyth County Buffer Standards.
 - (2) To ensure that a visual buffer is achieved, the County may or may not require the installation of a four-foot high earthen berm with plantings per the Forsyth County Buffer Standards. The County Arborist will make the determination of a berm requirement based upon a review of the Tree

Protection and Replacement Plan and existing topography and vegetation.

- (E) Landscaping.
- (1) Walkways shall feature adjoining planted landscaped areas for no less than fifty (50) percent of their length.
 - (2) Along the building façade featuring the primary entrance, within in an area no further than 15 feet from the foundation, there shall be landscaping with trees. Minimum installation requires 4.5 caliper inches per 100 linear feet with a 1 ½ inch caliper and 8 foot installation height minimum for each tree. Trees shall count towards the tree density requirement as outlined in Ordinance No. 98 (Tree Protection and Replacement Ordinance). Tree placement should be grouped and staggered rather than following a regulated line along the façade. Tree placement must be approved by the County Arborist. Trees located in the sidewalks or other areas subject to pedestrian traffic shall require tree grates or other suitable tree protection measures; method of tree protection shall be indicated on plans.
 - (3) Landscape strips requirements. In addition to section 12-10.15:
 - (a) The required minimum landscape strip shall be twenty (20) feet wide along the entire property fronting a public street.
 - (b) All landscape strips are required to contain a combination of at least two of the following elements: vegetative ground cover, herbaceous ornamentals, or low to mid-level shrubs; they must also include a combination of large canopy trees with either understory trees or large shrubs. One-third of landscaping plantings shall be of the evergreen variety. Understory trees must be six to eight feet in height at time of planting. Large shrubs must be four to six feet in height at time of planting and reach a height of at least eight feet.
 - (4) Landscape Installment and Maintenance. A landscape installment guaranty must be provided prior to the release of Certificate of Occupancy (CO). The guaranty shall be stamped and signed by a registered landscape architect certifying that landscaping meets the standards of this Code. Landscape plantings must be replaced if damaged or dead.
- (F) Parking and Pedestrian Circulation and Parking Islands. Parking areas are transitional spaces where users change modes of travel from car, bus or bicycle to pedestrian. As such, parking areas should provide safe, convenient, and efficient access to serve all travel modes. They should be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall visual impact of the paved surface. If buildings are located closer to streets, the visual scale of the complex is reduced, pedestrian traffic is encouraged, and architectural details take on added importance.
- (1) Parking lot location. Parking areas should be distributed around large buildings along not less than two façades (front, rear or sides) in order to shorten the distance to other buildings and public sidewalks. Parking shall be of an adequate distance from loading areas as to avoid any points of conflict and ensure pedestrian safety. No more than fifty (50) percent of the off-street parking area for the lot, tract or area of land devoted to the large retail establishment should be located along the property fronting a public road and between the front façade and the road (the "Front Parking Area"). See Figures 1, 2, and 3 for examples that compare desirable layouts to traditional parking distribution.

FIGURE 1



Source: Surprise, AZ

FIGURE 2

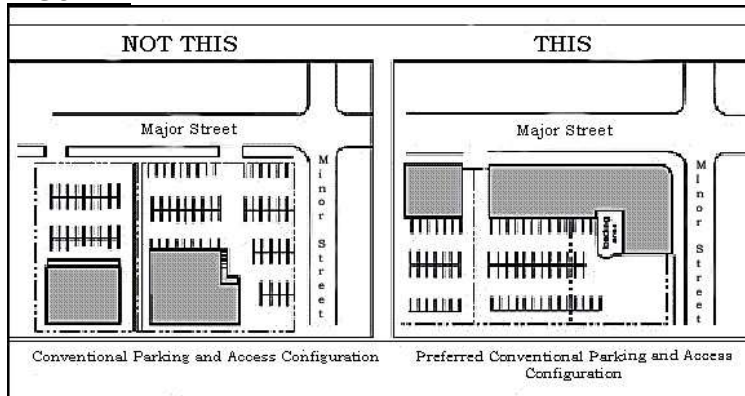
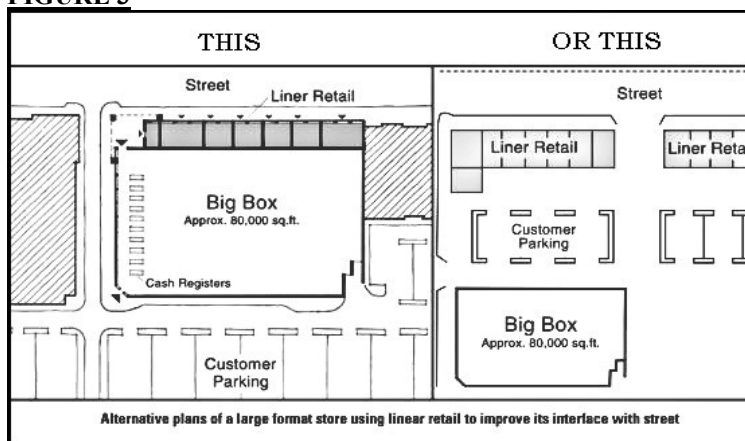


FIGURE 3



- (2) Parking lot location and parking islands requirements. Large-scale retail establishments shall provide a minimum of 15% of the total front parking area as landscaped islands. Side and rear parking lots shall provide a minimum of 12.5% of the total parking area as landscaped islands.
- (a) Each parking island is required to contain a combination of at least two of the following elements: grass, shrubbery, flowers, or other landscaping material, in addition to the tree requirements delineated below.
 - (b) Parking island tree specifications. In addition to the requirements of the Ordinance No. 98 (Tree Protection and Replacement Ordinance), the following standards for tree islands apply:
 - (i) Trees shall be provided and maintained adjacent to, and in the interior portion of, parking lots in a ratio of 1 tree for each 7 parking spaces. In addition, every parking space shall be within 50 feet of the trunk of a tree.
 - (ii) Trees shall be at least 3 inches in caliper and shall be an Overstory species. The minimum planting area or island for each tree shall be at least 200 square feet. If shared with other trees, 100 square feet for each additional tree shall be added.
 - (iii) Each planting area or island shall not be less than 4 feet in width in any direction. Each Landscape Island shall be maintained such that plantings are allowed to be established. Any dead plantings shall be replaced.
 - (c) Landscape islands shall be located at the end of every Parking Bay and at every 150 linear feet of continuous parking space. Measuring from the trunk, the tree must be a minimum of 6 feet from the back of the curb. No portion of an island less than three feet in width may be counted in the area. Landscape islands for Single Parking Bays shall contain a minimum of 200 square feet. Landscape islands for Double Parking Bays shall require a minimum of two 200 square foot islands or one continuous Landscape Island of 400 square feet.
 - (d) Landscape islands shall be located in such a manner as to divide and break up the parking area. A planting area, which intrudes upon or is located wholly within a generally rectangular area

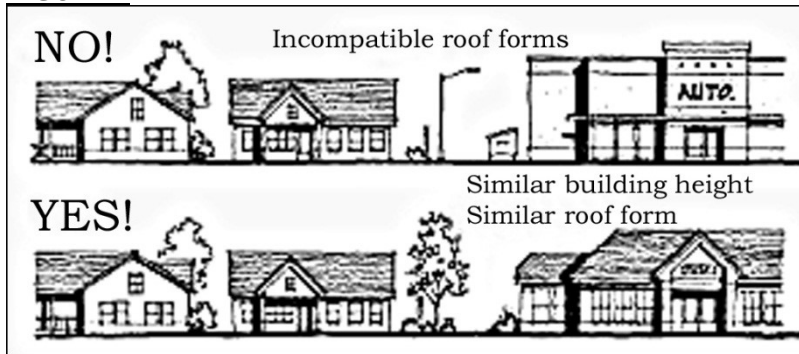
that is (a) devoted to parking and (b) between a building and a Lot line or between two buildings will generally serve this purpose.

- (3) Pedestrian Circulation.
 - (a) Sidewalks at least five (5) feet in width shall be provided along all sides of the lot that abut a public street.
 - (b) Continuous internal pedestrian walkways, no less than five (5) feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points.
 - (c) Sidewalks, no less than five (5) feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least six (6) feet from the facade of the building to meet landscaping requirements in section 12-11.5 E (2) above.
 - (d) All internal pedestrian walkways shall be distinguished from driving surfaces through the use of color and durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
- (4) Excess parking. To avoid excessive parking surpluses which increase impervious surfaces, parking shall not be provided in quantities greater than 10% of the required minimum. For large-scale retail developments exceeding the minimum parking requirements, all excess parking shall be of porous material.
- (5) Interconnectivity. Unless waived by the Planning Director, developments shall provide direct connections and safe street crossings to adjacent land uses, either to existing adjacent commercial (via shared curb-cuts or cross-access easements) or plan for such connectivity to future adjacent commercial by providing drive-way stub-out.
- (G) Transit Stops. Large-scale retail developments 75,000 square feet or greater shall cooperate with the Georgia Department of Transportation and the Georgia Regional Transportation Authority or its successor to establish park and ride lots should these agents deem the site an appropriate location.
- (H) Public Spaces. Each retail establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least (2) two of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower, or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the Planning Director, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

12-11.6 **Architectural Design Standards**. The intent of architectural design standards is to ensure a base level of quality architecture that is responsive to its context and contributes to the architectural character of an area rather than a design solution that is based on a standardized formula or market prototype superimposed on the selected site.

All buildings shall be designed to be compatible with the surrounding land uses. In predominantly rural or rural-residential areas, proposals must demonstrate landscaping and architectural treatment aimed to integrate into the surrounding character; in the case of poor context (i.e., areas in transition or ready for redevelopment) then the proposed development will cultivate new standards for the area by meeting the minimum requirements below.

FIGURE 4



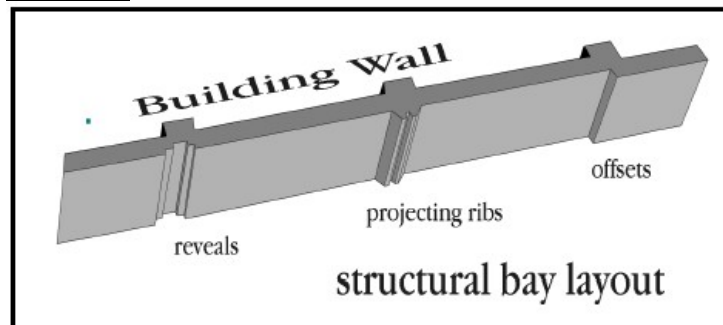
Source: City of Toledo

In multiple building developments, all buildings and structures in the development shall be of similar architectural style and shall demonstrate an overall cohesive architectural theme that creates a sense of place. Building design that is based on a standardized formula associated with a business or franchise shall be modified to meet the provisions of this section.

(A) Facades and Exterior Walls.

- (1) Front facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three (3) percent of the length of the facade. No uninterrupted length of any facade shall exceed one hundred (100) horizontal feet.
- (2) Minimum Wall Articulation. Front facade design shall provide varying wall offsets and other architectural features to create horizontal (wall) and vertical building articulation. Along with the wall plane requirements in (1) above, at least two of the following treatments shall be incorporated:
 - (a) change in texture or masonry pattern
 - (b) fenestration (window treatment)
 - (c) an expression of architectural or structural bays through a change in plane no less than twelve inches in width, such as an offset, reveal or projecting rib
 - (d) an equivalent element that subdivides the wall into pedestrian scale proportions, as approved by the Director of Planning

FIGURE 5



Source: Fort Collins, CO

(B) Entryways.

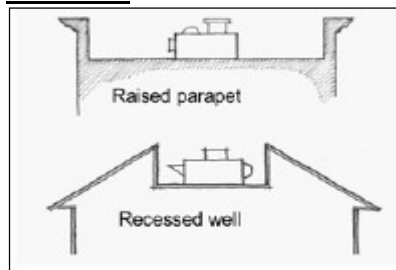
- (1) The principal entry area of a building or, if among larger development, the largest tenant or central location of a group of buildings shall be articulated and should express greater architectural detail than other portions of the building, featuring no fewer than three (3) of the following elements:
 - (a) overhangs
 - (b) canopies
 - (c) recesses/projections
 - (d) arcades
 - (e) corniced parapets over the door

- (f) peaked roof forms
- (g) arches
- (h) display windows
- (i) moldings or tile work integrated into the building
- (j) integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

Where additional stores will be located in the large retail establishment, each such store that is 5,000 square feet and greater shall have at least one (1) exterior customer entrance, which shall conform to the above requirements.

- (C) Roof features. Rooflines shall incorporate roof features (extensions, and/or projections such as gable, hip, parapet, dormers or others) that achieve visual interest through variation along 35% of the entire horizontal length of roofline. These features shall conform to the following specifications:
- (1) Roof projections shall extend a minimum 15 feet from the exterior wall except for parapet extensions which shall rise a minimum of 10 feet above the parapet's baseline. Parapets shall feature three dimensional cornice treatment. Roof features shall not exceed the average height of the supporting walls.
 - (2) Cornices, if present, shall feature three dimensional treatments of not less than twelve (12) inches in profile. Overhang eaves, if present, shall extend no less than 3 feet past the supporting walls.
 - (3) The roof pitch of sloped roofs shall be a minimum of 4:12.
- (D) Screening rooftop equipment. Roof top equipment such as HVAC units shall be fully screened. Screening shall be of material that serves as sound proofing to minimize noise trespass.

FIGURE 6



- (E) Colors. The use of muted, subdued, or earth tone colors are required for all buildings and associated structures. Vending and ice machines, lock boxes, and other dispensing equipment visible from the public right-of-way shall use only earth tone and/or neutral colors. Fuel dispensing units visible from the public right-of-way shall feature earth tone and/or neutral colors in their overall design. Notwithstanding the foregoing requirement, small functional parts of the fuel dispensing units and reasonable safety features may utilize additional colors for enhanced visibility and safety purposes, subject to the discretion of the Director. In addition, any wall or fence shall use only earth tone and/or neutral colors. Earth tone colors refer to browns, umbers, sienna, or terracotta and brick tones. Neutral colors refer to blacks, whites, beiges, or grays. Glass, unpainted metal, natural stones, and sign faces are excluded from the color requirements. Building trim and accent areas may feature higher intensity colors, subject to approval of the Planning Director.
- (F) Exterior building material. The following building materials are prohibited from front and side facades: smooth-faced concrete block, plastic siding, smooth-faced tilt-up concrete panels, corrugated metal siding, and prefabricated steel panels. Textured concrete masonry units (CMU) is permitted but shall be limited to 70% of total front façade with remaining façade material composed of brick, stone, stucco, glass or other high quality material. Tilt-up panels may be used only for rear loading areas that are not visible to the public.
- (G) Exemptions. The director may exempt all or parts of the design standards in this section for commissioned buildings by an architect for a site when the design constitutes a unique, one of a kind building that meets or exceeds the intent of these design standards, as demonstrated by architectural elevations.

ARTICLE XII. ADDITIONAL LOCATION AND ZONING REQUIREMENTS FOR LARGE-SCALE RETAIL ESTABLISHMENTS 75,000 SQUARE FEET OR GREATER:

Individual large-scale retail establishments 75,000 square feet or greater shall comply with the provisions of this section to minimize their public impacts. This section regulates the location of individual retail establishments that are 75,000 square feet or greater and ensures that excessively sized buildings do not remain abandoned and/or empty for a significant period of time. The 75,000 square foot threshold refers to an individual structure and its associated outdoor areas used for display and storage.

12-12.1 **Re-use of Properties.** Plans for the removal or adaptive re-use of the principal structure governed by this ordinance shall be made should the facility not be used for commercial retail purposes for a period of 24 consecutive months.

The owner and/or lessee meets the intent of this section if he or she provides an executed lease, a sale agreement or evidence of a pending lease/sale agreement (executed within 24 months), or executes an adaptive reuse agreement with the County.

12-12.2 **Vacancy Maintenance Requirements.** In addition to maintenance requirements established by UDC 10-1.14, owner shall provide security patrols on the site to deter vandalism or other illegal activities on the property.

12-12.3 **Location Criteria.** Individual retail establishments 75,000 square feet or greater may only locate on property that is properly zoned and meets the location criteria established herein. Establishments under the same corporate ownership proposed on the same development site but with separate structures aimed to defeat the intent of this Code may still be limited to this location criteria, per administrative decision by the Planning Director. In addition to the items established in Chapter 8 of this Code, for considering zoning amendments, the following will be considered to evaluate approval or denial of proposed large-scale retail use:

- (A) Individual establishments 75,000 square feet or greater shall not be adjacent to existing residential subdivisions composed of 30 lots or more, except that this prohibition shall not be applicable if along the shared property line a 150 foot setback is provided, of which 100 feet shall be an undisturbed buffer. Furthermore, the undisturbed buffer shall be augmented with plantings per the County Buffer Standards if existing vegetation does not achieve the intended visual screen.

ARTICLE XIII. ADDITIONAL LOCATION AND ZONING REQUIREMENTS FOR COMMERCIAL ESTABLISHMENTS IN SOUTH FORSYTH:

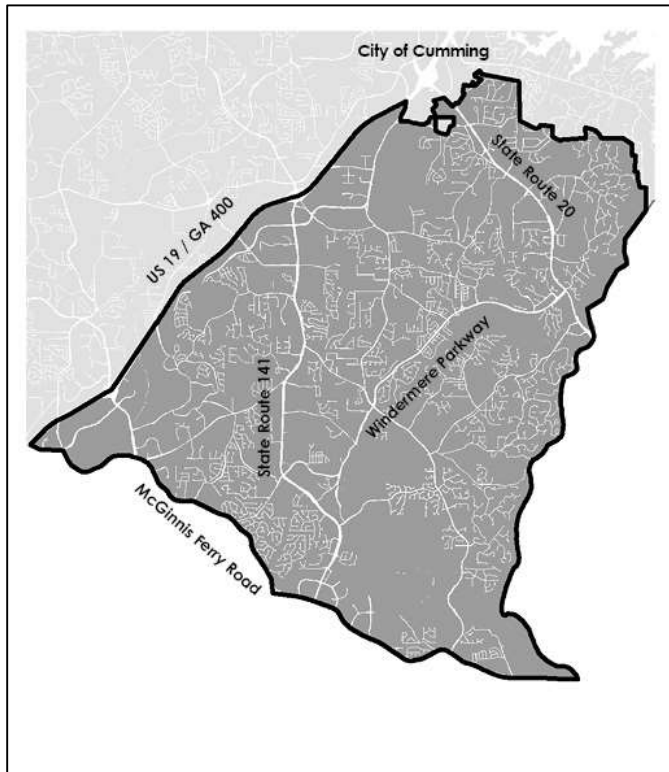
12-13.1 **Intent.** The intent of this article is to provide a set of design standards that elevate the quality and durability of commercial construction permitted in south Forsyth County. This article aims to enhance a sense of place, inspire a variety of building appearances, and address Comprehensive Plan character area goals including enhancing the relationship between buildings and the street while providing improved connectivity to the community.

12-13.2 **Delineation of South Forsyth.** The South Forsyth design standards set out in this Article shall apply to all properties located within the area indicated in Figure 7, the boundary of which area is described as follows: Beginning at the point where McGinnis Ferry Road meets the eastern boundary of the County, following McGinnis Ferry Road west (generally) to US 19/GA 400, then following US 19/GA 400 northeast (generally) to the City limits of Cumming, Georgia, then following the City limits of Cumming, Georgia northeast (generally) to the northern boundary of the Haw Creek and Daves Creek character area as depicted in the July 6, 2017 Forsyth County Comprehensive Plan 2017-2037, then following said northern boundary east (generally) to the eastern boundary of the County, then following the eastern boundary of the County south (generally) to McGinnis Ferry Road and the point of beginning.

12-13.3 **Design Plan Administrative Review.** Design review for development that meets the applicability requirements of section 12-13.4 shall be performed by staff. All plans shall address and conform to all provisions set forth under Chapter 12, Article XIII. Any numerical nonconformance to the standards contained within this Article shall require the submittal of a variance application in accordance with Chapter 8, Article VI. Should a design not meet all of the non-numerical standards contained within this Article, then the proposed design must be submitted, for public hearing, to the Forsyth County Board of Commissioners for review and approval as an Alternate Design. In considering whether to approve such Alternate Design, the Board of Commissioners shall consider the Special Considerations set forth in section 8-5.5(F)(2)(b) of this Code. Architectural elevations, exterior finish schedules and sample boards, landscape plans and lighting plans for lighting not attached to buildings must be submitted to the department at the time of application for a land disturbance permit. Lighting plans for fixtures attached to building

exteriors must be submitted at the time of application for a building permit. See Chapter 7 and Chapter 18 for land disturbance and building permit procedures.

FIGURE 7: South Forsyth Boundary



12-13.4 **Applicability.**

(A) **New Developments.** The standards will apply to new commercial developments within the study area with the exception of the following uses:

- (1) Clubs or lodges not contained within a commercial retail center or office complex.
- (2) Colleges and trade schools not contained within a commercial retail center or office complex.
- (3) Places of worship not contained within a commercial center or office complex.
- (4) Private and parochial schools not contained within a commercial retail center or office complex.
- (5) Schools for dance, martial arts, and other disciplines not contained within a commercial retail center or office complex.

The South Forsyth commercial design standards described in this article are meant to be supplemental to other design standards and requirements of this Code and shall be applied in conjunction therewith where possible; however, property located in the delineated South Forsyth area shall be exempt from the requirements of Sections 12-10.9, 12-10.10, 12-10.11, 12-10.12, 12-10.13, 12-10.16, and 12-10.19. In the event of a conflict between the South Forsyth design standards and those standards found elsewhere in this Code, the South Forsyth design standards shall apply. Notwithstanding the foregoing sentence, in the event of a conflict between the South Forsyth design standards and those standards governing an overlay district identified in Chapter 21, the overlay district standards of Chapter 21 shall apply.

(B) **Existing Sites.** Redeveloped or expanded commercial sites or buildings where more than twenty-five percent (25%) of the original building or planned site improvements is impacted shall comply with these standards.

12-13.5 **Landscaping and Pedestrian Improvements.**

(A) **Required Zones.** The following zones with the widths specified in Table 12.3 shall be required on the site of any development required to comply with this article per 12-13.4:

- (1) **Front Landscape Strip Zone.** The Front Landscape Strip Zone is required against any property line fronting a public right-of-way. On property where buildings are pulled close to the roadway and

the parking area is shifted to the side and/or rear of the building, the Front Landscape Strip Zone must maintain a minimum width of ten (10) feet along a public right-of-way to comply with the Forsyth County Ordinance 98 (Tree Protection and Replacement Ordinance) with the remaining five (5) feet in required zone width, for roads that are four lanes or wider, to be shifted in order to be adjacent to the Pedestrian Landscape Zone.

- (2) **Pedestrian Landscape Zone.** The Pedestrian Landscape Zone is required between any parking areas and the Sidewalk Zone. The Pedestrian Landscape Zone shall be the location for required outdoor amenity furniture.
- (3) **Sidewalk Zone.** The Sidewalk Zone is required between any parking area and any building.
- (4) **Facade Landscape Zone.** The Façade Landscape Zone is located along any building and is directly adjacent to the Sidewalk Zone. This zone may be used as an alternate location for required outdoor amenity furniture. In lieu of this zone, an expanded Pedestrian Landscape Zone with a fourteen (14) foot minimum width may be substituted to provide design flexibility.

**TABLE 12.3
 MINIMUM ZONE WIDTH REQUIREMENTS**

Roadway Width	Front Landscape Strip Zone	Pedestrian Landscape Zone	Sidewalk Zone	Facade Landscape Zone (required if Pedestrian Zone < 14 feet wide)
≥ 4 lanes	15 feet	8 feet	6 feet	6 feet
< 4 lanes	10 feet	8 feet	6 feet	6 feet

- (B) **Landscape Requirements.** Landscaping located within zones as noted in Table 12.3 as well as any other required landscape strip must contain a combination of vegetative ground cover, herbaceous ornamentals, and shrubs. Additionally, the following requirements apply:
 - (1) Trees, where required, shall be planted at regular intervals. In addition, deciduous trees shall have lower branches pruned for seven (7) feet upwards from the base of the tree to allow visibility. All pruning shall be in accordance with ANSI A300 Part 1 and the International Society of Arboriculture Best Management Practices for Pruning. In no case shall the pruning required by this section remove more than 25 percent of the tree’s foliage in any one growing season nor reduce the live crown ratio to less than 60 percent without prior approval of the County Arborist. Tree placement may be clustered for purposes of adequate site distance, utility and stormwater considerations as well as monument sign placement.
 - (2) Columnar trees shall not count towards the required minimum trees within the Front Landscape Strip Zone or Pedestrian Landscape Zone except in cases of limited growing space due to above ground power lines or in circumstances that such trees are planted beyond the required minimum number within these zones and only as approved by the County Arborist.
 - (3) Shrubs shall be maintained to a maximum height of four (4) feet to allow visibility.
 - (4) Permitted encroachments include but are not limited to water meter vaults, fire vaults, fire hydrants and perpendicular utility crossings. Stormwater ponds, including required easements, may not be located within required zones.
- (C) **Front Landscape Strip Zone.**
 - (1) Front Landscape Strip Zones shall be planted with shrubs that are a minimum of two (2) feet high at the time of planting and spaced five (5) feet apart on center.
 - (2) A minimum of two (2) overstory trees shall be required per fifty (50) linear feet. Overstory trees shall have a minimum caliper of three (3) inches at the time of planting. Shrubs, groundcover and herbaceous ornamentals shall fill in the remaining space.
 - (3) Berms shall not be permitted in Front Landscape Strip Zones when located within Character Area Nodes as designated in the Forsyth County Comprehensive Plan.

(D) **Pedestrian Landscape Zone.**

- (1) Overstory trees are required to be planted at regular forty (40) foot intervals. Overstory Trees shall have a minimum caliper of two (2) inches at the time of planting. Ground cover, herbaceous ornamentals, and shrubs shall fill in the remaining space. Shrubs shall be planted every five (5) feet on center but spacing may be adjusted to accommodate outdoor amenity furniture if the total number of shrubs required are planted within the zone. If an expanded Pedestrian Landscape Zone is utilized as referenced in 12-13.5(A)4, the planting material requirements for the Façade Landscape Zone shall also be installed within the Pedestrian Landscape Zone.

(E) **Facade Landscape Zone.** Façade Landscape Zones shall be planted with shrubs installed every five (5) feet on center, but shrub spacing may be adjusted to accommodate outdoor amenity furniture, if the total number of shrubs required are planted within the zone. Ground cover and herbaceous ornamentals shall fill in the remaining space with associated mulching around such plantings. A minimum of two (2) caliper inches of understory tree for each fifty (50) feet of façade length is required. Columnar trees may be appropriate in some locations as approved by the County Arborist as long as the ability to grow vertically has adequate expansion clearance. Spacing may be adjusted to accommodate outdoor amenity furniture, building entrances, and similar elements if the total number of caliper inches required are planted within the zone.

(F) **Sidewalk Zone.** The Sidewalk Zone shall be a minimum of six (6) feet wide and shall consist of a clear level surface for walking.

(G) **Outdoor amenity furniture.** Where required, the following requirements apply:

- (1) Inside Character Area Nodes, as designated in the Forsyth County Comprehensive Plan, the following shall be required.
 - (a) Benches: provide one (1) for every one hundred (100) linear feet of Pedestrian Landscape Zone or Façade Landscape Zone.
 - (b) Trash/recycling cans: provide one (1) of each for every one hundred (100) linear feet of Pedestrian Landscape Zone or Façade Landscape Zone.
- (2) Outside Character Area Nodes, as designated in the Forsyth County Comprehensive Plan, the following shall be required.
 - (a) Benches: provide one (1) for every two hundred (200) linear feet of Pedestrian Landscape Zone or Façade Landscape Zone.
 - (b) Trash/recycling cans: provide one (1) of each for every two hundred (200) linear feet of Pedestrian Landscape Zone or Façade Landscape Zone.

12-13.6 **Parking.**

(A) **Parking Islands.** One (1) landscaped parking island shall be required for every ten (10) parking spaces. Parking island size and planting requirements shall adhere to requirements as established in Ordinance No. 98 (Tree Protection and Replacement Ordinance).

(B) **Character Area Nodes.** Additional requirements inside Character Area Nodes, as designated in the Forsyth County Comprehensive Plan:

- (1) A maximum of one (1) double-sided parking aisle is to be located between any principal building and any public right-of-way. Additional parking shall be located to the side or rear of the building.
- (2) On properties with primary frontage on roads with less than four (4) lanes, all off street parking shall be located to the side or rear of the principal building.

12-13.7 **Access.**

(A) **General Requirements.**

- (1) **Bike parking.** One (1) bicycle rack per fifty (50) parking spaces, but no less than one (1), is required for every building. A rack shall consist of a fixed location for locking two (2) bicycles.
- (2) **Trail connection.** If any programmed parks or trails are within five hundred (500) feet of the property line of a development, a stub out trail leading to an existing or proposed park or trail shall be provide up to the property line. If a neighboring property has an existing stub out trail planned (by virtue of the submission of plans showing the stub out trail) or constructed in place at the time the development first submits an application requiring connection to the same park or trail, the development shall connect to the planned or existing stub out trail on the neighboring property. Trails shall be at least eight (8) feet wide and shall be paved. An exception to this requirement for unnecessary hardship due to topography or natural features may be granted by the Director.

- (3) **Entrance Walkway.** A sidewalk with a minimum width of five (5) feet shall be provided between the main building entrance and any existing sidewalk or trail in the public right-of-way or to the edge of the public right-of-way if a pedestrian improvement is proposed in the Forsyth County Bicycle Transportation and Pedestrian Walkways Plan. Pedestrian crossings shall also be required when the entrance walkway(s) crosses a parking lot or internal driveway or street and shall be constructed of bricks, pavers or concrete that is stamped and colored.
 - (4) **Electric Vehicle Charging.** Electric Vehicle charging locations shall be required for establishments 10,000 square feet or greater.
 - (a) Electric vehicle charging stations shall be located outside of all required zones noted in Table 12.3 as well as parking islands.
 - (b) Nine percent (9%) of the total provided parking spaces shall be Electric Vehicle capable spaces where an electrical panel, branch circuit, and raceway are provided prior to tenant occupancy, ready for an SAE J1772 Level 2, 208-240 Volt Alternating Current Electric Vehicle charging station to be installed at a later date.
 - (c) One percent (1%) of the total provided parking spaces shall install an SAE J1772 Level 2, 208-240 Volt Alternating Current minimum thirty (30) amp electric vehicle charging station. Calculations for this requirement will not utilize a rounding method.
- (B) **Character Area Nodes.** Additional requirements inside Character Area Nodes, as designated in the Forsyth County Comprehensive Plan, shall include the following:
- (1) **Pedestrian crossing.** Pedestrian crossings as required for entrance walkways shall be constructed of bricks or pavers only.
 - (2) **Short-term parking.** Provide a minimum of one (1) short-term parking space per fifty (50) required spaces, plus one (1) additional space for every bar or restaurant.
- 12-13.8 **Commercial Amenity.**
- (A) **Beautification Area.** Commercial sites shall provide an area of beautification, which shall include the following elements:
- (1) Shall be accessible to the public.
 - (2) Shall be located between the building and the public right-of-way.
 - (3) Shall be located in the Pedestrian Landscape Zone or the Façade Landscape Zone, unless the Director approves an alternate location upon the request of the developer or property owner and a showing that the alternate location will achieve the minimum goals of this section with respect to the inclusion of beautification areas.
 - (4) Shall include two or more of the following items:
 - (a) An enhanced landscape area of not less than three percent (3%) of the total property area. This area shall consist of accent plant materials including a minimum of thirty percent (30%) shrubs and thirty percent (30%) annuals or perennials. The area must achieve seventy-five percent (75%) coverage within three (3) years of planting while following nursery recommended spacing.
 - (b) Fountain(s), drinking fountain(s), sculpture(s) or other public art, decorative hardscape feature(s); or
 - (c) Other amenities for public beautification as approved by the Director that will achieve the minimum goals of this section with respect to the inclusion of beautification areas as determined by the Director.
- (B) **Corner Sites.** Sites located on the corner of two (2) public rights-of-way shall provide an additional one thousand (1,000) square feet of enhanced landscape area per the requirements of "A" above. This enhanced landscape area shall be located in the Front Landscape Strip Zone and provide at least one (1) of the following: Fountain, sculpture, or other public art or entrance feature.
- 12-13.9 **Building Materials.** Building material requirements are applicable to all facades of any new building.
- (A) **Primary Materials.** A minimum seventy-five percent (75%) of each façade shall consist of glass, brick, ceramic, or unpainted natural stone. Glass alone may not exceed sixty-five percent (65%) of the façade. Brick or stone shall be a minimum of one and three quarters (1.75) inch depth and, when utilized, shall wrap building corners as shown below:

FIGURE 8: Wall masonry corner wrapping



- (B) **Accent Materials.** Accent materials shall not exceed twenty-five percent (25%) of each facade and may consist of but are not limited to stucco, painted wood, and metal panels.

12-13.10 **Massing.**

- (A) **Facade Length.** Facades must provide a sixteen (16) inch horizontal offset at least every sixty (60) feet when facing a pedestrian walkway, driveway, or public right-of-way.
- (B) **Building entrances.** All building entrances shall be articulated by the use of at least two (2) of the techniques below:
- (1) Exaggeration of form, such as enlarged arches or columns.
 - (2) Change in exterior materials around the entrance.
 - (3) Recesses/projections of at least four (4) inches.
 - (4) A change of roof pattern (e.g. a tower, awning, or change in roof or parapet height).
 - (5) Planters or wing walls including seating that leads toward the entrance.

12-13.11 **Roofing.**

- (A) **Rooftop equipment.** New buildings shall provide a parapet wall, architectural screen, or other architectural element that is compatible with the principal building in terms of texture, quality, material, and color and that screens roof-mounted equipment, including rooftop mechanical units and satellite dishes, from ground level view at the property line abutting the public right-of-way.
- (B) **Gutter material.** Vinyl or other plastic gutters shall be prohibited.
- (C) **Sloped roofs.**
- (1) The depth of roof overhang shall be at least ten percent (10%) of the wall height.
 - (2) Shed roofs are only permitted over porches.
 - (3) Vents and stacks shall be painted to match roof color.
- (D) **Low-slope roofs.** Low slope roofs are defined as those that have less than 3:12 pitch.
- (1) A parapet shall be required with a minimum two (2) foot height wherever present.
 - (2) A cornice or other detailing or ornamentation shall be required at the top of the building wall, with a depth of overhang equal to at least five percent (5%) of the wall height.

12-13.12 **Windows.**

- (A) **Window area.** Window glazing shall comprise at least forty-five percent (45%) of the area of each building façade that faces a public right-of-way.
- (B) **Blank Walls.** No wall facing a pedestrian walkway, driveway or public right-of-way may exceed twenty (20) feet in length without windows, doors, or window displays that provide visual interest.
- (C) **Other Visual Interest.** Geometric or organic patterning on building exteriors may count toward visual interest to meet the requirement of “B” above.
- (D) **Service Windows.** Service windows, such as those for drive-throughs, shall be prohibited from facing a public right-of-way.

12-13.13 **Screening.**

- (A) **Outdoor display.** Outdoor display, including seasonal merchandise, is permitted, but shall be ninety percent (90%) screened from view from the public rights-of-way with either opaque walls or evergreen trees and/or shrubs that are able to reach sufficient height within two growing seasons. Outdoor display shall not block or impede passage within the Sidewalk Zone or Façade Landscape Zone. The following items are prohibited from outdoor display:
- (1) Tires and other automotive parts or accessory materials.
 - (2) Outdoor kennels.

- (3) Sheds, gazebos, arbors, doghouses, or similar pre-made structures that constitute retail or wholesale merchandise.
- (B) **Outdoor Storage.** All areas devoted to the stockpiling of materials, products, vehicles, trailers, and the like shall be screened from view from the public rights-of-way. Screening may be accomplished with the primary building or with a wall and evergreen trees or shrubs at least six (6) feet in height.
- (C) **Vending and Lock boxes.**
 - (1) Vending machines, ice machines or lockable boxes for customer pickup outside the primary building shall meet the following standards:
 - (a) Limited to one (1) per ninety (90) linear feet of road frontage.
 - (b) Maximum size of eighty-six (86) inches wide by forty (40) inches deep by eighty-four (84) inches high.
 - (c) Shall match the color of the surrounding building materials, be screened using opaque fencing or walls that match the color and material of the primary building or be located along a façade of the building that is not facing any public right-of-way.
 - (d) Shall not block or impede passage within the Sidewalk Zone or Façade Landscape Zone.
- (D) **Mechanical equipment.** Mechanical equipment at ground level shall be screened from the public right-of-way and pedestrian paths by opaque walls or fencing, and a screen of evergreen shrubs.
- (E) **Loading areas.** Loading areas, as well as entrances and service bays for vehicles, shall not face any public right-of-way.
- (F) **Dumpsters and dumpster enclosures.**
 - (1) Dumpster enclosures are required, shall be opaque and shall enclose the dumpster on three sides. Enclosures shall be constructed of materials and colors that match the building on site and shall be at least one (1) foot taller than the highest point of the dumpster or compactor.
 - (2) Dumpster enclosures are subject to building setback requirements.
 - (3) A gate is required and shall be composed of metal or other durable material which shall reach the height of the three-sided enclosure. Gate color shall be coordinated to match the design of the dumpster enclosure and gates shall be oriented towards the interior of the site.
 - (4) All dumpsters and compactors shall be equipped with lids.
- (G) **Stormwater ponds.**
 - (1) Any stormwater pond requiring a fence must not be visible from the public right-of-way unless a twenty (20) foot wide planted buffer is provided outside of the required fencing. The required buffer shall meet the planting requirements of the Forsyth County Buffer standards.
 - (2) Access to stormwater ponds shall not be facing the public right-of-way.

12-13.14 **Color.** The use of muted, subdued, or earth tone colors are required for all buildings and associated structures. Vending and ice machines, lock boxes, and other dispensing equipment visible from the public right-of-way shall use only earth tone and/or neutral colors. Fuel dispensing units visible from the public right-of-way shall feature earth tone and/or neutral colors in their overall design. Notwithstanding the foregoing requirement, small functional parts of the fuel dispensing units and reasonable safety features may utilize additional colors for enhanced visibility and safety purposes, subject to the discretion of the director. In addition, any wall or fence shall use only earth tone and/or neutral colors. Earth tone colors refer to browns, umbers, sienna, or terracotta and brick tones. Neutral colors refer to blacks, whites, beiges, or grays.

12-13.15 **Signs.**

- (A) **Applicability.** All permissible sign types shall meet the respective requirements of the Forsyth County Sign Ordinance, whether or not the signs are visible from the public right-of-way. Notwithstanding the provisions of the Forsyth County Sign Ordinance limiting the definition of a sign to certain displays, devices or communications that are “visible from the public right of way of a county, city, or state road,” any display, device or communication on property used or zoned for commercial purposes in South Forsyth that would otherwise qualify as a sign but for the fact that it is not visible from the public right of way, shall be regulated as if they constituted a sign under the Sign Ordinance if the display, device or communication is visible from the property line.
- (B) **Window signs.** Window signs shall not exceed twenty percent (20%) of the total area of each window in which the sign is located.
- (C) **Electronic message boards.** Electronic message boards (EMBs) are prohibited except for:
 - (1) Fuel stations monument signs, which are allowed one (1) EMB per road frontage. The total electronic or changeable copy area for each sign shall not exceed a total of forty-six (46) square feet.

- (2) Where the property has a principal use that is either a religious facility, college, university, private school as defined at O.C.G.A. 20-2-690(b), hospital, military or veteran organization, art gallery, museum, conference center, theater, or amphitheater.

(D) **Primary Building Materials.** Monument signs shall match primary building materials.

12-13.16 **Fencing.**

(A) **Prohibited materials.** The following fencing materials are prohibited:

- (1) Chain link fencing, except brown, green, or black vinyl-coated fencing where located to the side if the side is not facing a public right-of-way or the rear of the building, and where hidden from view by continuous evergreen shrubs that cover the full height within two growing seasons, and where not adjacent to a residential zoned property.
- (2) Vinyl fencing of any kind, except for vinyl coated fencing as noted in "1" above.
- (3) Unpainted, unstained, and untreated wood.
- (4) Metal not treated to resist corrosion.

12-13.17 **Retaining Walls.**

(A) **Materials.** Gabion walls and concrete walls not textured to have the appearance of stone, brick, or wood are prohibited. Retaining walls shall be screened with evergreen shrubs at least six (6) feet in height at the time of planting.

(B) **Height.** When visible from any walkway, driveway, or public right-of-way in the development or adjacent to a park, trail, or residential zoned property, retaining walls shall be limited to twenty (20) feet in height. Where multiple retaining walls are necessary, they must be separated by at least five (5) horizontal feet.

12-13.18 **Self-Service Storage Facilities.** The following requirements shall apply to climate controlled, self-service storage facilities as defined by this code:

(A) **Stories.** Facades which face a public right-of-way shall be limited to a maximum of three (3) stories above finished grade in visual appearance from the roadway.

(B) **Entrance.** At least one (1) pedestrian entrance shall be provided on any side of a primary building which faces a public right-of-way.

12-13.19 **Fuel Stations.** These regulations shall apply to all fuel stations, including convenience stores with fuel dispensing units:

(A) **Access and Internal Circulation.**

(1) Setbacks. Fuel dispensing units on property located inside Character Area Nodes, as designated in the Forsyth County Comprehensive Plan, shall adhere to a minimum setback of fifty (50) feet from all public rights-of-way.

(B) **Architectural Design.**

(1) All walls, screen walls, fuel dispensing unit canopies, canopy support columns and other outdoor covered areas shall be architecturally integrated with the building using similar materials, colors, and detailing. The design of a facility that shares access with a commercial center shall be designed to reflect the design elements of that center, provided the commercial center meets the standards of this Article.

(2) Business identity shall not be a dominant architectural feature, either with awnings, accent bands, paint or other applied color schemes, signage, parapet details, or other design embellishments.

(3) Building accents shall be expressed through differing materials or architectural detailing rather than thin, applied finishes such as paint.

(4) Either fuel dispensing unit curbs or bollards are required for protection of fuel dispensing units.

(C) **Canopy.**

(1) Lighted or painted bands of color that indicate business identity are prohibited.

(2) The sides (fascia) of the canopy shall extend twelve (12) inches below the canopy to minimize the direct view of the light fixtures from adjoining properties.

(3) Lighting shall not be mounted on top of the canopy and the sides shall not be illuminated either internally or externally. This requirement shall not apply to signage attached to the canopy that is internally illuminated.

(4) Canopies inside Character Area Nodes, as designated in the Forsyth County Comprehensive Plan, shall adhere to a minimum setback of thirty-five (35) feet from all public rights-of-way.

(D) **Display and Storage.**

(1) Promotional displays shall not impede pedestrian ingress and egress or vehicular traffic sight lines.

- (E) **Landscaping.** One (1) continuous row of evergreen trees shall be planted in the Front Landscape Strip Zone and shall count towards requirements as noted in 12-13.5(A)(1). This row shall be at least fifty (50%) percent as long as the canopy. Trees shall be spaced no more than ten (10) feet on center.

12-13.20 **Vehicle Rental/Sales/Service Establishments and Car Washes.**

(A) **Access and Internal Circulation.**

- (1) When service bays face a side lot line, screening such as fences or evergreen landscaping shall be used to partially screen the view from the public right-of-way into service work areas.
- (2) Adequate space shall be allocated and reserved on site when the business use involves the unloading of vehicles brought to the site by vehicle carriers. No trailers or vehicles shall be parked in customer parking or unloading areas with the intention of advertising the trailer or vehicle for sale or rent.

(B) **Architectural Design.**

- (1) A facility that shares access with a commercial center shall be designed to reflect the design elements of that center, provided the commercial center meets the standards of this article.
- (2) Business identity shall not be a dominant architectural feature, either with awnings, accent bands, paint or other applied color schemes, signage, parapet details, or other design embellishments.
- (3) Building accents shall be expressed through differing materials or architectural detailing rather than thin, applied finishes such as paint.

(C) **Loudspeakers.** Outside loudspeakers shall be prohibited.

(D) **Business Office.** A permanent structure for the use of a business or sales office is required for all vehicle rental/sales/service establishments.

(E) **Car Washes.** All car washing, including hand washing and drying, interior cleaning, vacuuming, and detailing, shall take place inside a building so such activities are either not visible from the public right-of-way or any adjacent parcel, or where such activities are located in an area that is ninety percent (90%) screened from view from the public right-of-way and adjacent parcels through the use of architecturally finished walls that match the primary building and/or evergreen shrubs.

12-13.21 **Parking Structures.** Multilevel parking decks or structures shall meet the following criteria:

- (A) **Similarity to Principal Structure.** Decks or structures shall have the same architectural treatment as the principal building(s),
- (B) **Height.** The height of parking decks or structures shall not exceed the height of the principal building(s).
- (C) **Setback.** Decks or structures shall adhere to a minimum setback of one hundred and fifty (150) feet from all residential zoned properties.

CHAPTER THIRTEEN

DESIGN GUIDELINES FOR ACTIVITY CENTERS

ARTICLE I, PURPOSE AND INTENT:

This chapter presents a set of general design guidelines for the development of neighborhood shopping districts and urban village districts. Such guidelines are in addition to, and do not negate or supersede, the regulations applicable to activity centers in Article X of Chapter 12 and any other applicable requirements of this Code. Requests to rezone property to a neighborhood shopping district or urban village district shall be evaluated against these design guidelines, and substantial nonconformity with these design guidelines may be the basis for denying a request for neighborhood shopping or urban village zoning districts.

Development designs should utilize the opportunities and reflect the constraints created by flood plains, slopes, soils, native vegetation, and other physical features. Engineering techniques should not be utilized to force-fit development into the natural environment.

ARTICLE II, DESIGN STANDARDS:

13-2.1 **Detention Basins.** Open storm drainage and detention areas visible to the public should be incorporated into the design of the development as an attractive amenity or focal point. For example, spray fountains or water falls are attractive alternatives for moving water. Wet-bottom basins are encouraged for basins visible to the public or from adjacent property. Dry basins, where used, should be sloped adequately to ensure proper surface drainage, designed so slopes and bottoms can be easily maintained, and extensively landscaped.

13-2.2 **Connectivity and Roadway Design Criteria.** The roadway pattern within an activity center should not require short trips between developments in the activity center to use arterials; it should be possible for trips of this sort to be made using access connections between developments within the activity center. The road network of any one development or site within the activity center should interconnect with the road network of any adjacent development or site within the activity center. Developments where the internal road networks are isolated from all adjacent sites are discouraged.

Where compatible, automobile trips from adjacent residential neighborhood(s) to the neighborhood shopping zoning district or urban village zoning district should be possible without requiring travel along the major street. Outparcels should be connected to and served from the internal streets of the activity center of which they are a part. Major driveways serving the activity center should include planted center medians. Planted medians are desired because they: 1) enhance the overall appearance of the activity center and improve economic attractiveness; 2) provide refuge for pedestrians; and 3) improve traffic safety. Road speeds within an activity center should generally not exceed thirty (30) mph, and should be compatible with the pedestrian nature and scale of the activity center.

13-2.3 **Building Height and Mass.** Within an activity center, a logical hierarchy of building forms should be created. Building heights and masses should be greatest in the focus area and inner portion of the support area (the part closest to the focus area), and should transition to lower heights and less mass outward from the focus area to the outer edge of the support area. Building massing should be varied to create a logical hierarchy of building forms, to break up long expanses of façade, and to create shade and shadow. Buildings at the outer edge of an activity center's support area should be comparable in height and mass with the surrounding neighborhood beyond the support area.

13-2.4 **Arrangement and Siting of Buildings.** Building location, setbacks, and orientation should be carefully considered so as to increase pedestrian comfort. For example, a shaded pedestrian plaza may be created by siting buildings to maximize shade potential. Buildings in an activity center should be arranged in a manner that creates a sense of enclosure and defined space. A site's buildings should be arranged so that they help to frame and define the fronting streets, as well as the internal streets of the activity center, giving deliberate form to streets and sidewalk areas. Buildings on a site in a neighborhood shopping zoning district or urban village zoning district should be arranged so that a sufficient number of the site's buildings or portion of the site's aggregate building mass has an orientation towards the fronting street(s), and the buildings are located in relatively close relation to those fronting street(s), so as to effectively frame and define the fronting street(s) and the pedestrian accesses along those streets.

As far as practicable, buildings in activity centers should not be separated from fronting streets by large parking lots. At a minimum, placement of outparcel buildings between a large parking lot and the street should be used to help define the streetscape, and lessen the visual impact of the parking lot from the street. Whenever an activity

center is split across streets or quadrants of an intersection, the buildings on the different quadrants of the street should not be separated from each other by parking lots. The line and massing of the buildings and structures on each quadrant should be arranged such that they are as close to each other as possible and linked by crosswalks and pedestrian paths, so as to encourage pedestrian movement between the quadrants on opposite sides of the street(s).

At a minimum, sensitive placement of outparcel buildings along the opposite sides of the street can be used to help define the streetscape, and bring development on quadrants of intersections in closer relation to each other. In such cases, the outparcel buildings should also be located in close relation to the street and to each other, and in a common alignment. Outparcels should also be connected to and served from the internal streets of the activity center or development. In activity centers, the design of outparcel buildings and sites should be integrated into the overall design of the activity center. Outparcel buildings should have architectural, design, and pedestrian connections strongly linking them with the rest of the activity center. For example, covered pedestrian walkways linking outparcel buildings with the main buildings of the center could provide a strong design connection.

All buildings in the activity center should be in close physical proximity to each other, to the extent allowed by site topography, and well-connected by pedestrian sidewalks and ways as opposed to being separated from one another by large parking areas. One should not have to walk in and along parking aisles, driveways, or roadways to get from any one building to another; rather, pedestrian ways should be well defined and separated where possible from automobile access ways.

13-2.5 **Compatibility.** Building design and landscaping in activity centers should be compatible and harmonious with adjacent neighborhoods. In general, residential densities and non-residential intensities should be highest within activity centers, transitioning to progressively lower densities moving outwards from the focus area to the outer edge of the activity center.

Adverse noise and lighting impacts from one site onto adjacent or nearby sites should be avoided, minimized, or mitigated. Design elements should be accomplished in a manner to control noise generated from service activities and mechanical equipment. Vegetated buffers and screening should be provided to ensure appropriate separations and transitions between activity centers and abutting residential neighborhoods or other lower-intensity land uses. If a development or individual building is designed to back up to residential or other site sensitive areas, significant landscaping and berms are strongly encouraged in addition to screening walls or fences to provide an adequate buffer.

When fencing is provided along a property line, a decorative fencing material and architectural accents should be used which are compatible with the building façades in the activity center. Fencing that creates variety, such as staggering the fence line and incorporating wrought-iron and masonry columns, is encouraged. Screening walls should reflect the same level of architectural design as the primary structure, including landscaping to soften the wall's appearance.

13-2.6 **Building Appearance and Architectural Details.** The design, architecture, materials, and colors of buildings within an activity center should be harmonious and adhere to a common design theme. Architectural designs should provide visual interest and variety, yet be consistent with the architectural character of the activity center.

Buildings that are oriented towards the fronting street(s), and buildings located in relatively close relation to fronting street(s) should include architectural elements such as canopies or awnings and street-level display windows. Covered building fronts facing streets should not be permanently enclosed. Soft, flameproof awnings are encouraged over the first floors of buildings facing streets.

All building elevations should be finished with the same level of architectural detail and quality. Architectural details such as texture, pattern, color, and building form used on front façade(s) should be incorporated on all visible building facades. However, such guidelines do not apply to any façade(s) facing service courts or other areas generally not visible to the public. Monotonous blank building walls should be avoided.

Materials requiring low maintenance are recommended over high maintenance materials. For example, materials with integral color are generally recommended over materials that require painting.

Individual corporate image architectural design elements and colors should be incorporated only as secondary elements to the development and not as the dominant element. Such corporate image elements should be consistent with and blend into the larger theme of the activity center.

Ground and building-mounted mechanical equipment, such as coolers, HVAC equipment, meters, utility banks, trash receptacles, and electrical or telephone utility cabinets should be placed within the interior side and rear yards or when required in the front or corner side yards which should be screened with landscape materials.

13-2.7 **Signage.** Window panes should not be painted for permanent advertising purposes, but lettering for the identification of the place of business is encouraged, provided the letters are not greater than six inches in height. Wooden signs of a small scale that hang from a projection support by chain adjacent to pedestrian ways and

sidewalks are encouraged to provide a main street atmosphere. Monument signs are strongly encouraged over pole-mounted signs.

13-2.8 **Parking.** For any sites or developments that include significant amounts of parking, site design should avoid a "sea of parking" impression from the fronting streets (i.e., where vast amounts of surface parking dominate the view(s) from the fronting street(s) to the site's primary buildings). This design guideline is particularly applicable to shopping centers.

The presence of vast parking lots between the fronting street and the buildings results in the principal buildings being set back from the roadway to such an extent that it discourages pedestrian access to the site and will frustrate any future transit connections to the site. Streetscapes that are dominated by parking lots detract from the character proposed to be created by the activity center. Single, very large parking lots should be avoided. Rather than having a single, very large contiguous parking area between the fronting street and the buildings, the parking should be broken up into smaller lots or fields of 50-100 cars by landscape strips, peninsulas, or grade separations. Generous amounts of parking should be directed to the rear and sides of the buildings or site. This guideline does not mean that there should be no parking areas between the fronting street(s) and the principal buildings in shopping centers or other large nonresidential or multifamily developments. The intent is to significantly reduce the amount of large surface parking between the fronting street(s) and the principal buildings, allowing the buildings to be brought closer to the fronting street(s), in support of a more attractive and pedestrian-friendly environment.

Parking lots that face a street should be partially screened from the street by a low fence, wall, hedge, berm, or vegetated buffer. If a parking lot fronts an arterial or major collector, and is of such a size that it dominates views from the fronting arterial/collector and detracts from the overall streetscape and community appearance, then it is recommended that the parking lot be screened or buffered in its entirety from view along the fronting roadway(s).

Parking aisles should be separated from one another by planted medians with shade trees. When possible, it is recommended that parking aisles and their shade trees be aligned in a solar orientation to cast shade on parked cars during the summer months, if such an orientation does not compromise other design criteria in this chapter.

13-2.9 **Landscaping, Trees, and Natural Environment.** Significant landscaped and/or natural streetscapes along roadways are encouraged. Landscaping areas should be combined to form larger clusters at highly visible locations. Landscape design should create variety, interest, and view corridors for visibility. Plant materials should be placed intermittently against long expanses of building walls, fences, and other barriers to create a softening effect. Foundation planters should be provided as appropriate along front building façades. A variety of deciduous and evergreen species should be used to provide visual interest and resist disease; however, a minimum of one-third of the plantings should be evergreen coniferous species.

Existing vegetation and large specimen trees should be preserved and incorporated into site design when possible, in order to create a natural appearance and the impression of a mature landscape. A sufficient number of trees, of appropriate type, should be preserved along road frontages adjacent to and within the activity center. Additional trees should be planted between curbs and sidewalks to create a tree canopy that helps to define the streetscape and that provides shade at maturity. Parking aisles should be separated from one another by planted medians with shade trees. Trees should be incorporated around the building exterior to soften the building appearance and to create a place of relief from the summer sun.

Trees recommended for providing large canopy potential include but are not limited to Live Oak, Maple, Sycamore, Elm, Hickory, and Ash. Trees with a pyramidal canopy potential include Slash Pine, Red Cedar, Magnolia, Cypress, American Holly, and River Birch. Understory trees, six to eight feet in height, and that may reach a height of twenty feet at maturity include but are not limited to Dogwood, Wax Myrtle, and Crepe Myrtle. Large shrubs, four to six feet in height at time of planting, and that may reach a height of at least eight feet, include Elaeagnus, Photinia, Juniper, Holly, Viburnum, and Pampas Grass. Tree installation and removal shall be in compliance standards provided in Ordinance Number 98 of Forsyth County (Tree Preservation and Replacement Ordinance), as may be amended from time to time, and administrative standards for the preservation and replacement of trees as adopted and as may be amended from time to time.

Development should generally conform to the natural terrain to the extent practical, but not at the expense of compromising other guidelines, or at the expense of precluding innovative design that would be an asset to the community, in accord with the general spirit and intent of these guidelines.

13-2.10 **Public Spaces and Streetscape Improvements.** Elements such as landscaping, street furniture, public open spaces and plazas, and amenities create contrast to and soften the built environment by making the walking experience more enjoyable and inviting. Landscape areas should be designed to form plazas, open spaces, and other focal points within the activity center. Pedestrian-oriented public outdoor spaces should be incorporated as design elements into activity centers. These public spaces may include a formal park or town green, small formal parks/plazas, and so forth, as focal points for community interaction. These public spaces should be integrated

purposefully into the overall design of the activity center, and not merely be residual areas left over after buildings and parking lots are sited. These spaces should also be placed next to the areas that generate the users, such as street corners, shops and restaurants, stores, daycare, and dwellings.

Within an activity center, street furniture (e.g., benches, trash receptacles), lighting, and sensitively arranged uses such as outdoor cafes should be provided to encourage human interaction and street life. Street furniture, including benches, and trash receptacles (waste bins) should be provided along streets in focus areas and preferably extended with the same architectural theme along public streets in the support areas of the activity center as well. Street furniture plans should include pedestrian walk lighting, trash receptacles (waste bins), and seating facilities for every four hundred (400) feet of walk. Advertising is not permitted on street furniture. Public telephones and water fountains are encouraged. Outdoor public art may be provided in open spaces, plazas, and along streetscapes to provide visual interest and diversity.

13-2.11 **Pedestrian and Bicycle Access and Connections.** Access to developments within activity centers should serve the needs of the pedestrian and bicyclist as well as the motorist. Equal importance should be placed on accommodating and providing for pedestrian and bicycle circulation patterns. The pedestrian and bicycle paths of any one development or site within the activity center should interconnect with the pedestrian and bicycle paths of any adjacent development or site. Sidewalks should be provided along all road frontages to connect with existing or future sidewalks along the road frontages on adjacent properties. An activity center should provide for pedestrian connections into adjacent residential neighborhoods. Sidewalks should also connect buildings within the activity center to the County's open space or greenway system as may be established. All points of human activity within a development or site should be accessible to pedestrian and bicycle traffic via pedestrian/bicycle paths. Walkways should be provided between buildings in the activity center. Covered walkways are encouraged, particularly where short distances exist between buildings.

Pedestrian crosswalks and bicycle crossings should be provided throughout the activity center as necessary for the safety and convenience of pedestrian travel and bicycle traffic between residential, shopping, employment, recreation, and institutional uses in the center. The number and length of pedestrian crossings through paved parking areas and drives should be kept to a minimum. Where pedestrian crossings must cross paved parking areas and drives, decorative paving material (i.e., pavers, stamped or textured concrete, or color concrete) should be used to delineate the pedestrian crossing. Ramps meeting the Americans With Disabilities Act (ADA) requirements must be installed at all crossings.

The travel ways for bicycle traffic should be designed to minimize automobile-bicycle travel conflict, keeping bicyclists safely out of the automotive stream. Specifically designated bicycle parking or places to store/park and lock bicycles should be provided or accommodated at points throughout an activity center's focus area and in close proximity to on-site structures and uses. Generally, activity centers should provide one bicycle parking space for every twenty (20) vehicle parking spaces provided.

13-2.12 **Transit Access and Connections.** Activity centers should accommodate existing bus stops or include location(s) for future local transit stop(s), sited in accordance with long range County plans for transit. Transit stops should include a bus pullout bay, designed to appropriate standards of the County or transit provider. All transit stop facilities must be designed to ensure safe movement of pedestrians and the handicapped.

Transit stops should be connected with the area's pedestrian/bicycle pathway system. Transit stops in an activity center should be identifiable, well lighted, and within a reasonable walk of all buildings in the activity center. Transit stops should have one or more shelters to protect users during inclement weather. Separate shelters may not be necessary if shelter design is incorporated into the building design in a manner that is suitable for waiting out of inclement weather while waiting for transit. Seating within and outside of the shelter should be provided. Landscaping around shelters, especially that which provides shading, is strongly encouraged.

Street furniture, including benches, and trash receptacles (waste bins) should be provided at transit stops. Any architectural theme for street furniture should be continued and extended throughout the development, especially along the same road frontage, in order to provide the link of consistence and uniformity needed to create and expand the activity center concept. Street furniture plans should include pedestrian walk lighting, trash receptacles (waste bins), and seating facilities for every four hundred (400) feet of walk. Advertising is not permitted on street furniture or transit shelters. Phone booths and information displays showing transit routing are also encouraged.

The reservation or provision of parking space for park and ride or carpool uses is encouraged within activity centers.

13-2.13 **Lighting.** Lighting should be used to highlight or accent architectural features and create visual interest. Exterior neon lighting, illuminated banding, or other lighting that creates a glow is strongly discouraged unless approved as part of an overall theme for the activity center. The style of lighting should reflect the

architectural character of the activity center. Post top lighting fixtures and poles and decorative lamps are strongly preferred.

CHAPTER FOURTEEN

INDUSTRIAL AND MINING DISTRICTS

ARTICLE I, RESTRICTED INDUSTRIAL DISTRICT (M1):

14-1.1 **Purpose and Intent.** The purposes of these districts are to provide and reserve suitable areas for a variety of industrial uses including manufacturing, wholesale trade and distribution activities. Restricted industrial districts are only intended to be located in areas with relatively level topography, adequate water and sewerage facilities, and access to arterial streets and highways. Restricted industrial districts may be appropriate at the single lot level of development; however, restricted industrial uses are encouraged to locate in planned industrial parks and be designed in a campus-style setting. Vehicular activities in restricted industrial districts consist predominantly of trucks, with some passenger vehicle traffic, and the road system is built to support truck traffic. Provisions for pedestrians are not required, although pedestrian access to such districts is possible.

The industries locating in this district are characterized as lower in intensity, cleaner, and generally more compatible when located adjacent to commercial areas than are heavy manufacturing uses. Restricted industrial districts are intended to permit only those light industrial and other uses that will not generate excessive noise, particulate matter, vibration, smoke, dust, gas, fumes, odors, radiation and other nuisance characteristics. Restricted industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as odors, vibrations, emissions, or other nuisance characteristics through prevention or mitigation devices and conduct of operations within the confines of buildings. Heavy commercial activities businesses are also included as permitted uses in these districts; however, restricted industrial districts do not service the general public and, therefore, business uses are generally not permitted.

14-1.2 **Permitted and Conditional Uses.** As provided in Table 14.1; and subject to the following provisions which apply to all uses in this district:

(A) A conditional use is required for any establishment conducting around the clock business hours. Certain specific uses are regulated by Chapter 16.

14-1.3 **Performance Standards.** As provided in Table 14.2.

14-1.4 **Site Development Regulations.** As provided in Article IV of this chapter.

ARTICLE II, HEAVY INDUSTRIAL DISTRICT (M2):

14-2.1 **Purpose and Intent.** Heavy industrial districts are intended to provide suitable areas for manufacturing, assembling, fabrication and processing, bulk handling, storage, warehousing and trucking. The uses associated with this district are likely to generate significant levels of truck traffic, noise, pollution, vibration, dust, fumes, odors, radiation, radioactivity, poisons, pesticides, herbicides, or other hazardous materials, fire or explosion hazards, or other undesirable conditions. Conditional uses permitted in this district are primarily those known to create a safety hazard or produce particulate matter, thus being subject to various state and/or federal environmental laws. Heavy industrial districts are highly unsuitable adjacent to residential districts and are generally unfit for the sustained activity of humans and animals. Therefore, uses involving human activity such as dwellings, care centers, and certain commercial uses are not permitted. Conditional uses require impact statements to determine their compatibility with adjacent and nearby uses. Activity at heavy industrial sites consists predominantly of trucks, rather than passenger vehicles, and the road system is built to support truck traffic. Provisions for pedestrians are not required.

14-2.2 **Permitted and Conditional Uses.** As provided in Table 14.1; and subject to the following provisions which apply to all uses in this district:

(A) A conditional use is required for any establishment conducting around the clock business hours. Certain specific uses are regulated by Chapter 16.

14-2.3 **Performance Standards.** As provided in Table 14.2.

14-2.4 **Site Development Regulations.** As provided in Article IV of this chapter.

14-2.5 **Application Requirements for Conditional Uses.** In addition to the requirements for conditional uses as required by this Code, applications for a conditional use in the M2 district shall include an impact statement prepared by a qualified professional that addresses the impact of the proposed use on abutting and nearby buildings, uses, and properties. The impact statement shall address those external effects determined by the director to be likely to exist if said use is established, including but not limited to, electromagnetic interference, noise, vibration, fumes, odors, dust and air particulates, illumination, truck traffic, and water table protection. The impact statement shall recommend specific measures to mitigate such impacts and provisions for monitoring and enforcing mitigation

measures, and, if approved, the recommendations of the impact statement shall be considered conditions of approval unless otherwise specified by action of the Forsyth County Board of Commissioners. At the option of the Board of Commissioners at the County's expense, an independent impact statement may be secured prior to its taking action on a conditional use in the M2 district to review the impact statement submitted by the applicant or to otherwise address probable adverse impacts of the proposed development; provided that an application process for a conditional use in the M2 district shall be extended no more than sixty-two (62) days beyond normal processing times for the purposes of securing an independent impact statement.

ARTICLE III, MINING OPERATIONS DISTRICT (MINE):

14-3.1 **Purpose and Intent.** These districts are specifically established to provide for the mining, extraction, crushing, and quarrying, as appropriate, of sand, rock, precious metals, and other minerals or elements removed from the earth. Mining districts allow a range of other heavy industrial uses that may be accessory to mining operations or economically linked to such uses. However, uses permitted in industrial districts should be sited in industrial districts, not the MINE district unless such uses involve extraction of materials.

These districts may be suitable adjacent to agricultural zoning districts. Extensive building and operation setbacks and generous buffers are required to ensure that mining districts do not pose physical hazards or nuisances (e.g., dust, noise, vibration, etc.) to neighboring dwellings, schools, parks, places of worship, hospitals, commercial buildings, and public buildings and roads.

14-3.2 **Permitted and Conditional Uses.** As provided in Table 14.1; and subject to the following provisions which apply to all uses in this district:

(A) A conditional use is required for any establishment conducting around the clock business hours. Certain specific uses are regulated by Chapter 16.

14-3.3 **Performance Standards.** As provided in Table 14.2.

14-3.4 **Site Development Regulations.** As provided in Article IV of this chapter.

14-3.5 **Application Requirements.** Any application for rezoning to the MINE district must be accompanied by the following:

- (A) A detailed site plan as required by the director. At a minimum, the site plan shall indicate the following: proposed location of phased mining operations; proposed locations or disposition of topsoil, overburden, and by-products, on- or off-site.
- (B) A letter of intent describing the date proposed for the commencement of operations and their expected durations, including proposed hours and days of operation. Operations shall not be permitted on Sundays and holidays, nor will they be permitted within the hours of 7:00 p.m. and 7:00 a.m. on any day. Said letter shall also describe the nature of mining operations, method(s) of extraction, and equipment and materials (e.g., explosives) to be used. The letter of intent and any actions stipulated to or reasonably implied from the language of the letter of intent shall become conditions of development approval, if the rezoning application is approved.
- (C) Written evidence by a geologist or other competent professional qualified to make such a judgment that the site to be rezoned MINE contains a mineral resource area or other valuable surface or subsurface substances that can be economically mined.
- (D) An impact statement prepared by a qualified professional that addresses the impact of the proposed mining operation on abutting and nearby buildings, uses, and properties. The impact statement shall address those external effects determined by the director to be likely to exist if said use is established, including but not limited to as appropriate, electromagnetic interference, noise, vibration, fumes, odors, dust and air particulates, illumination, truck traffic, and water table protection. The impact statement shall recommend specific measures to mitigate such impacts and provisions for monitoring and enforcing mitigation measures, and, if approved, the recommendations of the impact statement shall be considered conditions of approval unless otherwise specified by action of the Forsyth County Board of Commissioners. At the option of the Board of Commissioners and at the applicant's expense, an independent impact statement may be secured prior to its taking action on a rezoning request for MINE district to review the impact statement submitted by the applicant or to otherwise address probable adverse impacts of the proposed development; provided that an application process for rezoning to MINE shall be extended no more than sixty-two (62) days beyond normal processing times for the purposes of securing an independent impact statement.

- (E) An operations plan and all documents submitted or prepared for submission to the Georgia Department of Natural Resources for the purpose of obtaining a State Mining Permit. It shall be the responsibility of the applicant to update all information during the State application process and to inform the director of the final disposition of the State permit process. Operations plans, if approved, shall be considered conditions of development approval, unless otherwise specified by the director.
- (F) A reclamation plan which shall include a description of how the excavated land will be restored, statement of intended future use of the land, and phasing and timing estimates of reclamation and rehabilitation activities. Reclamation plans, if approved, shall be considered conditions of development approval, unless otherwise specified by the Director. The Board of Commissioners of Forsyth County may require an applicant to post a bond calculated on a specific amount per acre for the purpose of insuring proper reclamation of the land.

TABLE 14.1
PERMITTED USES IN INDUSTRIAL AND MINING DISTRICTS*

P = Permitted
C = Conditional
X = Not Permitted

Uses	Industrial and Mining Zoning Districts		
	Restricted Industrial District (M1)	Heavy Industrial District (M2)	Mining Operations District (MINE)
Accessory uses and structures determined by the Board to be normally incidental to one or more permitted principal uses	P	P	C
Acid manufacturers	X	C	X
Adult entertainment and adult materials establishments	C (Note 1)	C (Note 1)	X
Ammonia, bleach, and chlorine manufacturers	X	C	X
Animal rendering and recycling plants	X	C	X
Apiaries	P	P	P
Apparel manufacturing	P	P	X
Asphalt plants	X	C	C
Automobile services establishment, major	P	P	X
Automobile services establishment, minor	P	P	X
Bar, lounge, nightclub	C	X	X
Bottling and canning plants	P	P	X
Bowling alley	C	X	X
Breweries and distilleries	C	C	X
Build-to-rent	X	X	X
Camera and photographic equipment manufacturing	P	P	X
Car Wash, self-service	P	P	X
Car Wash, staffed	P	P	X
Cement, lime gypsum or plaster of paris manufacturers	X	C	C
Ceramic production facilities	C	P	X
Coal and tar products manufacturers	X	C	X
Coating of cans, coils, fabrics, vinyl, metal furniture, appliance surfaces, wire, paper, and flat wood paneling	X	C	X
Cold storage plants and frozen food lockers	C	P	X
Commercial recreational facilities, indoor	P	C	X

Uses	Industrial and Mining Zoning Districts		
	Restricted Industrial District (M1)	Heavy Industrial District (M2)	Mining Operations District (MINE)
Commercial recreational facilities, outdoor	C	C	C
Commercial sales of the product(s) permitted to be manufactured, assembled, or processed, unenclosed or enclosed, not to exceed twenty (20) percent of the lot area	P	P	P
Commercial sales of the product(s) permitted to be extracted, unenclosed, exceeding twenty (20) percent of the lot area but not exceeding fifty (50) percent of the lot area	X	C	P
Communication towers and communication antennas	C	C	C
Contractor's establishments	P	P	P
Convenience stores, with or without fuel dispensing units	C	C	X
Cosmetics and toiletries manufacturers	P	P	X
Drive-throughs, excluding car washes	X	X	X
Dry cleaning plants	P	P	X
Dwellings, single-family detached	X	X	X
Dwelling for caretaker or night watchman	P	P	P
Electronics assembly and manufacturing of communications equipment	P	P	X
Escort Services	C (Note 1)	C (Note 1)	X
Explosives storage	C	P	P
Exterminating and pest control businesses	P	P	X
Extraction industries – extraction and removal of sand, gravel, top soil, clay, dirt, precious metals, gems, and minerals	X	X	P
Feed, grain, and fertilizer manufacturers	X	C	X
Fuel oil distributors	P	P	X
Fuel station	C	C	X
Fiberglass insulation manufacturers	X	C	X
Food processing plants, including fish and poultry facilities	C	C	X
Hazardous waste receiving, handling, and disposal facilities	X	X	X

Uses	Industrial and Mining Zoning Districts		
	Restricted Industrial District (M1)	Heavy Industrial District (M2)	Mining Operations District (MINE)
Heliports and Helipads	C	C	C
Ice manufacturing	P	P	X
Incinerators, including medical wastes	X	C	X
Instrument assembly and manufacturing	P	P	X
Junkyards, wrecked motor vehicle compounds, and wrecker services	C	C	C
Kennels, Animal Hospitals, Veterinary Clinics	C	X	X
Landfills	X	C	C
Linoleum manufacturers	X	C	X
Lumber yards, planing and sawmills	P	P	P
Machine shops	P	P	X
Manufacturing, processing, recycling, and assembling within buildings, not otherwise specified	P	C	C
Manufacturing, processing, recycling, and assembling of chemicals, floor coverings, glass, and rubber, unless more specifically listed in this table	X	C	X
Metal products manufacturing	P	P	X
Micro-brewery	C	C	X
Micro-distillery	C	C	X
Miscellaneous service establishments	P	C	X
Offices and showrooms, as a principal use or as accessory uses to one or more permitted principal uses	P	P	P
Office Commercial Multiple Story (OCMS) Zoning District uses and performance standards	C (Note 3)	X	X
Open air businesses, subject to limitations for open storage yards as provided in this table	P	P	P
Open storage yards, not exceeding 20% of the total lot	C	C	C
Open storage yards, more than 20% but not exceeding 80% of the total lot	C	C	C
Optical goods manufacturers	P	P	X
Petroleum bulk storage sites	X	P	C
Pharmaceuticals and medical supplies manufacturers	P	P	X
Place of worship 10,000 square feet or less in aggregate size (Note 7)	P (Note 2)	X	X
Place of worship more than 10,000 square feet in aggregate size (Note 7)	P (Note 2)	X	X

Uses	Industrial and Mining Zoning Districts		
	Restricted Industrial District (M1)	Heavy Industrial District (M2)	Mining Operations District (MINE)
Pool Hall	C	X	X
Printing, blueprinting, publishing, and book binding facilities	P	P	X
Public and semi-public uses	P	P	P
Pulp mills	X	C	X
Recycling and recovery facilities	C	C	X
Research laboratories, and ancillary manufacturing	C	C	C
Restaurants, not including drive-throughs	P	P	X
Retail Trade Establishments	X	X	X
Salon	P	X	X
Salvage yards	C	P	X
Schools, private, parochial, vocational—Technical and business 10,000 square feet or less in aggregate size	P (Note 2)	X	X
Schools, private, parochial, vocational—Technical and business more than 10,000 square feet in aggregate size	P (Note 2)	X	X
Shooting range, indoor	C (Note 4)	C (Note 4)	X
Shooting range, outdoor	C (Note 4)	C (Note 4)	C (Note 4)
Short-term Rental	X	X	X
Sign fabrication and painting shops	P	P	X
Solid waste transfer stations	C	C	C
Solvent metal cleaning	X	C	X
Stock yards and slaughterhouses	X	C	X
Storage, self-service, climate controlled	C	C	X
Storage, self-service, courtyard	C	C	X
Storage, self-service, mini-warehouse	C	C	X
Temporary structures and uses	C	C	C
Textile manufacturing and processing	P	P	X
Theaters	C	X	X
Tire retreading and recapping facilities	C	P	X
Transportation, communication, and utility facilities, except truck terminals	C	C	C
Truck terminals	C	C	C
Uses not specified in this table	(Note 5)	(Note 5)	(Note 5)

Uses	Industrial and Mining Zoning Districts		
	Restricted Industrial District (M1)	Heavy Industrial District (M2)	Mining Operations District (MINE)
Vehicle rental establishment	X	X	X
Vehicle sales dealership	C (Note 6)	X	X
Volatile organic liquid handling and storage	X	C	X
Warehouses and storage buildings	P	P	P
Wholesale trade establishments	P	P	X
Wineries	C	P	X
Wood products manufacturing	P	P	X

* For any establishment conducting around the clock business hours, a conditional use permit is required.

Notes

Table 14.1

- (1) See the Forsyth County Adult Establishment Ordinance, Ordinance 85.
- (2) Prior to development of any associated accessory uses, approval of the site plan must be granted by the Board of Commissioners. If the accessory use is a school, a conditional use permit is required and all requirements for conditional use permits must be met.
- (3) The Office Commercial Multiple Story (OCMS) zoning district uses and performance standards may be applied within the M1 district per conditional use.
- (4) See Ordinance No. 103 (Shooting Range Ordinance).
- (5) In cases where a use is proposed but is not listed in this table, the director shall make an administrative determination as to whether or not the use is permitted in the zoning district or districts in question. The director will compare the proposed use to substantially similar uses to determine if the proposed use will be considered a prohibited, permitted, or conditional use. In making such determinations, the director shall consult the purpose and intent statements of the zoning district or districts in question, in addition to comparing the use in question to uses specifically listed in this table.
- (6) Sales, unenclosed or enclosed, shall not exceed 20 percent of the lot area.
- (7) Places of worship for which a CUP, rezoning or development permit application is being processed, that have been approved but not constructed, that are under construction, or that have received a Certificate of Occupancy prior to February 2, 2017, are exempt from the size cap. In addition, property immediately adjacent to the property on which a place of worship that is exempt pursuant to this note is located, that is purchased after February 2, 2017, is also exempt from the size cap. For properties exempted from the size cap pursuant to this note, the requirements for places of worship 10,000 square feet or less in aggregate size (either conditional use permit (C) or not permitted (X)) shall apply for each zoning district. For purposes of this chart, "aggregate size" shall mean total square footage of all structures on the property on which the place of worship is located.

TABLE 14.2
PERFORMANCE STANDARDS FOR INDUSTRIAL AND MINING OPERATIONS

Performance Standard	Industrial and Mining Zoning Districts		
	Restricted Industrial District (M1)	Heavy Industrial District (M2)	Mining Operations District (MINE)
Minimum lot area for zoning to the district	1 acre (Note 1)	1 acre	50 acres where blasting or crushing operations are involved; 5 acres without blasting or crushing operations
Maximum building coverage (% of lot)	55 percent	55 percent	55 percent
Minimum landscaped open space (percentage of total lot area)	20 percent	15 percent	10 percent
Minimum width of landscape strip paralleling right-of-way (Note 2)	25 feet	25 feet	50 feet
Minimum front setback from lot lines abutting right-of-way (Note 2 and 4)	50 feet	50 feet	50 feet
Minimum buffer along lot line abutting a commercial or office district, except the OR district	20 feet	25 feet	30 feet
Minimum setback along lot line abutting a commercial or office district, except the OR district (Note 4)	30 feet	35 feet	40 feet
Minimum buffer along lot line abutting a residential, A1, OR or AG-Res district (Note 3)	40 feet	75 feet	100 feet
Minimum setback along lot line abutting a residential, OR, A1 or AG-Res district (Note 3 & 4)	50 feet	90 feet	125 feet
Minimum side setback (Note 4)	15 feet	15 feet	15 feet
Minimum rear setback (Note 4)	25 feet	25 feet	25 feet
Minimum rear setback abutting an alley designed for industrial uses	None	None	None
Electromagnetic interference	There shall be no electromagnetic interference that adversely affects the operation of any equipment other than that belonging to the creator of such interference, or that does not conform to the regulations of the Federal Communications Commission.		

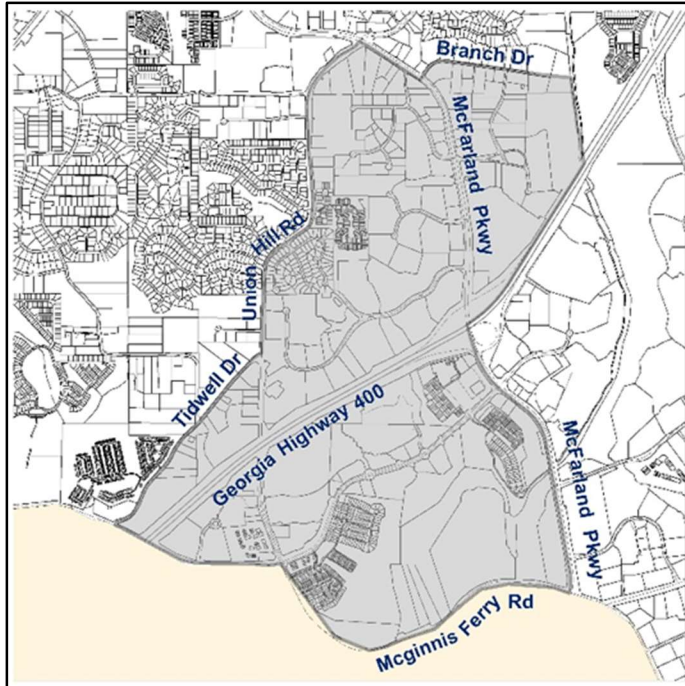
Performance Standard	Industrial and Mining Zoning Districts		
	Restricted Industrial District (M1)	Heavy Industrial District (M2)	Mining Operations District (MINE)
Glare and Heat	Every use and activity shall be so operated that it does not emit heat or heated air beyond the boundary of the lot on which it is located. No direct or sky-reflected glare shall emanate from any use or activity so as to be visible at any point on or beyond the boundary of the lot on which such use or activity is located.		
Noise	All equivalent sound levels at the boundaries of an industrial or mining district shall not exceed 60 DbA LEQ for projects adjacent to residential or office residential districts or noise sensitive, or public properties; 65 dBA LEQ for projects adjacent to commercial or office districts; 75 dBA LEQ for projects adjacent to other industrial or mining districts. Method of measurement: Measurements shall be made with a calibrated sound level meter in good operating condition, meeting the requirements of a Type I or Type II meter, as specified in ANSI Standards, Section 1.4 - 1971. For purposes of this section, a sound level meter shall contain at least an "A" weighting network, and both fast and slow response capability.		
Odor	No continuous, frequent, or repetitive emission of odors or odor-causing substances which would be offensive beyond any property line of any industrial or mining district will be permitted. An odor emitted no more than fifteen (15) minutes in any one (1) day shall not be deemed as continuous, frequent, or repetitive. The existence of an odor shall be presumed when analysis by a competent technician demonstrates that a discernible odor is being emitted. Any process which may involve the creation or emission of any odors shall be provided with a primary and a secondary safeguard system so that control will be maintained if the primary safeguard system fails.		
Smoke and particulate matter	Emissions shall not exceed applicable state standards as adopted in Rules of the Georgia Department of Natural Resources, Environmental Protection Division, Chapter 391-3-1, Air Quality Control as may be amended from time to time.		
Vibration	<p>Ground vibration as measured at the boundary of an industrial or mining zoning district shall not exceed 1.0 inches per second peak velocity, steady state, or 2.0 inches per second, impact state.</p> <p>Exemptions: These provisions shall not apply to:</p> <ul style="list-style-type: none"> (a) Vibration resulting from the operation of any road vehicle. (b) Vibration resulting from construction activities and equipment. (c) Vibration resulting from roadway maintenance and repair equipment. <p>Method of measurement: Vibration measurement procedures shall conform to the following:</p> <ul style="list-style-type: none"> (a) Instrumentation shall be capable of measuring RMS value of the vibration velocity over the frequency range of 2 to 250 Hz. (b) Measurement values shall be recorded for a sufficient period of observation to provide a representative sample. (c) Attachment of the vibration transducer to the ground shall be by magnetic or screw attachment to a steel bar of minimum of 9 inches in length, driven to a depth of 3 inches to 1 foot in the ground. The mass of the transducer should closely match the density of the ground or other material it displaces. 		
Maximum height	continued on next page		

Maximum height	Character Areas																					
	McFarland		South GA 400		Big Creek		Haw Creek & Daves Creek		Lanier		Vickery Creek		Campground		North GA 400		Chestatee / Jot Em Down		Etowah		Sawnee Mountain	
	McFarland	McFarland/ Shiloh Road Regional Node	South GA 400	South GA 400/ Highway 141 Regional Node	Big Creek	Peachtree Parkway Community Node	Haw Creek & Daves Creek	Haw Creek Community Node	Lanier	Lake Lanier/ Mary Alice Park Community Node	Vickery Creek	Castleberry/ BethelView Community Node	Campground	Highway 20 Neighborhood Node	Highway 20 Community Node	North GA 400	Hammond's Crossing Regional Node	Chestatee/Jot Em Down	Chestatee Neighborhood Node	Etowah	Matt and Silver City Neighborhood Nodes	Sawnee Mountain
50'	Office Uses: 80' (Note 6) Mixed Use: 70' (Note 5)	50'	Office Uses and Mixed Use: 60' (Note 5)	40'	50'	40'	Non-Residential Uses and Mixed Use: 50' (Note 5)	40'	60'	40'	Non-Residential Uses and Mixed Use: 60' (Note 5)	30'	40'	50'	50'	Non-Residential Uses and Mixed Use: 80' (Note 5)	30'	40'	30'	40'	30'	40'

Notes

Table 14.2

- (1) One acre is required to rezone to the M1 district, unless the property is adjoining property already zoned industrial, in which case the property to be rezoned can be less than one acre. This does not imply that the lot smaller than one acre to be rezoned industrial is required to be included as part of the lot already zoned industrial.
- (2) Buffer and landscape strips along roadways shall begin at the dedicated right-of-way lines, and at the existing right-of-way line if a state route.
- (3) This standard shall not apply to an industrial lot that has been platted and developed for industrial use but on which a building has not been constructed, when a residential, OR, A1 or AG-Res zoning district is subsequently established abutting the side or rear lot line of said industrial lot.
- (4) For MINE districts, setbacks shall apply to all mining activities as well as buildings and structures.
- (5) The maximum height for any use not referenced for this node shall be the maximum height allowed for the character area in which the node is located.
- (6) Height maximum of 125' for office uses is permitted within the portion of the McFarland/Shiloh Road Regional Node illustrated below:



ARTICLE IV, GENERAL SITE DEVELOPMENT AND DESIGN REGULATIONS FOR INDUSTRIAL AND MINING DISTRICTS:

14-4.1 **Purpose and Intent.** It is the intent of Forsyth County to require that new industrial developments and mining operations install appropriate improvements and comply with general design regulations that are intended to improve their appearance, compatibility, and function. It is also the intent of the County to require substantial progress toward compliance with these improvement requirements and general design regulations in cases where existing industrial or mining operations are expanded.

14-4.2 **Applicability.** This article shall apply to all properties located within all industrial and mining zoning districts of unincorporated Forsyth County. New development shall be required to conform to these regulations. A substantial improvement of an existing development shall be required to conform to these regulations or make substantial progress toward meeting the regulations contained within this chapter.

14-4.3 **Utilities.** All telephone, electricity, and gas transmission lines serving uses on site shall be installed underground.

14-4.4 **Grading and Site Development.** Buildings and parking lots shall be appropriately drained so as to prevent damage to abutting properties or public streets. Grading plans for new development shall be submitted to the director for review and approval by the department and Director of Engineering, and all grading activities shall comply with approved plans. Stormwater management plans shall be submitted to the director for review and approval by the department and Director of Engineering, and all such drainage improvements shall be designed, installed and maintained in accordance with the standards of Ordinance No. 75 (Stormwater Management Ordinance) as adopted and as may be amended from time to time. All disturbed or graded ground areas of a building site not used for buildings or open storage areas shall be appropriately stabilized and grassed or covered with plants or landscaping materials.

14-4.5 **Curb Cuts and Access Specifications.** All entrances or exits of any street or driveway, public or private, from or to any state highway shall be approved by the State Department of Transportation and the Director of Engineering prior to the construction of such entrances or exits and prior to the issuance of any development permit for any improvement to be served by such entrances or exits.

No curb cut or access driveway shall be permitted to be located closer than one hundred (100) feet to the nearest existing or proposed right-of-way of an intersecting roadway or closer than forty (40) feet to a side property line unless the adjacent property owner is in agreement with the encroachment of the driveway and approval is obtained from the Director of Engineering. Curb cuts or access driveways shall be no narrower than twenty four (24) feet from back of curb to back of curb. Strict adherence to these requirements may not be practical in all instances as determined by the

Director of Engineering. The Director of Engineering may limit the maximum width of a curb cut and/or the number of curb cuts to a parcel as necessary when it is deemed to be of benefit to the safety and welfare of the public.

In cases of a substantial improvement of an existing development on a site that does not meet these curb cut and access specifications, the applicant may be required by the Director of Engineering to prepare an access plan as part of plans for the substantial improvement that either meets these requirements or moves substantially toward compliance with these regulations. Approval by the Georgia Department of Transportation and the Director of Engineering shall be required, as applicable.

Additional right-of-way shall be dedicated to the public as required by the most current functional classification of Forsyth County roads as designated in the Major Transportation Plan. Roadway entrances and improvements, including necessary acceleration and/or deceleration lane(s) and left/right turn lanes, shall be designed, installed, and maintained as approved by the State Department of Transportation, as applicable, or the Director of Engineering, in accordance with State or County requirements, as applicable and as may be amended from time to time.

The following factors may be considered during the review and approval of a specific location of an entrance: The location of existing or planned median breaks; separation requirements between the entrance and major intersections; separation requirements between other entrances; the need to provide shared access with other sites; the need to align with previously approved or constructed access points on the opposite side of the street; and the minimum number of entrances needed to move traffic onto and off the site safely and efficiently.

14-4.6 **Interparcel Connections.** Interparcel connections are not required between developments in industrial and mining districts. However, connections between adjacent properties under different ownership within commercial and/or industrial districts may be provided when the uses of the properties are of such compatibility that truck traffic may be needed between buildings or uses.

14-4.7 **Location of Loading and Unloading Areas.** Loading and unloading areas shall not be located closer than fifty (50) feet from the right-of-way of a public street.

14-4.8 **Screening of Outside Storage Yards.** All areas devoted to the outside storage of vehicles, merchandise, and/or equipment shall be screened from view from the right-of-way of the highway or major street along the entire property frontage, except in areas where access crossings have been approved. Screening may be accomplished by a natural vegetative buffer, by a building that meets architectural standards of this Chapter, by an earthen berm, by a 100 percent opaque, solid wooden fence or wall, or combination of these screening methods. The use of low-lying landscaping that does not screen the storage areas from view from the public right-of-way shall not be deemed to comply with this requirement.

14-4.9 **Screening of Dumpsters.** All garbage dumpsters and other similar areas devoted to the storage of waste materials shall be screened on three (3) sides of said dumpster or area with a minimum six (6) foot high solid wooden fence, or a wall constructed of materials substantially similar in appearance to the building on site that complies with the architectural requirements of these regulations. In addition, said dumpster areas shall be gated on the fourth side, and the gate shall be architecturally finished.

14-4.10 **Outdoor Lighting.** See Chapter 16.

14-4.11 **Building Materials.** Building exteriors not screened from view from the right-of-way or any property line shall be of masonry or decorative type metal construction with a twenty (20) year finish, its equivalent, or superior construction. Uncolored or exposed galvanized iron or aluminum or fiberglass shall not be utilized as an exterior finish. Prohibited construction materials shall include, without limitation, exposed concrete block, weeping mortar joints, unnatural brick tones, uncolored or exposed galvanized iron or aluminum or fiberglass.

14-4.12 **Building and Utility Appurtenances.** All water towers, cooling towers, storage tanks, and other structures or equipment incidental to the primary use of a building or site shall be architecturally compatible with the principal building or effectively screened from view from the public right-of-ways. All rooftop mechanical equipment shall be screened from the view from the public right-of-way and adjacent streets by material compatible with the building architecture, by the use of a parapet wall, or by specially designed rooftop penthouse enclosures. Ground mounted equipment such as power transformers and air conditioning units shall be screened from view from public right-of-ways by fencing or landscaping.

14-4.13 **Landscaping.** Every building site and industrial use area shall be landscaped. In addition to the minimum front landscape strip required in Table 14.2, a minimum six foot wide landscape strip shall be required along all side and rear lot or lease lines, except in cases where access areas are approved. The area surrounding the road entrance(s) to the site or area, front, side, and rear landscape strips, required parking lot landscaping, and all other required landscaping and/or open spaces shall be designed, installed, and maintained according to plans prepared by a professional landscape architect, architect, surveyor, engineer, or land planner submitted to and approved by the department. Landscaping shall be completed prior to issuance of a certificate of occupancy by the Department, unless appropriate provisions are made to guarantee the installation of landscaping after such certificate is issued, such as

approval by the department of a bond for landscaping. Tree installation and removal shall be in compliance with standards provided in Ordinance No. 98 (Tree Protection and Replacement Ordinance), as may be amended from time to time, and administrative standards for the preservation and replacement of trees as adopted and as may be amended from time to time.

14-4.14 **Signage.** All signs in industrial and mining districts shall comply as applicable with Ordinance No. 74 (Sign Ordinance), as may be amended from time to time.

14-4.15 **Plans.** Site development as-built drawings, containing a boundary survey, location, elevation, height, and square footage of buildings, parking areas, utilities, walls, and stormwater facilities, pertinent site development data, and any other requirements of the director or Director of Engineering, shall be submitted to and approved by the department prior to the issuance of a certificate of occupancy.

CHAPTER FIFTEEN

AGRICULTURAL DISTRICTS

ARTICLE I, AGRICULTURAL DISTRICT (A1):

15-1.1 **Purpose and Intent.** Land designated as agricultural constitutes a valuable natural resource whose protection is in the public interest. The Agricultural District is established to maintain those areas with land characteristics such as soil moisture, temperature and content suitable for farming (fields, pastures, farmsteads, specialty farms), dairy, livestock, forestry operations and other agricultural activities; to protect land used or needed for food production and other agricultural uses from encroachment by untimely and unplanned residential, commercial or industrial development; and to permit the continuation of agricultural uses in areas where it remains viable.

The agricultural district is intended to provide for the continuation of agriculture as a viable land use and component of the local economy until market conditions and public services support conversion of agricultural land to rural or suburban residential land subdivisions and uses, or other uses. The Agricultural District also helps to preserve the rural, open space character that exists in many portions of the County. Such areas are accessed only by rural roads, do not have existing public sanitary sewerage facilities, are predominantly rural in character, and consist substantially of larger unsubdivided and undeveloped tracts.

15-1.2 **Permitted and Conditional Uses.** As provided in Table 15.1; and subject to the following provisions which apply to all uses in this district:

(A) A conditional use is required for any establishment conducting around the clock business hours. Certain specific uses are regulated by Chapter 16.

15-1.3 **Performance Standards.** As provided in Table 15.2.

15-1.4 **Incentives for Large Lots.** To encourage the development of large lots, the following shall apply in the A1 zoning district:

(A) Minor Subdivisions. For minor subdivisions with minimum lot sizes of two (2) acres or larger, any requirement to connect to sewer found elsewhere in this Code shall be waived.

(B) Major Subdivisions. For major subdivisions that meet all of the requirements listed in subsection (1) below, the incentives listed in subsection (2) shall apply.

(1) Requirements.

(a) The minimum lot sizes shall be two (2) acres.

(b) The maximum number of lots shall be limited to twenty (20) total.

(c) The minimum home size shall be two thousand (2,000) heated square feet.

(d) Manufactured/mobile homes are prohibited.

(e) Compliance with Chapter 11, Article IX Site Development and Design Standards for All Residential Districts, Excluding MHP District, other than the requirement for sidewalks, shall be required.

(2) Incentives.

(a) Application for Sketch Plat shall not be required.

(b) Connection to sewer shall not be required.

(c) Internal sidewalks shall not be required.

ARTICLE II, AGRICULTURAL-RESIDENTIAL DISTRICTS (AG-RES):

15-2.1 **Purpose and Intent.** Agricultural-Residential districts are established to provide for rural farm or very low density, development in areas where agricultural pursuits and low-density residential uses can coexist without conflict. Agricultural-Residential districts do not allow intensive agricultural uses such as hog farms and poultry houses that could have malodorous effects on residential uses. Subdivision road improvements for curb and gutter, required by Chapter 18 of this Code, do not apply to properties within Agricultural-Residential districts.

15-2.2 **Permitted and Conditional Uses.** As provided in Table 15.1; and subject to the following provisions which apply to all uses in this district:

(A) A conditional use is required for any establishment conducting around the clock business hours. Certain specific uses are regulated by Chapter 16.

15-2.3 **Performance Standards.** As provided in Table 15.2.

**ARTICLE III, REQUIREMENTS FOR SPECIAL EVENTS AND SPECIAL EVENT FACILITIES
ON A-1 PROPERTY:**

15-3.1 **Purpose and Intent.** The purpose of this Article is to establish regulations relating to the operation and management of special events and special event facilities so as to address potential impacts to residents and visitors, and ensure minimal disruption to neighboring property owners. For various reasons, including but not limited to size or special requirements, some special events may be held at a special event facility which is permitted to offer additional uses including overnight accommodation. Due to this elevated intensity, special event facilities are subject to the additional requirements below.

15-3.2 **Special Events.**

- (A) A special event shall not occur on property that is less than five (5) acres in size.
- (B) Hours of operation of a special event shall be between the hours of 7:00 a.m. to 11:00 p.m., excluding event preparation and clean-up.
- (C) Cleanliness of the entire site shall be maintained by removing any trash, rubbish, or other debris deposited on the site promptly following the event.
- (D) All special events shall comply with the Forsyth County Noise Ordinance.
- (E) All special event parking shall be fully contained within the A-1 property. Special event parking shall not occur within or along governmentally-owned right of way.
- (F) Any alcohol sales or consumption at a special event shall comply with the Forsyth County Alcohol Code and applicable State law.
- (G) Catered special events shall comply with all Forsyth County Health Department regulations.
- (H) A special event shall provide adequate potable water and sanitary waste disposal systems as determined by the Forsyth County Health Department.
- (I) Tents, pavilions, and other temporary structures used during a special event shall comply with Forsyth County Fire Marshall regulations.
- (J) Conservation easements and covenants.
 - 1) If a property owner chooses to conduct special events on property that is otherwise subject to a conservation easement, the property owner should consider and conclude whether the special event may constitute a violation of the easement.
 - 2) If a property owner chooses to conduct special events on property that is otherwise subject to a covenant regarding a bona fide conservation use on property, the property owner should consider and conclude whether the special event may constitute a violation or breach of that conservation use.

15-3.3 **Special Event Facilities.** In addition to the requirements set forth in 15-3.2, the following shall apply with respect to special event facilities:

- (A) A maximum of two (2) special event lodging units per acre of land are permitted for overnight lodging accommodations for use by guests of a special event held at the special event facility.
- (B) Special event lodging units permitted in conjunction with a special event facility shall be limited to use by guests of a special event held at the special event facility. No special event lodging unit(s) permitted pursuant to subsection (B) shall be rented or otherwise used as a separate dwelling unit.
- (C) Mobile homes are prohibited for use as a special event lodging unit.
- (D) The maximum length of stay shall span no longer that two (2) days prior and two (2) days after the event has occurred. Guests are prohibited from staying overnight at a special event lodging unit for more than seven (7) consecutive days.
- (E) All structures associated with a special event facility shall adhere to commercial building permit requirements.
- (F) A minimum buffer of twenty-five (25) feet shall apply to the side and rear of the property. As part of the Board's consideration of a special event facility, the Board may include a zoning condition increasing the size of the buffer where determined appropriate.
- (G) Pervious material, including the use of gravel, is encouraged for overflow parking areas.

15-3.4 **Hotel/Motel Excise Taxes.** The Forsyth County Code, Sec. 74-31, requires structures that wholly or partially contain guestrooms for rent pay an excise tax to Forsyth County. As part of the Board's consideration of a special event facility, the Board may consider the extent to which a proposed facility will contain guestrooms for rent subject to the tax. The Board may include a condition specifying that a special event facility is considered a hotel or guestroom establishment under Sec. 74-31. For purposes of this paragraph, the definitions of guestroom, hotel, and

rent shall be as set forth in Forsyth County Code, Sec. 74-34. Nothing in this paragraph shall require the Board to make such a finding nor shall the omission of such a condition exempt an entity from paying the excise tax if they otherwise satisfy the requirements of Sec. 74-31.

ARTICLE IV, AGRITOURISM:

15-4.1 **Purpose and Intent.** The purpose of this Article is to establish regulations relating to agricultural tourism to ensure this use is facilitated at an appropriate scale and intensity that limits impacts to adjacent properties, maintains the rural character, and preserves the agricultural heritage of the County.

15-4.2 **Requirements.**

- (A) The minimum size of any property conducting agritourism shall be twenty (20) acres.
- (B) Agricultural activity such as, but not limited to, farming, horticulture, and livestock rearing, shall be conducted on site. All services, attractions, or products offered, including retail as part of an agritourism use, shall be related to and support such agricultural activities.
- (C) Overnight lodging is prohibited as any part of the agritourism use.
- (D) Pervious material, including the use of gravel, is encouraged for overflow parking areas.

ARTICLE V, COTTAGE FOOD OPERATIONS:

15-5.1 **Purpose and Intent.** The purpose of this Article is to establish regulations relating to cottage food operations to ensure this use does not have a noticeable and negative impact on the agricultural and rural character of the subject property and adjacent properties.

15-5.2 **Requirements.**

- (A) Only cottage food products listed on the Georgia Department of Agriculture Cottage Food License issued to the cottage food operator shall be produced within a home kitchen of the operator's domestic residence, and only for sale directly to the consumer. Cottage food products are subject to the rules and regulations of the Georgia Department of Agriculture.
- (B) The cottage food producer shall maintain a valid Forsyth County business license. Failure to hold a valid business license will invalidate the Forsyth County Cottage Food Permit.
- (C) Cottage food operations are prohibited within major subdivisions.
- (D) Off-street parking must be provided to accommodate all customers. The maximum number of customers on the premises shall not exceed five (5) at any given time.

TABLE 15.1
USES PERMITTED IN AGRICULTURAL DISTRICTS*

P = Permitted
C = Conditional
X = Not Permitted

Uses	A1	AG-RES
Accessory apartments, attached	P	P
Accessory apartments, detached	C	C
Accessory uses and structures determined by the Director to be normally incidental to one or more permitted principal uses, including but not limited to barns, grain storage facilities, and sheds.	P (Note 10)	P
Agricultural uses including the production of field crops, fruits, nuts, and vegetables	P	P
Agricultural experiment stations	C	X
Agritourism	C (Note 9)	X
Apiaries	P	P
Auction facilities for agricultural products	C	X
Backyard Chickens	P (Note 12)	P (Note 12)
Bed and breakfast inns	C	X
Boarding homes for agricultural workers	C	X
Build-to-rent	X	X
Campgrounds	C	X
Cemeteries	P	P
Clubs, lodges, fraternal institutions and other places of assembly for non-profit membership groups 10,000 square feet or less in aggregate size	C (Note 3)	X
Clubs, lodges, fraternal institutions and other places of assembly for non-profit membership groups more than 10,000 square feet in aggregate size	X	X
Commercial athletic fields, outdoor	C	X
Communication towers and antennas	C	C
Cottage food operations	P (Note 11)	P (Note 11)
Dairies	C	C
Day Care Centers	C	X
Day Care Home, Family	C	X
Dwellings, single-family detached	P	P
Explosives storage	C	X
Farm supply stores and feed and grain stores	C	X
Farm Wineries	C	X
Golf Courses/Country Clubs	C	C
Heliports and Helipads	C	X
Hog farms	C	X

Uses	A1	AG-RES
Horse stables, commercial	C	X
Horse stables, non-commercial	P	P
Industrialized housing	P	X
Kennels, Animal Hospitals, Veterinary Clinics	C	X
Landfills, inert waste	X	X
Livestock raising, not including poultry and hogs	P	X
Manufactured or mobile homes	P	X
Major residential subdivisions involving a new public or private street and no more than seven (7) lots	P	X
Major subdivisions for single family detached dwellings or manufactured homes	P (Note 8)	P
Methane to energy conversion facility and associated utility substation located adjacent to or contiguous with a MSW waste reclamation facility	C (Note 7)	X
Minor residential subdivisions (Note 1)	P (Note 8)	P
Nurseries and greenhouses: wholesale and retail sale of trees, plants, and shrubs	P	P
Open storage yard	C	C
Place of worship 10,000 square feet or less in aggregate size (Note 6)	C (Note 3)	X
Place of worship more than 10,000 square feet in aggregate size (Note 6)	C (Note 3)	X
Poultry houses	P	X
Processing operations related to agriculture	X	X
Professional home offices	P	P
Public and semi-public buildings, structures and uses	P	P
Relocated residential structures	P	X
Roadside stands for the sale of produce and agricultural products produced on the premises	P	P
Schools, private, parochial, vocational-technical, business, etc. 10,000 square feet or less in aggregate size	C (Note 3)	X
Schools, private, parochial, vocational-technical, business, etc. more than 10,000 square feet in aggregate size	X	X
Short-term Rental	C	C
Special event	P (Note 4)	X
Special event facility	C (Note 4)	X
Uses not specified in this table	(Note 2)	(Note 2)

* For any establishment conducting around the clock business hours, a conditional use permit is required.

Notes

Table 15.1

(1) Reserved.

(2) In cases where a use is proposed but is not listed in this table, the director shall make an administrative determination as to whether or not the use is permitted in the zoning district or districts in question. The director

will compare the proposed use to substantially similar uses to determine if the proposed use will be considered a prohibited, permitted, or conditional use. In making such determinations, the director shall consult the purpose and intent statements of the zoning district or districts in question, in addition to comparing the use in question to uses specifically listed in this table.

- (3) All accessory uses shall be identified in the conditional use permit application and on the associated site plan. Accessory uses proposed to be added after the initial conditional use permit approval shall require a new conditional use permit.
- (4) Regulations for special events and special event facilities are found in Chapter 15, Article 3.
- (5) Regulations for home businesses are found in Chapter 16, Article 3.
- (6) Places of worship for which a CUP, rezoning or development permit application is being processed, that have been approved but not constructed, that are under construction, or that have received a Certificate of Occupancy prior to February 2, 2017, are exempt from the size cap. In addition, property immediately adjacent to the property on which a place of worship that is exempt pursuant to this note is located, that is purchased after February 2, 2017, is also exempt from the size cap. For properties exempted from the size cap pursuant to this note, the requirements for places of worship 10,000 square feet or less in aggregate size (either conditional use permit (C) or not permitted (X)) shall apply for each zoning district. For purposes of this chart, "aggregate size" shall mean total square footage of all structures on the property on which the place of worship is located.
- (7) Contiguity shall exist if parcels are divided by a public road.
- (8) Major subdivisions may only be permitted within the A1 zoning district when compliance with section 15-1.4(B) is met. Requirements and incentives for major and minor subdivisions with large lots on A1 property are found in section 15-1.4.
- (9) Regulations for agritourism are found in Chapter 15, Article 4.
- (10) Regulations for sheds are found in Chapter 16, Article 4.
- (11) Cottage food operations are prohibited within major subdivisions.
- (12) Regulations for the keeping of backyard chickens are found in Section 16-4.4.

TABLE 15.2
PERFORMANCE STANDARDS FOR AGRICULTURAL DISTRICTS

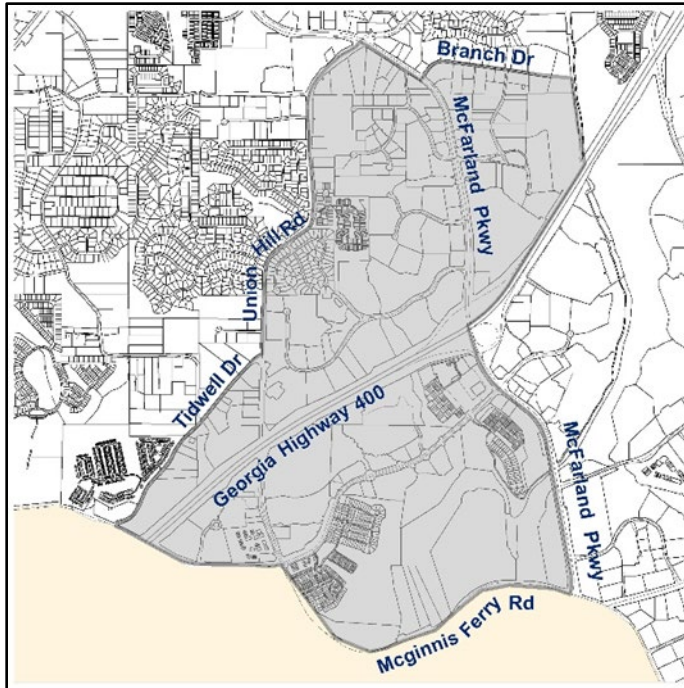
Performance Standard		A1	AG-RES
Minimum lot area for zoning to the district		No min.	No min.
Minimum lot size		1 acre	2 acre
Maximum gross density for dwellings		1 unit per acre	1 unit per two acres
Minimum lot width		125 feet	150 feet
Minimum front setback		50 feet	50 feet
Minimum side setback		25 feet	25 feet
Minimum rear setback		25 feet	25 feet
Minimum buffer on side and rear (Note 1)		25 feet	25 feet
Minimum exterior setback (Major subdivisions only)		50 feet	50 feet
Minimum heated floor area per dwelling unit, square feet		700	700

Maximum height	Character Areas																						
	McFarland		South GA 400		Big Creek		Haw Creek & Daves Creek		Lanier		Vickery Creek		Campground		North GA 400		Chestatee / Jot Em Down		Etowah		Sawnee Mountain		
	McFarland	McFarland/ Shiloh Road Regional Node	South GA 400	South GA 400/ Highway 141 Regional Node	Big Creek	Peachtree Parkway Community Node	Haw Creek & Daves Creek	Haw Creek Community Node	Lanier	Lake Lanier/ Mary Alice Park Community Node	Vickery Creek	Castleberry/ Bethelview Community Node	Campground	Highway 20 Neighborhood Node	Highway 20 Community Node	North GA 400	Hammond's Crossing Regional Node	Chestatee/Jot Em Down	Chestatee Neighborhood Node	Etowah	Matt and Silver City Neighborhood Nodes	Sawnee Mountain	Coal Mountain Community Node
50'	Office Uses: 80' (Note3) Mixed Use: 70' (Note 2)	Office Uses and Mixed Use: 60' (Note 2)	40'	50'	40'	Non-Residential Uses and Mixed Use: 50' (Note 2)	40'	60'	40'	Non-Residential Uses and Mixed Use: 60' (Note 2)	30'	40'	50'	50'	Non-Residential Uses and Mixed Use: 80' (Note 2)	30'	40'	30'	40'	30'	40'	30'	40'

Notes:

- (1) This requirement only applies to commercial uses in these districts. The director shall make the determination of a proposed use is considered commercial. This requirement shall not apply to agritourism. A special event facility shall follow buffer requirements as indicated in 15-3.3(F).

- (2) The maximum height for any use not referenced for this node shall be the maximum height allowed for the character area in which the node is located.
- (3) Height maximum of 125' for office uses is permitted within the portion of the McFarland/Shiloh Road Regional Node illustrated below:



CHAPTER SIXTEEN

SUPPLEMENTARY REGULATIONS FOR SPECIFIC USES

ARTICLE I, AIRPORTS, HELIPORTS AND HELIPADS:

16-1.1 **Generally.** No person shall hereinafter construct, maintain, or operate any airport, heliport, or helipad in Forsyth County without the owner thereof having first obtained a conditional use permit as hereinafter set forth.

16-1.2 **Types of Permits.**

- (A) Limited Airport Use: Use of an airport by the owner thereof solely for private transportation purposes without charge or fee; provided, however, that no aircraft utilizing the airport exceeds the capacity for carrying a maximum of four adult passengers, and, provided further, that no aircraft utilizing the facility is powered or otherwise propelled by turbine or jet engines and further, that no aircraft is stored or hangared at the airport for a charge or fee, no flight or ground instruction is carried on at, or from, the airport, no instrument, air frame, or engine repair is undertaken at the airport for third parties for a charge or fee, and no fuel, supplies, or aircraft sales are undertaken at the airport.
- (B) General Airport Use: Use of an airport by a person for other than private transportation purposes, use of an airport by aircraft with a capacity to carry more than four adult passengers, use of an airport by aircraft propelled by jet or turbine engines, use of an airport for any commercial activity prohibited in Section 16-1.2 (A) above.
- (C) Heliport Use: Use of a heliport for routine and regular landings and takeoffs of one or more helicopters whether for private, non-commercial purposes or not.
- (D) Helipad Use: Use of a helipad for landings and takeoffs of helicopters whether for private, non-commercial purposes or not.

16-1.3 **Permit Issuance, General Airport Uses.** The Board of Commissioners may issue a general airport use permit provided:

- (A) The proposed airport site shall be of sufficient size to meet the Federal Aviation Administration requirements for the class of airport proposed.
- (B) There shall be no existing or proposed flight obstructions such as towers, chimneys or other natural obstructions outside the proposed airport which would fall within the approach zone to any of the proposed airport runways or landing strips.
- (C) There shall be sufficient distance between the end of each usable landing strip and the airport boundary to satisfy the requirements of the Federal Aviation Administration and in no event shall the landing strip, or strips, be less than 200 feet from any property line. In cases where air rights or easements have been acquired from the owners of abutting properties in which approach zones, satisfactory evidence thereof shall be submitted with the application.
- (D) Adequate space for off-street parking shall be provided.
- (E) Application shall be accompanied by a plan, drawn to scale, showing the proposed location of the airport; boundary lines; dimensions; names of the owners of abutting properties; proposed layout of runways; landing strips or areas, taxi strips, aprons, roads, parking areas, hangars, buildings, and other structures and facilities; the location and height of all buildings, structures, trees and overhead wires falling within the airport approach zone in less than five hundred (500) feet distance from the boundary lines of the airport; other pertinent data such as topography and grading plan, drainage, water, and sewage, etc.; such licenses and permits as may be required by the Federal Aviation Administration and the Georgia Department of Transportation for the class of airport proposed.
- (F) All applications for general airport use permits shall be subject to the same notice and review procedures required for the enactment of amendments to this resolution.
- (G) The Board of Commissioners shall have determined that all of the foregoing requirements have been satisfied, and further, that the benefits of and need for the proposed airport are greater than any possible depreciating effects and damages to the neighboring properties.

16-1.4 **Permit Issuance, Limited Airport Uses.** The Board of Commissioners may issue limited airport use permits provided all requirements of foregoing Section 16-1.3 have been satisfied and upon sworn affidavit by the applicant certifying that the airport shall be used only for the limited airport uses set forth in Section 16-1.2 (A) of this Resolution.

Limited airport use permits shall not be assignable or transferable and shall terminate automatically upon any usage in conflict with those permitted in Section 16-1.2 (A).

16-1.5 **Permit Issuance, Heliport and Helipad Use.** Heliports and helipads require conditional use permits in specified commercial, industrial and agricultural zoning districts. Heliports and helipads have unique land use impacts and must be consistent with public interest and safety. Such facilities must meet applicable safety standards of the Federal Aviation Administration, state safety standards, and fire suppression and safety standards of the Fire Marshal. The Board of Commissioners may issue heliport and helipad use permits at a fee to be set by the Board from time to time, provided all requirements of foregoing Section 16-1.3 have been satisfied and upon sworn affidavit by the applicants certifying that the heliport or helipad shall be used only for the uses set forth in Section 16-1.2(C) and (D) of this Code. Heliport and helipad use permits shall not be assignable or transferable and shall terminate automatically upon any usage in conflict with those permitted in Section 16-1.2(C) and (D). Helicopter landing areas shall be at least 200 feet from all property lines adjacent to residential and agricultural zoning districts and at least 50 feet from property lines in all other zoning districts. Air ambulances shall comply only with a 50 foot setback from all property lines. All take-off, landing, and parking areas for heliports must be surfaced with a dust proof material. The director or Board of Commissioners may require an acoustical report and a noise mitigation plan be approved and implemented prior to the issuance of any permit for a heliport or helipad.

ARTICLE II, COMMUNICATION TOWERS AND COMMUNICATION ANTENNA PERMITS:

16-2.1 **Purpose and Intent.** The purpose of this section is to establish guidelines for the siting of all wireless, microwave towers, common carrier towers, cellular, television and radio telecommunications towers and antennas. The regulations and requirements set forth herein are adopted for the following purposes:

- (A) To provide for the location of communication towers and communication antennas in Forsyth County;
- (B) To protect residential areas and land uses from potential adverse impacts of communication towers and antennas;
- (C) To minimize adverse visual impacts of communication towers and antennas through careful design, siting, landscape screening and innovative camouflaging techniques;
- (D) To accommodate the growing need for communication towers and antennas while minimizing the total number of towers within the community necessary to provide adequate personal wireless services to residents of Forsyth County;
- (E) To promote and encourage shared use/co-location of existing and new communication towers as a primary option rather than construction of additional single-use towers;
- (F) To consider public health, safety and welfare;
- (G) To encourage the design and construction of towers and antennas to minimize adverse visual impacts;
- (H) To avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

16-2.2 **Applicability.**

- (A) All new communication towers and communication antennas in Forsyth County shall be subject to these regulations and all other applicable regulations. For purposes of measurement, communication tower setbacks and separation distances as set forth in this Article shall be calculated and applied irrespective of County and municipal jurisdictional boundaries.
- (B) All communication towers and communication antennas legally existing on February 8, 1999 shall be considered legal non-conforming uses, allowed to continue their usage as they presently exist: provided however, anything other than routine maintenance, including without limitation, structural modifications including provisions for additional antennas or additional providers and/or new construction on an existing communication tower, shall comply with the requirements of this Article with the exception of separation distances. Routine maintenance shall be permitted on such existing towers.
- (C) The performance and construction standards provided for in this Article shall apply to all new communication tower construction including such construction that shall occur in areas zoned under the Commercial Tower zoning designation established by Ordinance 30J, now repealed.
- (D) All government towers with public safety systems or equipment shall be exempt from the requirements of this subsection. However, private facilities and structures proposed for placement on governmentally owned property shall not be exempt.
- (E) This ordinance shall not govern any tower, or the installation of any antenna, that is thirty five (35) feet or less in height and is owned and operated by a federally-licensed amateur radio station operator from the operator's residence.

16-2.3 **General Requirements.**

- (A) **Principal or Accessory Use.** A tower and/or antenna is considered a principal use if located on any lot or parcel of land as the sole or primary structure, and is considered an accessory use if located on a lot or parcel shared with a different existing primary use or existing structure. An existing use or structure on the same lot or parcel shall not preclude the installation of an antenna or tower. For purposes of determining whether the installation of a tower or antenna complies with zoning district requirements, including but not limited to set-back, buffer and other requirements, the dimensions of an entire lot or parcel shall control, even though the antenna or tower may be located on a leased area within such lot or parcel. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a non-conforming use or structure.
- (B) **Inventory of Existing Sites.** To facilitate the co-location of antennas, each applicant seeking to locate a new tower, alternative tower structure or antenna, or to modify any such existing structure, shall provide to the department an inventory of existing towers or alternative tower structures. Applicants seeking to erect an amateur radio tower or antenna as defined by Federal Communications Commission (FCC) regulations, shall be exempt from this provision. The inventory shall include all such structures that are within the jurisdiction of the governing authority; within a municipality located, in whole or in part, within Forsyth County; and within a one mile border of Forsyth County, and shall include specific information about the location (latitude and longitude coordinates), height, design, tower type and general suitability for antenna co-location of each tower, and other pertinent information as may be required by the department. The department may share such information with other applicants for a Communication Tower permit under this Ordinance or other organizations seeking to locate towers or antennas within the jurisdiction of the governing authority, provided, however that the department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

16-2.4 **Application Requirements.**

- (A) In addition to and in conjunction with the information required with a rezoning application, each application shall include a scaled site plan with topographical information, an elevation view, and other supporting drawings, calculations and documentation.
- (B) The site plan must include setbacks, drives, parking, fencing, landscaping, adjacent uses, also the distances to all residences and schools, including daycare and nursery schools within 1000 feet, and any other information necessary to review the request.
- (C) Documentation of radio frequency range, coverage area, and tower height requirements.
- (D) Location and height of all existing towers owned by the applicant inside of and within one mile of the boundary of Forsyth County.
- (E) New freestanding communication towers and communication antennas shall not be allowed unless the applicant makes an affirmative showing based on competent substantial evidence that:
- (1) Existing towers and buildings do not technologically afford the applicant the ability to provide service to the service area of the applicant or service provider, or the cost or contractual provisions required by a tower owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable, and
 - (2) The geographical boundaries of the proposed service area cannot technologically be bifurcated to avoid the necessity for a freestanding tower/antenna, and
 - (3) There exists a present demand and formal commitment by wireless services providers to locate at the proposed site.

16-2.5 **Zoning Requirements.** Communication towers and communication antennas are considered conditional uses and upon proper application and approval may be permitted in zoning districts as specified in the Permitted Uses tables found in the individual zoning district chapters of this Code.

16-2.6 **Performance and Construction Standards.**

- (A) **Structural Design.** New Communication towers/antennas and modifications to existing structures including, without limitation, the addition of height, antennas or providers shall be constructed in accordance with all applicable County Building Codes and shall meet or exceed current standards and regulations of all applicable Federal, State and Local authorities. Lattice tower structures are prohibited.
- (B) **Setbacks.** Communication tower/antenna setbacks shall be measured from the base of the tower/antenna or protruding building structure at the base of the tower, whichever is closest to the property line, to the property line of the parcel on which it is located. Communication towers/antennas and their accessory structures shall comply with the minimum lot and setback requirements of the district in which they are

located. In cases where there is a conflict between the minimum lot setback and street setback requirements, the greater setback shall apply. Guy wires and support anchors are not required to meet setbacks, however they shall not extend outside of the property line and must be contained within the fenced area of the tower site.

- (C) **Separation from Residential Uses.** Separation requirements for communication towers from residentially zoned lands or residential uses shall be a minimum of 500 linear feet. Communication tower separation shall be measured from the base of the tower to the closest point of off-site uses.
- (D) **Separation Distances Between Communication Towers.** Separation distances between communication towers shall be applicable for and measured between the proposed tower and those towers that are existing and/or have received land use or building permit approval from the County. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. Minimum separation distances (listed in linear feet) shall be as follows:

TABLE 16.1

SEPARATION REQUIREMENTS BY TOWER TYPES			
Proposed Tower Types	Lattice, Self-Supporting or Guyed	Monopole 75' in Height or Greater	Monopole Less Than 75' in Height
Camouflaged or Monopole 75' in Height or Greater	7,920 feet	7,920 feet	6,600 feet
Camouflaged or Monopole Less than 75' in Height	6,600 feet	6,600 feet	6,600 feet
Lattice (providing said structure was approved prior to February 8, 1999.)	7,920 feet	7,920 feet	7,920 feet

- (E) **Fencing.** A chain link fence or wall not less than six (6) feet in height, from finished grade equipped with an appropriate anti-climbing device shall be provided around each communication tower. Access to the tower shall be through a locked gate.
- (F) **Landscaping.** The visual impacts of a communication tower shall be mitigated by landscaping. Where adequate vegetation is not present, tower facilities shall be landscaped with a landscape buffer which effectively screens the view of the tower compound. The use of existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or in supplement towards meeting landscaping requirements.
 - (1) Landscape buffers shall be a minimum of ten (10) feet in width and located outside the fenced perimeter of the tower compound; and
 - (2) A continuous hedge at least thirty (30) inches high at planting and capable of growing to at least thirty-six (36) inches in height within eighteen (18) months shall be planted in front of the above referenced buffer; and
 - (3) All landscaping shall be of the evergreen variety and shall conform with the buffer standards available for inspection at the department.
- (G) **Height.**
 - (1) No freestanding communication tower/antenna shall exceed 200 feet in height from ground level.
 - (2) Where installed on top of a building, no communication tower/antenna shall extend greater than 20% over the building height.
 - (3) An existing communication tower may be modified to a taller height not to exceed 20 feet over the tower's existing height to accommodate the co-location of an additional communication antenna(s).
 - (a) The height change referred to in this subsection may only occur one time per communication tower.
 - (b) The additional height referred to in this subsection shall not require an additional distance separation. The communication tower premodification height shall be used to calculate such distance separations.

- (H) **Illumination.** Communication towers/antennas shall not be artificially lighted except to assure human safety or as required by the Federal Aviation Administration.
- (I) **Co-location.** Proposed communication antennas may and are encouraged to co-locate onto existing communication towers, provided such co-location is accomplished in a manner consistent with zoning and performance standards, new or additional conditional use approval is not required. If it is determined by the County that the proposed tower is situated in a location which will benefit the County's telecommunication systems, then the tower shall be engineered and constructed to accommodate the additional telecommunication equipment beneficial to the public system at a cost to the County no greater than the actual expense of the provider in so engineering and constructing the tower to meet the County's needs.
- (1) Monopole communication towers shall be engineered and constructed to accommodate a minimum of one additional communication service provider.
 - (2) Lattice communication towers that were approved but not yet constructed prior to effective date of this Code shall be engineered and constructed to accommodate a minimum of two additional communication service providers.
 - (3) Camouflaged communication towers may be engineered and constructed without accommodating additional communication service providers.
 - (4) Communication towers located within electrical substations may be engineered and constructed without accommodating additional communication service providers. Such towers shall be monopole construction and shall be subject to all of the requirements of Article II, Communication Tower and Communication Antenna Permits.
- (J) **Noninterference.** No communication tower or antenna shall interfere with public safety communication. Frequency coordination is required to ensure noninterference with public safety system and/or public safety entities.
- (K) **Documentation.** Documentation to demonstrate conformance with the requirements of Performance Standards shall be submitted by the applicant with all requests to construct locate or modify a communication tower/antenna. A statement by the applicant as to how construction of the communication tower will accommodate co-location of additional antennas for future users shall be included with the documentation. Documentation evidencing a present commitment from service providers to locate at the proposed site shall also be included by applicant. Documentation demonstrating proof of appropriate liability insurance shall also be provided.
- (L) **Signs and Advertising.** A small sign placed on the entrance gate of sufficient size, not to exceed four (4) feet in total area shall display the name of the person or corporation owning the tower, the name of the person or corporation owning the property (if different from tower owner) and a current mailing address with a name and phone number of a person to contact in case of an emergency. All other signage is prohibited and the use of any portion of a tower for sign or advertising purposes including, without limitation, company name, banners, or streamers, is prohibited.
- (M) **Abandonment.** Without waiving the County's right to determine whether or not a communication tower has been abandoned, it shall be the joint duty of both the property owner and tower owner to notify the County in writing of any intent to abandon use of the tower. Said notice shall include steps that tower and/or property owner shall take to accomplish removal of the tower structures. In the event the use of any communication tower has been discontinued for a period of 180 consecutive days, the tower shall be deemed to have been abandoned. Upon such abandonment, the owner/operator of the tower shall have an additional 180 days within which to: (1) reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower; or (2) dismantle and remove the tower. The Owner of the real property shall be ultimately responsible for all costs of dismantling and removal and in the event the tower is not removed within 180 days of abandonment, the County may proceed to do so and assess the costs against the real property. The lien of such assessment shall bear interest, have priority and be collectable at the same rate and in the like manner as provided for by Georgia law. At the earlier of 181 days from the date of abandonment without reactivation or upon completion of dismantling and removal, any conditional use permit, waiver and/or variance approval for the tower shall automatically expire.
- (N) **Finished Color.** Communication towers not requiring FAA painting/markings shall have either galvanized finish or be painted a non-contrasting blue, gray or black finish. The color should be selected so as to minimize the equipment's visibility.

- (O) **Liability Insurance.** Liability insurance in an amount not less than \$1,000,000 shall be maintained by the owner and operator of the facility until such facility is dismantled and removed from the parent site. Failure to maintain insurance coverage shall constitute a violation of this Code and grounds for revocation of conditional use approval. Proof of same shall be supplied to the department upon application.
- (P) **Fees.**
- (1) The fees for conditional use approval for a communication tower/antenna shall be the same as rezoning fees for the CBD category.
 - (2) The development permit fees shall be the same as for any commercial development.
 - (3) The building permit fees shall be set at \$200.00 and shall cover the tower and associated equipment building. Any other permits required shall be charged at the prescribed rate at the time of development or construction.
 - (4) As with any conditional use or special exception application, the applicant shall be required to submit additional amounts as deemed sufficient and appropriate by the County in order to obtain any needed technological expertise so as to assist County staff in evaluation the request.

16-2.7 **Variance.** Any request for variance from the provisions of this article shall be presented directly to the Forsyth County Board of Commissioners.

16-2.8 Notwithstanding any other provision of this Article, the installation, maintenance, and operation of antennas and other associated equipment of the type commonly known as small cell communications equipment ("Small Cell Wireless Communications Equipment") shall be governed by the Master Right of Way Agreement for Mini Cell adopted by the Board of Commissioners and/or the Small Wireless Facilities and Antennas Ordinance, as applicable, unless otherwise required by law.

ARTICLE III, HOME BUSINESSES:

16-3.1 **Classification of Home Businesses.** A home business may be classified as "professional home office" or "home occupation" based on the specific characteristics of and activities associated with said home business. A "professional home office" is more restricted than a "home occupation" as detailed below; with one principal distinguishing characteristic being that a professional home office does not permit non-residential employees. The determination as to whether a home business is classified as a "professional home office" or "home occupation" shall be made by the director as set forth herein.

- (A) **Professional Home Offices.** Professional home offices are businesses that, by their nature, appearance and inherent operational activities and characteristics, are less intensive in character and activity and are, therefore, less likely to have a noticeable and negative impact on the residential or agricultural character of the subject property and surrounding neighborhood. Due to the less intensive nature of these activities, applications for professional home office need only be reviewed by staff for administrative approval and more than one (1) professional home office per residence may be granted. A professional home office shall comply with all of the following performance criteria and general requirements set forth in this article:
- (1) Activities associated with a professional home office shall be conducted entirely within residential dwelling including an attached garage, or, one (1) detached garage when no attached garage exists; and
 - (2) The display, storage or parking of materials, goods, supplies, or equipment outside of the dwelling or within an accessory building (excluding an attached garage) is prohibited except as may be permitted in the Agricultural zoning districts as provided for in Chapter 17, Section 6.4; and
 - (3) There shall be no non-resident employees working upon the property for which a professional home office license has been granted; and
 - (4) There shall be only two customers on the premises; and
 - (5) No more than one (1) vehicle, used primarily as a passenger vehicle, shall be permitted in connection with the professional home office. Trucks with three or more axels, tractor trailers, heavy equipment, etc. are not allowed except as may be permitted in the Agricultural zoning districts as provided for in Chapter 17, Section 6.4; and
 - (6) The use of exterior signage is prohibited;
- (B) **Home Occupations.** Home Occupations are businesses that, by their nature, appearance and inherent operational activities and characteristics, are potentially more intensive in character and activity and are, therefore, more likely to have a noticeable and negative impact on the residential or agricultural character

of the subject and surrounding properties. Due to the more intensive nature of these activities, only one (1) home occupation is allowed per residence. Home occupations shall comply with all of the following performance criteria and general requirements set forth in this article:

- (1) Unless otherwise specifically approved by the Planning Commission, all activities associated with a home occupation shall be conducted entirely within the residential dwelling and/or in an enclosed accessory building or structure, provided said building meets all the requirements of this Code; and
- (2) The display, storage or parking of materials, goods, supplies, or equipment outside of the dwelling is permitted in an enclosed accessory building except as may be permitted in the Agricultural zoning districts as provided for in Chapter 17, Section 6.4; and
- (3) The number of part or full-time non-resident employees working upon the premises for which a home occupation license has been granted shall not exceed three (3) employees; and
- (4) There shall only be only two (2) customers on the premises at any given time except as noted in 16-3.1(D); and
- (5) There shall be no retail sales of goods not made on the premises; and
- (6) No more than two (2) vehicles, used primarily as passenger vehicles, shall be permitted in connection with the home occupation. Trucks with three (3) or more axels, tractor trailers, heavy equipment, etc. are not allowed except as may be permitted in the Agricultural zoning districts as provided for in Chapter 17, Section 6.4; and
- (7) Exterior signs shall be limited to the following options:
 - (a) One (1) sign not greater than two (2) square feet in area and flush-mounted to the residential dwelling; and if applicable,
 - (b) Those home occupations having a minimum of seventy-five (75) feet of frontage along a minor or major arterial roadway shall be entitled to a sign permit upon the tendering of a complete sign application to the department, to place one (1) non-illuminated monument sign or monument blade sign not greater than sixteen (16) square feet maximum sign face not exceeding six (6) feet in height.
 - (c) The monument sign authorized in section 7(b) shall be removed upon the home occupation being discontinued, abandoned, or withdrawn at that location. The application referenced in section 7 (b) shall require the applicant to acknowledge this removal requirement as a condition to receipt of a sign permit.
 - (d) The sign allowance in section 7(b) shall control over any additional sign allowance available on residentially zoned properties in the Forsyth County Sign Ordinance.

(C) Prohibited Home Business.

- (1) Any type of repair or assembly of vehicles or equipment with internal combustion engines or of large appliances or any other work related to automotive parts is prohibited.
- (2) Group instruction, assembly or activity is prohibited except as noted in 16-3.1(D).
- (3) Call centers, and dispatch centers.
- (4) Special events facilities, to include outdoor commercial recreation.
- (5) Lodging services
- (6) Private clubs

(D) Home Occupations in Agricultural Zoning Districts.

- (1) All home occupation applications in Agricultural zoning districts shall require a public hearing before the Planning Commission, except if the following conditions are satisfied then staff approval shall be authorized:
 - (a) Minimum lot area. The parcel shall be a minimum of five (5) acres in size and zoned Agricultural (A1) or Agricultural-Residential (AG-RES).
 - (b) Hours. Hours of operation shall be limited between the hours of 7 a.m. to 7 p.m., seven (7) days a week.
- (2) Group instruction, assembly or activity is permitted on parcels zoned Agricultural (A1) upon approval of a home occupation application by the Planning Commission. The following shall also apply:
 - (A) Maximum number of attendees shall be limited to ten (10) persons at any given time.
- (3) Cottage food operations, when located within agricultural zoning districts, are not classified as home occupations. A Cottage Food Permit shall be required.

16-3.2 **General Requirements and Performance Criteria.** Both professional home offices and home occupations shall comply with the following requirements prior to or as a result of compliance with any conditions of

approval required for issuance of a professional home office or home occupation license. Nothing herein is intended to supersede restrictive covenants, or other private agreement or restriction, where the provisions of the covenant, private agreement or restriction impose duties and obligations more restrictive or standards that are higher than the requirements of these regulations.:

- (A) All applicable state, federal, and local business and/or occupational licenses shall be obtained or applied for at the time of application for either a professional home office or home occupation license. All activities associated with a home occupation or professional home office and the residential dwelling, accessory building(s), structures(s), and overall property from which such home occupation/professional home office is being conducted shall comply with all applicable county and state building, fire, sanitary and health requirements and regulations. Non-compliance with any applicable requirement and/or regulations may be grounds for denial or revocation of a home occupation or professional home office application.
- (B) The owner/proprietor of a home business shall be responsible for notifying the director of any changes to the conduct, nature or scope of the home business that render the business different from that included in the description provided as part of the application, or from any conditions or restrictions imposed as part of the license. Such changes may result in the discontinuation of the use, or the need for a new application and reclassification of the home occupation or professional home office.
- (C) The home business shall be conducted from the owner's/proprietor's principal domicile or permanent home.
- (D) Activities associated with a home business shall not generate any solid or liquid waste, water consumption, traffic, noise, vibrations, smoke, dust, odor, heat, glare, disturbance or interference with the provision of electrical, television or other utility services, or create any safety hazards exceeding those which are typically and customarily produced by and/or associated with a residential dwelling and residential uses in the zoning district and surrounding neighborhood within which the subject property and home business is located. Light spillage restrictions as outlined in 16-4.26 shall be met and maintained. The total area used to conduct activities associated with a home business should not exceed 33% of the finished space within the principal building. For purposes of this calculation, finished space within the principal building shall exclude unheated areas such as porches, unfinished basements, garages and decks.
 - (1) All licensed owners/proprietors of home businesses that verifiably existed on or before November 22, 1999 that are nonconforming with the area requirements specified in this article, shall be exempt from these requirements. Such businesses shall be permitted to expand in conformance with the requirements of this article and Code.
- (E) The residential dwelling, accessory buildings and structures, and overall property shall remain residential in character and appearance that are typical and customary for residential property located in the zoning district within which the home business is located. Structural and other alterations and alterations in the exterior or interior appearance that will make the dwelling, buildings, and/or the site appear or function similar to a commercial operation are prohibited. Prohibited alterations may include, but are not limited to, the creation of a separate or exclusive entrance(s) for business purposes, use of signage or other advertising other than that allowed as set forth herein and commercial-like exterior lighting.
- (F) All parking shall be located in an off-street location on a paved, gravel or other suitable parking surface. Parking on lawn areas is prohibited.
- (G) Wholesale or retail sales from within a residential dwelling, accessory building or structure, or from a residential property on a regular or year-round basis or as a primary activity or function of the home occupation or professional home office shall be prohibited except for sales conducted entirely via the mail, telephone or internet. No goods or products intended for sale shall be displayed outside of a dwelling, accessory building or structure, or elsewhere on the property. This provision is not intended to limit or prohibit the sale of agricultural products grown from the same agricultural property. In addition, year-round retail sales comprising the primary business activity of a home occupation shall be permitted on agriculturally zoned parcels (A1) when approved by the Planning Commission.
- (H) Truck deliveries or pick-ups of supplies or products associated with a home business shall be limited to the type of vehicles and pick-up/delivery hours that are typical and customary for residential dwellings and uses located in the zoning district within which the home business is located. Specifically, these vehicles shall be limited to the types of vehicles associated with the delivery of domestic mail and packages.

- (I) In order to ensure that a home business does not become a nuisance to the surrounding properties and property owners, the director, or Planning Commission may impose reasonable conditions as deemed necessary to protect the health, safety, and welfare of said properties, property owners and general public.
- (J) Owners/proprietors of a home occupation shall permit a limited inspection of the premises by the director or other duly authorized agent of the Board of Commissioners or other agency having jurisdiction or responsibility for enforcing applicable laws, requirements, and regulations at the time of application or after the home occupation has commenced operation in order to determine compliance with the requirements of this Code and/or the conditions of the license. Failure to cooperate in providing such access may result in the immediate discontinuation of the home occupation or professional home office license.
- (K) Owners/proprietors of all home businesses shall maintain a valid business license. Failure to hold a valid business license will invalidate the home occupation or professional home office.
- (L) All home occupation and professional home office licenses shall be deemed valid for an initial twelve-month period unless otherwise provided for as a condition of the approval. After the initial twelve-month period, all home occupation and professional home office permits shall expire on the first day of April. The director may revoke a home occupation and professional home office license if any of the following circumstances occur:
 - (1) Changes occur in the activities or character of the home occupation or professional home office being conducted that warrant additional review and approval by the director, or Planning Commission;
 - (2) Whenever the director has reasonable cause to believe that any of the general or specific requirements and/or performance criteria set forth in the Code, or conditions imposed as part of the professional home office or home occupation are being or have been violated, or, any activity associated with conduct of the home occupation or professional home business becomes hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood and properties.
- (M) If the director does revoke a home occupation or professional home office license, the director's decision may be appealed to the ZBA.
- (N) The granting of a home occupation or professional home office license shall not constitute a covenant running with the property from which such home business is being conducted. A home occupation or professional home office license shall not be transferable to another property and shall automatically and immediately terminate and become null and void upon the sale, lease, or transfer of said property to a party different than to whom the home occupation or professional home office license was originally granted.

16-3.3 **Procedures.**

- (A) An appeal of any decision by the director shall be processed and considered by the Zoning Board of Appeals as set forth in Chapter 8 of this Code.
- (B) All renewal applications for home occupation and professional home office licenses shall be reviewed and either approved, approved with conditions, or denied by the director within thirty (30) days of the date said renewal application has been received by the department.

ARTICLE IV, SUPPLEMENTARY REGULATIONS FOR SPECIFIC USES:

16-4.1 **Accessory Structures in Residential Districts.** Accessory structures are permitted in all residential zoning districts. Accessory structures shall meet the following standards:

- (A) The height of the accessory structure shall not exceed the height of the principal building.
- (B) Accessory structures must be constructed in conjunction with or after the principal building is constructed.
- (C) The following limitations on the allowable square feet of accessory structures exclude swimming pools. The limitations are aggregate and may be distributed among any permitted accessory structures. Finished spaces within the principal building shall exclude unheated areas such as porches, unfinished basements, garages and decks.

TABLE 16.2

Lot Size	Maximum Size
< 1 Acre	30% of the finished space within the principal building or 1,000 square feet, whichever is greater
≥ 1 Acre and < 3 Acres	60% of the finished space within the principal building or 1,000 square feet of building space per acre of lot area, whichever is greater
≥ 3 Acres	90% of the finished space within the principal building or 1,000 square feet of building space per acre of lot area, whichever is greater

- (D) Accessory structures greater than 550 square feet located within residential districts shall be subject to the following criteria:
 - (1) Materials and colors not used on the principal dwelling shall be limited to no more than twenty percent (20%) of the exterior surface of the accessory structure. Roofing material shall be excluded from this requirement.
 - (2) No more than twenty percent (20%) of the exterior surface of the accessory structure may be the secondary building materials and colors of the principal structure.
 - (3) Alternative accessory structure finishes that do not comply with this subsection may be approved by the Director if the materials and finishes of the accessory structure meet or exceed the quality and appearance of the principal dwelling and do not impair the public health, safety and welfare.
- (E) Accessory structures shall conform to the setback requirements of the zoning district in which they are located.
- (F) Attached Accessory Apartments shall be regulated through Section 16-4.2.
- (G) Detached Accessory Apartments shall be regulated through Section 16-4.3.

16-4.2 **Accessory Apartments, Attached.** In zoning districts where permitted, attached accessory apartments shall meet the following requirements:

- (A) Only one attached accessory apartment shall be permitted on a lot, and an accessory apartment shall not be permitted in conjunction with a home occupation, professional home office, detached accessory apartment, or manufactured/mobile home permitted under hardship conditions.
- (B) One additional off-street parking space is required, which must be located in a side or rear yard.
- (C) At least four hundred (400) square feet of heated floor area shall be provided per occupant. The heated floor area for an accessory apartment shall be at least 400 square feet and shall not exceed 1,000 square feet or the size of the principal dwelling, whichever is less.
- (D) The entrance to the accessory apartment shall be from a rear or side yard and shall not face the street to which the principal dwelling is oriented.
- (E) Any additions to accommodate accessory apartments shall have exterior finishes or architectural treatments (e.g., brick, wood, stucco, etc.) of an appearance substantially similar to those on the principal dwelling.
- (F) The Forsyth County Health Department must certify that existing or proposed water, sanitary sewer, and/or septic tank facilities are adequate to serve both the principal dwelling and the accessory apartment.
- (G) The addition of an attached accessory apartment shall not count in density calculations.

16-4.3 **Accessory Apartments, Detached.** In zoning districts where permitted, detached accessory apartments shall meet the following requirements:

- (A) Only one detached accessory apartment shall be permitted on a lot, and a detached accessory apartment shall not be permitted in conjunction with a home occupation, professional home office, attached accessory apartment, or manufactured home permitted under hardship conditions.
- (B) One additional off-street parking space is required, which must be located in a side or rear yard.
- (C) At least four hundred (400) square feet of heated floor area shall be provided per occupant. The heated floor area for an accessory apartment shall be at least 400 square feet and shall not exceed 1,000 square feet or the size of the principal dwelling, whichever is less.

- (D) The entrance to the accessory apartment shall be from a rear or side yard and shall not face the street to which the principal dwelling is oriented.
 - (E) Any additions to accommodate accessory apartments shall have exterior finishes or architectural treatments (e.g., brick, wood, stucco, etc.) of an appearance substantially similar to those on the principal dwelling.
 - (F) The Forsyth County Health Department must certify that existing or proposed water, sanitary sewer, and/or septic tank facilities are adequate to serve both the principal dwelling and the accessory apartment.
 - (G) If the detached accessory apartment is a manufactured home, then it must meet applicable requirements for manufactured homes as specified in this chapter.
 - (H) Unless incorporated into an existing accessory structure (e.g., garage), detached accessory apartments shall be allowed in rear yards only.
 - (I) The addition of a detached accessory apartment shall count in density calculations.
- 16-4.4 **Backyard Chickens.** In zoning districts where permitted, the following shall apply:
- (A) The minimum lot size for the keeping of backyard chickens shall be one-half (½) acre.
 - (B) No more than eight (8) chickens are permitted on a lot.
 - (C) Chicken coops, chicken houses and/or roosting structures shall not require a building permit.
 - (D) All coops, houses and/or roosting structures shall be required to adhere to the minimum building setback performance standards that are in effect for the zoning district where the structure is to be built. However, in no event shall any such structure encroach within twenty (20) feet from the rear and side property lines, and fifty (50) feet from residential structures on adjacent properties. In the event of a conflict between any building setback performance standard for the zoning district where the structure is to be built, and the minimum setback requirements set forth in this section 16-4.4(D), the more stringent setback requirement shall control.
 - (E) The coop structure shall provide a minimum of five (5) square feet of floor space per chicken with at least one (1) nest box per five (5) chickens and perches that are raised a minimum of twelve (12) inches off the floor. Each nest box shall be twelve (12) inches by twelve (12) inches and there shall be a minimum of eight (8) linear inches of perch per chicken.
 - (F) The area shall be kept in a neat and sanitary condition and must be cleaned on a regular basis to prevent offensive odors, attraction of flies and/or vermin, the creation of an environment otherwise injurious to the public health and safety, or that would obstruct the free use of property so as to interfere with the comfortable enjoyment of life or property by members of the neighborhood or other persons.
 - (G) Roosters and any other crowing fowl are prohibited.
 - (H) The slaughter of any hen on site is strictly prohibited.
 - (I) Feed, feed supplements and medications shall be kept in fully enclosed, rodent-proof containers.
 - (J) Chickens shall be contained within the coop, house, and/or roosting structure whenever unattended. When the owner is present in the yard, chickens shall be kept in an enclosure, such as a chicken tractor, to prevent them from causing damage, accidents or injury to any neighboring property or person.
 - (K) The provision must be made for the storage and removal of hen droppings and any dead birds. All stored droppings used for composting shall be fully covered or placed in an enclosure. Such enclosures must be setback a minimum of fifty (50) feet from all property lines. All other droppings not used for composting or fertilizing shall be removed. In addition, the coop, enclosure, and surrounding area must be kept free from trash and accumulated droppings. Dead chickens must be disposed of in a sanitary manner.
 - (L) No permission or allowance authorized by this Section shall supersede applicable private covenants.
 - (M) Properties in A1 zoning districts may elect to comply with the regulations governing backyard chickens; however, this shall in no way limit the keeping of poultry or placement of a poultry house on properties in A1 zoning districts otherwise in compliance with this Unified Development Code.
- 16-4.5 **Build-to-rent.**
- (A) A build-to-rent development may be permitted in residentially zoned districts upon application for and receipt of a conditional use permit, and within master planned districts and mixed-use center districts.
 - (B) A build-to-rent development shall be comprised of only single-family detached dwellings, except that this requirement shall not apply within senior housing developments as provided in Section 16-4.9 of this Code.
 - (C) Short-term rentals shall not be permitted within build-to-rent developments.
 - (D) A build-to-rent development with seven (7) or more units must be managed by a single management company with an on-site office staffed at least one business day per week with standard business hours

of 9:00 am to 5:00 pm. The on-site office shall be a stand-alone building that shall be similar in design and appearance to other buildings within the development.

16-4.6 **Commercial Athletic Fields, Outdoor.**

- (A) Outdoor lighting for outdoor commercial athletic fields shall:
- (1) be designed to provide the minimum lighting necessary to ensure adequate safety, night vision, and comfort, and not create or cause excessive glare onto adjacent properties and public street right-of-way;
 - (2) be Full Cutoff;
 - (3) be designed so that any illuminated lighting faces are not visible to any residences within 600' of the face; and
 - (4) be designed so as to minimize light spillage to not more than one (1) foot-candle along any residential or agricultural property line and two (2) foot-candles at any public street right-of-way, commercial, or industrial property line.
- (B) Prior to the issuance of any permits for outdoor commercial athletic fields, a photometric plan sufficient to allow the evaluation of the impacts of any field illumination to be used must be tendered. Notwithstanding the foregoing sentence, lighting designed solely as security lighting shall not constitute field illumination necessitating prior review.
- (C) The property on which an outdoor commercial athletic field is located shall maintain a forty foot (40') exterior undisturbed buffer.
- (D) The property on which an outdoor commercial athletic field is located shall maintain a fifty foot (50') exterior setback.
- (E) Alcohol may not be consumed on the premises.
- (F) Cleanliness of the entire site shall be maintained by removing any trash, rubbish, or other debris deposited on the site.
- (G) Landscaping shall be maintained and dead or damaged plants shall be replaced.
- (H) Damaged elements of any building (such as but not limited to broken windows) and the site (such as but not limited to curb stops, parking stripes, dumpster screening) shall be repaired or replaced of damaged, dilapidated or in disrepair.
- (I) Should any single occupant premise become vacant for more than 60 days, and the owner fails to maintain the property in accordance with the conditions above and upon notification from the County for such failure, the owner shall be subject to citation by the appropriate County Code Enforcement Officer and shall be subject to the maximum fine permitted for ordinance violations for each violation of any provision of this ordinance.
- (J) The application must identify if a sound amplification or distribution system, such as a public address system or outdoor speaker system, will be utilized. Projects incorporating sound amplification or distribution systems will be required to address off-site noise impacts through additional buffers, strategic location of speakers and other appropriate site and system modifications. Even when sound abatement measures are employed, the use of sound amplification and distribution systems shall nonetheless be limited to the hours of 8:00 am to 10:00 pm. Applicants are required to submit a written evaluation of noise impacts for proposals involving sound amplification or distribution systems and the written evaluation shall be prepared by an acoustical engineer or similar professional trained in sound analysis and sound mitigation. The evaluation shall include information identifying the type of sound amplification or distribution system to be used, the maximum decibels likely generated by the system, the anticipated sound spillage to adjacent properties, the extent to which abatement measures will reduce spillage, and the anticipated maximum decibels that will impact the nearest residential unit.

16-4.7 **Commercial Recreational Facilities, Outdoor.** Outdoor commercial recreational facilities are typically accompanied by substantial off-site impacts and therefore require public scrutiny and approval only as conditional uses. Uses that propose night lighting other than incidental security lighting shall be required to submit a photometric plan to enable the evaluation of impacts from illumination. A written evaluation of noise impacts is required at the time the following conditional uses are considered: stadiums, amphitheaters, and race tracks for animals and motor driven vehicles; such projects may be required to construct noise attenuation walls or otherwise address off-site noise impacts. Traffic impact statements are required for stadiums, amphitheaters, racetracks for animals or motor-driven vehicles, and recreational vehicle parks, and the adequacy of existing road infrastructure shall be considered as one of the bases for approval or denial of such conditional uses.

16-4.8 **Condominiums.** If an applicant files a rezoning application requesting to rezone to the Res6 district, the applicant must specifically identify on the site plan submitted that the proposed development is being developed as condominiums. All condominium developments must meet the performance standards of the applicable zoning district and conform to the following requirements:

- (A) **Setbacks.** All buildings must be setback at least 10 feet from the edge of the Right of Way or Access and Utility Easement. There shall be an exterior setback of 50 feet.
- (B) **Building Separation.** Minimum building separation is 15 feet for single-family attached dwellings, duplexes, and quadplexes with a minimum building separation of 20 feet for multi-family dwellings.
- (C) **Units Per Building.** For each condominium building there shall be no more than 6 units per building.
- (D) **Streets.** All streets within a condominium development shall be built to County specifications and dedicated to the public; provided, however, that the rear of the condominiums may have vehicular access by way of a private access easement or alley.
- (E) **As-builts.** Each condominium development or phase thereof shall have an asbuilt approved by the County, and the asbuilt shall be recorded with the Clerk of Court prior to a certificate of occupancy being issued for any unit or building.

16-4.9 **Senior Housing.** These provisions are intended to permit the development of a variety of senior housing options including, but not limited to, senior independent living, assisted living facilities, skilled nursing facilities, and continuing care retirement communities (CCRC). These provisions serve as a supplement to the underlying zoning district and where conflicts may occur, the terms of this section shall apply. Applicants shall request a conditional use permit (CUP) for any senior housing option, including proposed projects within Master Planned Districts (MPD), and must comply with regulations as outlined in this section in order to qualify for such permit.

- (A) **Density, Lot Size, Applicable Standards and Use Limitations.** Criteria shall be met as provided in Table 16.3. These standards are in addition to the criteria contained elsewhere in this article pertaining to condominiums and townhouses. Please note that density is calculated based on all senior housing units including rooms within assisted living and skilled nursing facilities.

TABLE 16.3 SENIOR HOUSING CRITERIA BY ZONING DISTRICT

Zoning District	Minimum Lot Size for Single Family Detached	Maximum Density	Open Space	Support Services **	Age Restriction	Accessibility Standards	Design Regulations	Permitted Uses	Minimum Lot Width
Res3	80% of performance standard for Res3	1.8 / acre	20 Percent	Not permitted***	Required	Required	Required	Single Family Detached	60' with an avg. of 70'
Res4	80% of performance standard for Res4	2.5 – 4.5 /acre*	25 Percent	Permitted	Required	Required	Required	Single Family Detached/Attached Multifamily; Condominiums only Assisted Living Facility	Per zoning district
Res6	3,000	4 - 6/acre*	40 Percent	Permitted	Required	Required	Required	Single Family Detached/Attached Assisted Living Facility	Per zoning district
CBD	3,000	10 - 22/acre*	15 Percent	Required	Required	Required	Required	Single Family Detached 20% max Single Family Attached Multifamily Assisted Living Facility Skilled Nursing Facility	Per zoning district
O& I	3,000	10 - 22/acre*	20 Percent	Required	Required	Required	Required	Single Family Detached 20% max Single Family Attached Multifamily Assisted Living Facility Skilled Nursing Facility	Per zoning district
UV	3,000	10 - 22/acre*	15 Percent	Required	Required	Required	Required	Single Family Detached 20% max Single Family Attached Multifamily Assisted Living Facility Skilled Nursing Facility	Per zoning district
MPD	3,000	10 - 22/acre*	20 Percent	Required	Required	Required	Required	Single Family Detached/Attached Multifamily Assisted Living Facility Skilled Nursing Facility	Per zoning district

* Refer to Density Bonus Table for density range options (Table 16.4).

** Refer to Support Services list for primary and secondary services.

*** Support Services, as defined in 16-4.9B, are not permitted in Res3 as a collection of services for the purpose of daily living assistance. Individual services, otherwise not prohibited in the underlying zoning district, will be allowed.

- At the time of a conditional use permit (CUP) application, the applicant shall indicate via site plan and any other appropriate means the proposed resident housing types and locations, as well as density per housing type. The site plan shall also depict the location and square footage of any commercial development, open space/recreational areas, and any other planned features. Commercial development shall be intended for the use and convenience of residents of the principal use. Public water and sanitary sewer are required for all senior housing developments. Proof of availability of adequate sewer capacity including the size and location of connection points must be submitted as a part of the conditional use permit application. Changes that comprise adjustments to density or housing types in excess of 10% once a conditional use permit (CUP) is granted, necessitate a reapplication.
- (B) **Support Services.** Support services are required in all commercial districts, the master planned district, and in assisted living facilities. Such services shall include at least six (6) of the following primary services and at least four (4) of the following secondary services must be offered as a condition of occupancy in the development.
- (1) Primary Services:
 - (a) One meal per day at an on-site dining facility.
 - (b) 24-hour on call medical care.
 - (c) On-site Licensed Practical Nurse (LPN).
 - (d) An on-call Registered Nurse (RN) to perform medical functions on an as needed basis (administer shots, medications, etc.).

- (e) On-site medical facilities.
- (f) Linen and housekeeping services.
- (g) Security system and monitoring service which includes an emergency call system with 24-hour on-site response (senior apartments shall include door alarms for individual dwelling units and intercom service to front door, apartment entry and front desk; residential care and nursing facilities shall include wall mounted switches, wireless pendants for residents, and/or intercom service).
- (h) Transportation service, accessible to all residents, which shall be maintained and operated by the facility. Transportation must be operational when occupancy reaches no greater than twenty (20) percent. Service shall offer regular and frequent daily service on a scheduled basis (i.e. weekly shopping, dining, entertainment trips).
- (i) Periodic lawn and home maintenance (lawn care, painting repairs, etc.).
- (2) Secondary Services:
 - (a) Physical therapy facilities and sessions.
 - (b) Delivery of prescribed medications on a regular schedule.
 - (c) Small scale pharmacy.
 - (d) Care Technician services - bathing, changing clothes, etc.
 - (e) On-site salon.
 - (f) On-site meals for residents who desire more than one meal per day in a dining facility as provided by the mandatory association dues.
 - (g) Fitness Center (exercise rooms and/or pool).
 - (h) Indoor recreation space (game/entertainment rooms, recreation center, auditorium or meeting hall, etc.).
 - (i) Outdoor recreation space (golf course, bowling green, playing fields, outdoor fitness areas, walking trails, lawn and picnic areas, community garden, etc.).
 - (j) Library.
 - (k) Worship center/chapel.
 - (l) Private dining room and/or guest suite for family visits.
- (C) **Age Restriction.** Senior housing shall, at a minimum, have 90% of the occupied units be inhabited by at least one person 55 years or older. The organization established for the management of the development shall comply with the U. S. Department of Housing and Urban Development (HUD) rules for verification of occupancy and shall maintain procedures for routinely determining the occupancy of each unit. Such procedures may be part of a normal leasing or purchasing agreement and must provide for regular updates as required by HUD.
 - (1) Deed Restrictions: Approval of a conditional use permit (CUP) for a development consisting of age restricted housing shall be conditioned upon either the placement of restrictive covenants on the deeds or the developer/organization established for the management of the development, ensuring and enforcing compliance. These restrictions shall run in perpetuity with the land and in either case:
 - (a) Occupancy shall be limited to persons in accordance with age restrictions as noted in section above as well as state and federal housing guidelines, and that
 - (b) No further development of the parcel including increasing the number of dwelling units or enlarging the permitted buildings is allowed without first applying for and receiving a revised conditional use permit (CUP).
- (D) **Accessibility Standards.** All senior housing individual dwelling units, with the exception of assisted living and skilled nursing facilities, shall incorporate accessibility standards which must include the following minimum features:
 - (1) At least one step free entrance to the main floor at either the front or side of the structure; if only one is provided, it shall not be from a patio or raised deck.
 - (2) Main floor shall include a kitchen, entertaining area, and master bedroom with full bathroom.
 - (3) Every door on the main floor shall provide a minimum 34" of clear passage.
 - (4) Blocking shall be installed in the master bath around toilet, tub, and shower for placement or future placement of grab bars.
- (E) **Design Regulations.** Senior housing residential units shall incorporate the following design standards according to the designated zoning district.
 - (1) Single family detached in Res3, Res4, Res6, CBD, O & I, UV, and MPD:

- (a) Exterior walls shall be clad in brick, stone, stucco, fiber cement board and batten, and/or fiber cement horizontal siding and/or shakes/shingles.
 - (b) A paved five foot (5') wide sidewalk system shall be constructed which connects recreation areas, homes, clubhouse, and other amenities.
 - (c) A pathway system connecting open space areas accessible to neighborhood residents and connecting those areas to neighborhood streets and sidewalks shall be constructed in Res3 developments.
- (2) Single family attached in Res4, Res6, CBD, O & I, UV, and MPD:
- (a) Exterior walls shall be clad in brick, stone, stucco, fiber cement board and batten, and/or fiber cement horizontal siding and/or shakes/shingles.
 - (b) The primary material on the front elevation shall also be used on the side and rear elevations. There shall be a combination of no less than two (2) of the materials listed in subsection (a) on each façade of the building. If used, fiber cement board and batten shall not exceed fifty percent (50%) of the wall material on any façade.
 - (c) A paved five foot (5') wide sidewalk system shall be constructed which connects recreation areas, homes, clubhouse, and other amenities.
 - (d) A pathway system connecting open space areas accessible to neighborhood residents and connecting those areas to neighborhood streets and sidewalks shall be constructed in Res4 and Res6 developments.
 - (e) All units with front-loaded garages shall have garage faces with decorative design treatments.
- (3) Multifamily residences in Res6, CBD, O & I, UV, MPD, and condominiums in Res4:
- (a) Exterior walls shall be clad with brick, stone, fiber cement board and batten, and/or fiber cement horizontal siding and/or shakes/shingles. No more than twenty percent (20%) shall include accent wall materials such as exterior finish insulation systems, stucco and painted dimension wood.
 - (b) The primary material on the front elevation shall also be used on the side and rear elevations. There shall be a combination of no less than two (2) of the materials listed in subsection (a) on each façade of the building. If used, fiber cement board and batten shall not exceed fifty percent (50%) of the wall material on any façade.
 - (c) Heating, cooling, kitchen and other mechanical equipment; conduits, service panels, meters and other electrical equipment; and refuse collection facilities shall be located and/or screened so as not to be visible from adjacent development and/or the street.
 - (d) A minimum exterior setback of fifty feet (50'), the first twenty-five feet (25') being an exterior buffer, shall be required in CBD, O & I, UV, and MPD zoning districts, The exterior buffer shall meet Forsyth County Buffer Standards, but such requirement shall be exempted along the entire road frontage on which the primary entrance is located.
- (4) Residential facilities (assisted living and/or skilled nursing) in Res4, Res6, CBD, O & I, UV, and MPD:
- (a) Exterior walls shall be clad with brick, stone, fiber cement board and batten, and/or fiber cement horizontal siding and/or shakes/shingles. No more than twenty-five percent (25%) shall include accent wall materials such as exterior finish insulation systems, stucco, and painted dimension wood.
 - (b) The primary material on the front elevation shall also be used on the side and rear elevations. There shall be a combination of no less than two (2) of the materials listed in subsection (a) on each façade of the building. If used, fiber cement board and batten shall not exceed fifty percent (50%) of the wall material on any façade.
 - (c) Freestanding accessory structures shall have architectural detailing and design elements consistent with the primary building(s) of the development complex to provide a cohesive design.
 - (d) Heating, cooling, kitchen and other mechanical equipment; conduits, service panels, meters and other electrical equipment; and refuse collection facilities shall be located and/or screened so as not to be visible from adjacent development and/or the street.
 - (e) A minimum exterior setback of fifty feet (50'), the first twenty-five feet (25') being an exterior buffer, shall be required in CBD, O & I, UV, and MPD zoning districts, The exterior buffer shall meet Forsyth County Buffer Standards, but such requirement shall be exempted along the entire road frontage on which the primary entrance is located.

- (F) **Parking.** Senior housing parking requirements in all districts:
- (1) The required number of parking stalls is one per senior housing unit including rooms within assisted living and skilled nursing facilities. Garages for detached housing units will be considered as satisfying the parking stall requirement. This may be reduced to one stall per one and one-half dwelling units if justification for the reduction can be provided based on the number and types of services and activities to be provided on-site or other factors which affect parking demand.
- (G) **Density Bonus Options.** Density may be increased where a density range is shown in Table 16.3. Density bonus options shall be approved by the Board of Commissioners as part of the conditional use permit (CUP) application process. These options are outlined in Table 16.4.

TABLE 16.4 DENSITY BONUS TABLE

	Zoning District			
	CBD	O & I	UV	MPD
Base Density*	10	10	10	10
Assisted Living Units (5-19%)**	+2	+2	+2	+2
Assisted Living Units (20%)**	+3	+3	+3	+3
Assisted Living Units (20-29%)**	+3	+3	+3	+3
Assisted Living Units (30-49%)**	+4	+4	+4	+4
Assisted Living Units (50% or more)**	+6	+6	+6	+6
Skilled Nursing Facility	+10	+10	+10	+10
Maximum Allowed Density	22	22	22	22

* Once a CUP is approved, the base density may not be exceeded without site plan approval for assisted living units and/or a skilled nursing facility.

** Percentages are based on the total number of units and are the minimum necessary to achieve a bonus density. Please note that the maximum allowed density may not be exceeded and a variance shall not be granted.

Res4 and Res6 Districts may be granted up to two (2) additional units per acre provided that a minimum of twenty-five percent (25%) of the total number of units are assisted living units. A maximum allowed density of 4.5 units per acre for Res4 and six (6) units per acre for Res6 may not be exceeded and a variance shall not be granted.

16-4.10 **Convenience Stores.**

- (A) Convenience stores require a minimum of one half (0.5) acre.
- (B) Fuel dispensing units in NS and UV shall be located a minimum of fifty (50) feet from all public right-of-ways and canopies over fuel dispensing units shall extend no closer than thirty-five (35) feet to any public right-of-way.
- (C) Canopies. Canopies shall follow the requirements set forth in section 16-4.26

16-4.11 **Demolition of Historic Structures.**

- (A) Forsyth County has more than 400 properties that have been documented in the County’s historic resources survey. Preservation and maintenance of historic structures contribute to the cultural heritage of the County and are therefore in the long-term interest of the County. It is the intent of this section to provide an opportunity for preservation, but not to preclude demolition of historic structures.
- (B) Applications for land disturbance on sites containing a historical structure and that propose the demolition of structures shall be reviewed by the director. In cases where a building or structure proposed for demolition is documented in the County’s historic resources survey, the following procedures shall apply:

- (1) An automatic sixty (60) day delay on action regarding the demolition of the historic structure shall be invoked by the director to determine the significance of the historic building or structure and to allow time for the director to educate the property owner on potential rehabilitation programs and benefits as well as development options for preserving the building or structure. The automatic sixty (60) day delay on demolition of historic buildings and structures shall not apply to buildings or structures deemed by the director as in immediate danger to the health, safety, or welfare of the occupants, the owner, or the general public. During the sixty (60) day delay period, the director may issue the applicant's land disturbance permit so long as measures satisfactory to the director have been taken to protect the historic building or structure from harm.
- (2) The director may complete, or request from the historic sites division of the Georgia Department of Natural Resources or another agency or professional person with expertise in historic preservation, an investigation of the historical or cultural value of the building or structure proposed for demolition. The desirability, economic feasibility, historical value, current condition, costs of restoration or repair, prospects for relocation to another site, and integration into development plans shall be considered in such an investigation.
- (3) The director shall present the results of the investigation to the property owner within forty-five days. The property owner shall have until the expiration of the sixty (60) day delay period to consider options for the historic building or structure and to choose his or her option, which may include rehabilitation, relocation to another part of the site, arrangement for the sale or donation and relocation of the building or structure to another site, integration of the structure into development plans, or demolition of the structure. The director shall respect the decision of the property owner and issue the permit for demolition, as originally requested, if that is the choice of the property owner. The director shall keep a record of the disposition of historic buildings and structures for future updates to the historic resources survey of the County.

16-4.12 **Reserved.**

16-4.13 **Dumpsters.** Dumpsters shall be prohibited in all residential districts, with the exception of those serving multifamily communities, or under any of the following circumstances:

- (A) The dumpster is on-site for thirty (30) days or less when containing putrescible waste,
- (B) The dumpster is on-site for ninety (90) days or less when containing inert debris or construction and demolition waste.
- (C) The dumpster is associated with an active building permit or land disturbance permit,
- (D) The dumpster is screened from view from all property lines.

The number of days a dumpster is on-site shall not reset based on relocation of the dumpster to another portion of the property or removal of the dumpster for a period of less than ninety (90) days.

16-4.14 **Fences and Walls.** Fences and walls, whether open or solid, and whether constructed of wood, metal, wire, masonry, or other material, shall be governed by the provisions of this section, except for agricultural and/or lots not located within a final platted subdivision are exempt from this section and its following requirements.

- (A) Fences and freestanding walls up to forty eight (48) inches in height are allowed in front yards established by the zoning district in which the subject property is located. Fences up to eight (8) feet high are allowed in required side or rear setbacks. Building permits are required for fences and walls over six (6) feet in height.
- (B) Regardless of height, Retaining Walls and Non-Integral Wing Walls are permitted in the setback. Retaining Walls and Non-Integral Wing Walls over six (6) feet in height (measured from the bottom of the footing to the top of the wall) require a permit and must be engineered. Terraced combinations of walls that are separated by a distance greater than the height of the tallest individual section will be considered separate walls.
- (C) Gates located in front yards shall be limited to no greater than six and one-half feet in height.

16-4.15 **Horse Stables, Non-commercial.** The maximum number of horses may not exceed one (1) horse per acre on any given lot. All stables, pens, corrals, or other structures for horses must be located a minimum of fifty (50) feet from any property line. In addition, the boarding of horses must comply with all of the rules and regulations of the Forsyth County Health Department and all applicable state and federal rules and regulations.

16-4.16 **Hotels, Motels, Dual-brand Hotels, and Extended Stay Hotels and Motels.** The following requirements must be met:

- (A) Facilities shall feature a minimum of two (2) of the following amenities:
 - (1) Health or fitness club of at least 250 square feet
 - (2) Swimming pool

- (3) A minimum of two meeting rooms of at least 350 square feet each
- (4) Daily hot breakfast
- (B) Guests shall be required to pass through an inside lobby, which is supervised by an on-premises employee at all hours the facility is open, in order to access guestrooms. Motels and Extended Stay Motels shall be exempt from this requirement.
 - (1) Establishments offering less than one hundred (100) guest rooms shall feature a lobby of at least seven hundred and fifty (750) square feet; those offering one hundred (100) guest rooms or more shall feature a lobby of at least one thousand (1000) square feet.
- (C) Occupancy by any individual guest shall be limited to no more than thirty-five (35) continuous days and shall not reset based on the guest relocating to another room or the guest “checking out” or otherwise terminating occupancy for less than seven (7) days. Notwithstanding the occupancy limit for hotels and motels generally, for extended stay hotels and motels, individual guests may register, reside in, or occupy a room or rooms within the same facility for up to a continuous ninety (90) day period, however, guests shall not move from one room to another without a three (3) day vacancy in between.

16-4.17 **Junk Vehicles.** No junk vehicle, as defined in this Code, shall be parked or stand on any property in the unincorporated portions of Forsyth County unless:

- (A) It shall be located away from public view from any property line; and
- (B) It shall be on property appropriately zoned with a land use permit issued by the director for the operation of an automobile wrecking business or junk yard; and
- (C) It shall be on the premises of a business enterprise operated in a lawful manner, when necessary to the operation of such business enterprise, or it shall be on property where the repair, remodeling, or reconditioning of vehicles in accordance with other provisions of this Code is the primary use; or
- (D) They are junk vehicles on school grounds which are utilized for training purposes by the Forsyth County Board of Education or an institution of licensed under the proprietary school laws of the State of Georgia, or they are vehicles involved in an accident in which either police investigators or insurance investigators need the wreck to remain at or near where the accident occurred or at some other place where it may be inspected and evaluated for their purposes; or
- (E) Farm vehicles or farm machinery which is used or which is located on a working farm.

The maintenance and presence of any junk vehicles on any property within the unincorporated portions of Forsyth County open to public view from any property line or otherwise not in compliance with this Code shall constitute a public nuisance.

16-4.18 **Junk Yards.** Any junk yard operated or maintained in unincorporated Forsyth County, including automobile junk yards, shall be screened from public view from any property line by a solid wall, planted screen, or similar opaque partition which shall not be less than six (6) feet in height. Such wall, screen, or partition shall comply in all respects with all setback requirements for the district in which it is located. The maintenance and presence of any junk vehicles on any property within the unincorporated portions of Forsyth County open to public view from any property line or otherwise not in compliance with this Code shall constitute a public nuisance.

16-4.19 **Livestock.** In Res1, the raising of livestock requires a conditional use permit. In addition to complying with the performance standards of Res1, the minimum lot size for livestock is two acres and no more than one animal qualifying as livestock per acre. All structures, pens or corrals housing livestock must be located at least 50 feet from any property line. In addition, the raising of livestock must be in compliance with all of the rules and regulations of the Forsyth County Health Department and all applicable state and federal rules and regulations.

16-4.20 **Manufactured/Mobile Homes.** Manufactured/mobile homes may be located, erected or installed only in those districts in which manufactured/mobile homes are a permitted use, as specified in Table 11.1(a), Table 11.1(b) and Table 15.1 unless otherwise specified by this Code. In zoning districts where permitted, all manufactured/mobile homes, whether located upon individual lots or within a manufactured/mobile home park, shall be subject to the following regulations prior to occupancy:

- (A) Maximum Number Allowed. Only one (1) manufactured/mobile home shall be located on a given lot, except as specifically provided in Section 16-4.21, Manufactured/Mobile Homes for Health Hardships.
- (B) Lot Size. The minimum lot size for a parcel with a single manufactured/mobile home located thereon shall be two (2) acres. Manufactured/mobile homes located within a Manufactured/Mobile Home Park shall comply with the lot size and site requirements set out in Article VIII of Chapter 11.
- (C) Exterior. Exterior wall materials and finishes shall be comparable in composition, appearance, and durability to those commonly used in standard residential construction.
 - (1) The exterior wall covering shall be either wood, brick, stone, stucco, vinyl, or lap siding of hardboard.

- (2) No metal siding shall be allowed.
- (D) Roof. The roof shall have a minimum pitch of 3:12.
- (E) Utility Equipment. Utility meters shall be located away from high visibility and usage areas.
- (F) Prohibited Use. A manufactured/mobile home shall not be utilized as an accessory storage structure.
- (G) License Required; Permit Purchase. Any installation of a manufactured or mobile home shall be performed by a licensed installer. No manufactured or mobile home shall be installed or set up on site without first obtaining a permit from the Georgia Office of Insurance and Safety Fire Commissioner and the department.
- (H) Foundation. The home must be set on an appropriate foundation system.
- (I) Skirting. Installation of skirting shall be required.
 - (1) All manufactured/mobile homes shall be skirted or underpinned. Any skirting or underpinning visible from the exterior of the home shall be brick, masonry, or siding that produces the appearance of these materials and shall completely enclose the perimeter of the undercarriage.
 - (2) Vinyl skirting shall be prohibited.
- (J) Hauling Mechanisms. The transportation mechanisms, including wheels, axles, and hitch, must be removed.
- (K) Installation Regulations. Manufactured/mobile homes shall be installed in accordance with rules for manufactured homes promulgated by the Georgia Office of Insurance and Safety Fire Commissioner, as may be amended from time to time, and the installation instructions from the manufacturer, as appropriate.
- (L) Porches, Landings, and Decks. Porches, landings, and decks shall be self-supporting and shall be constructed in compliance with the International Residential Code as adopted and amended from time to time by the Georgia Department of Community Affairs

16-4.21 **Manufactured/Mobile Homes for Health Hardships.** In the A1, R1, R2, LR, and Res1 districts, a manufactured or mobile home may be installed in the rear yard of a lot containing a detached single family dwelling, a manufactured home or a mobile home, in cases where (1) an affidavit exists from a medical practitioner, found acceptable by the Zoning Board of Appeals, that a health or health related problem of a family member warrants close proximity of that relative for care or monitoring purposes; or (2) said second dwelling on the lot is to be occupied exclusively by an individual who has attained the age of sixty-five (65) years or more. Such manufactured/mobile homes shall only be approved in the two instances described above, if they meet the following performance standards:

- (A) Approved Septic System. The manufactured/mobile home can be connected to a public sanitary sewer or septic system with capacity available as approved by the health officer.
- (B) Setbacks. The manufactured/mobile home meets the minimum required setbacks for principal buildings for the district in which it is located.

16-4.22 **Removal.** A location and utilization of the manufactured/mobile home approved pursuant to section 16-4.21 shall be temporary, not to exceed one (1) year; provided, however, that the director may renew the temporary use if no complaints have been received by the director. It shall be unlawful for another person to occupy a temporary manufactured/mobile home except as approved under the original hardship or age exception. A manufactured/mobile home placed pursuant to a Hardship Exemption as allowed in this section may not be rented to another individual once the condition justifying the hardship condition is alleviated. The director shall order the removal of a manufactured/mobile home in cases where the director finds that no hardship continues to exist, or the unit is no longer occupied by an elderly relative, in which case the owner of real property shall within thirty (30) days remove the manufactured/mobile home from the lot.

16-4.23 **Micro-breweries and Micro-distilleries.**

- (A) Minimum size of three thousand (3000) square feet.
- (B) No outside storage, display or production.
- (C) Patios must have enclosures with a minimum fence height of forty-two (42) inches around the patio area.
- (D) If a brewery tasting room is provided, between twenty-five (25%) percent to seventy (70%) percent of the gross floor area of the facility shall be dedicated to the tasting room. If a distillery tasting room is provided, between ten (10%) percent to twenty-five (25%) percent of the gross floor area of the facility shall be dedicated to the tasting room.
- (E) Only alcoholic beverages produced on the property may be served on site.

16-4.24 **Mobile Food Units.**

- (A) Mobile food units shall be considered an allowable accessory use, normally incidental to one or more permitted principal uses in commercial, industrial, or mixed-use zoning districts, Mobile food units may

also be permitted as an accessory use in any zoning district while operating under any of the following circumstances:

- (1) On property owned by a residential homeowner's association, with explicit permission from the organization, and solely for the benefit of its membership.
 - (2) In conjunction with a special event as authorized by this code or other ordinance of Forsyth County.
 - (3) In conjunction with an agritourism business.
 - (4) On the premises of an established business for the private benefit of its employees.
 - (5) When sponsored by a government organization.
- (B) Mobile food units shall be permitted to operate upon completion of all applicable health, safety, and licensing regulations set forth by the State of Georgia, Forsyth County, and any other government organization or entity with jurisdiction over the operation of said use. A permit for operation shall be issued by the department upon successful inspection by the Forsyth County Fire Marshal and shall be valid for a period congruent with fire marshal approval.
- (C) Mobile food units shall not call attention to the operation of said activities either while traveling on the public rights-of-way or when the unit is stationary through the following means: creating sounds, playing music, making amplified announcements, the use of banners, balloons or flyers or similar means. Painting, wrapping, and other means of applying words, pictures or designs directly on the vehicle shall not constitute prohibited "calling attention to" as described herein. At all times the use shall comply with the County's noise control requirements set forth in the Forsyth County Noise Ordinance.
- (D) Mobile food units shall at all times comply with the Forsyth County Sign Ordinance and all parts of this code that regulate signage.
- (E) A Forsyth County business license shall be required for all mobile food units with a permanent, physical presence (base of operations) located within unincorporated Forsyth County.
- (F) The department may recommend to the Board of Commissioners the adoption of additional policies related to mobile food units as deemed necessary to promote the health, safety, welfare, morals, convenience, order, and prosperity of Forsyth County and its citizens; and to provide for attractive, economically viable areas for business and industry.

16-4.25 **Mobile Vendors.**

- (A) Mobile vendors shall operate only on property permitted for such use by this code and upon approval of the Planning Commission or Board of Commissioners.
- (B) Mobile vendors shall comply with all applicable health, safety, and licensing regulations set forth by the State of Georgia, Forsyth County, and any other government organization or entity with jurisdiction over the operation of said use.
- (C) A Forsyth County business license shall be required for all mobile vendors with a permanent, physical presence located within unincorporated Forsyth County.
- (D) Unless otherwise specifically approved by the Planning Commission, mobile vendors shall comply with the following requirements:
- (1) No sales or related activities shall disrupt controlled vehicular ingress and egress or occupy required off-street parking spaces.
 - (2) No sales or related activities shall disrupt pedestrian ingress and egress or occupy required internal sidewalks.
 - (3) No display shall be erected or installed, nor shall any activities take place within a required side or rear setback, a county or state right-of-way, or within fifty (50) feet of a county or state road.
 - (4) Vendors shall not call attention to the operation of said activities through the following means: creating sounds, playing music, or making amplified announcements or similar means. At all times, the use shall comply with the County's noise control requirements set forth in the Forsyth County Noise Ordinance.
- (E) Vendors shall at all times comply with the Forsyth County Sign Ordinance and all parts of this code that regulate signage.
- (F) The department may recommend to the Board of Commissioners the adoption of additional policies related to mobile vendors as deemed necessary to promote the health, safety, welfare, morals, convenience, order, and prosperity of Forsyth County and its citizens; and to provide for attractive, economically viable areas for business and industry.

16-4.26 **Outdoor Lighting.** The following requirements are intended to provide the minimum lighting necessary to ensure adequate safety, night vision, and comfort, and not cause excessive glare, light trespass, and pollution onto adjacent properties and public street right-of-way.

(A) **Applicability.**

- (1) Exempt lighting. The following outdoor lighting is exempt from lighting requirements as outlined in subsection (B):
 - (a) Underwater lighting used for the illumination of swimming pools and fountains;
 - (b) Lighting required and regulated by the Federal Aviation Administration, or other federal, state or local agency;
 - (c) Emergency lighting used by police, fire, or medical personnel, or at their direction;
 - (d) All outdoor lighting producing light directly from the combustion of fossil fuels, such as kerosene and gasoline.
- (2) Prohibited lighting. The following outdoor lighting is prohibited:
 - (a) Neon and faux neon;
 - (b) Aerial lasers;
 - (c) Searchlights or similar lighting devices;
 - (d) For non-residential districts. Light garland, lighted rope, or string lights used to outline windows, roof lines, awnings, or other architectural building features or signs. String lights used for decorative lighting in adjacent open areas may be anchored to the building as long as it does not outline an architectural feature.

(B) **Requirements.**

- (1) **General.** The following shall apply to all outdoor lighting:
 - (a) Light trespass. Outdoor lighting shall be located, aimed, or shielded to minimize glare and stray light trespassing across property boundaries and into the public right-of-way according to the requirements of each zoning district as outlined in the subsections below.
 - (b) Illumination levels. Illumination levels are measured from any height and orientation of the measuring device at any location along the property line, except the lighting of parking lots shall be measured at grade with the meter sensor held horizontally on the surface.
- (2) **Commercial and Industrial Zoning Districts.** The following shall apply to all outdoor lighting in commercial and industrial zoning districts:
 - (a) All outdoor lighting shall be full cutoff except the following:
 - (i) Pedestrian lighting fourteen (14) feet in height or less may be cutoff or semi-cutoff.
 - (ii) Uplighting of flags, steeples, monuments, buildings, and landscaping must use narrow beam, shielded lighting so the bulb is not directly visible beyond the shielding to minimize glare. Illuminance at the level of the illuminated object shall not exceed ten (10) foot-candles. To minimize reflective glare, highly polished surfaces such as glass, marble, glazed tile, glazed brick, porcelain enamel, and highly reflective metals shall not be lighted directly.
 - (iii) Illuminated signage which shall adhere to the requirements outlined in subsection (4) below.
 - (b) Outdoor lighting shall be designed to minimize light spillage to not more than one (1) foot-candle along any residential or agricultural property line and two (2) foot-candles along any public street right-of-way, commercial, or industrial property line.
 - (c) Outdoor lighting shall be limited to thirty-five (35) feet in overall height except under the following conditions when such lighting shall be limited to twenty-five (25) feet in overall height:
 - (i) Project adjacent to residential and/or agricultural property.
 - (ii) Project contains both commercial and residential uses.
 - (d) Security lighting.
 - (i) Security lighting shall be directed toward the targeted area.
 - (ii) Security lights intended to illuminate a perimeter, such as a fence line, shall include motion sensors and be designed to be off unless triggered by an intruder located within five (5) feet of the perimeter.
 - (e) Canopies. Drive-under canopies, including but not limited to those used at fuel stations and convenience stores with fuel dispensing units, shall only utilize recessed lighting.

- (3) **Residential, Agricultural, and MPD Zoning Districts.** The following restrictions apply to lighting in residential, agricultural, and MPD zoning districts:
- (a) All pole-mounted lights shall be full cutoff, cutoff, or semi-cutoff.
 - (b) Pole-mounted lights, amenity area lighting, and lighting for non-residential uses shall be designed to minimize light spillage to not more than one (1) foot-candle along any residential or agricultural property line and two (2) foot-candles along any public street right-of-way, commercial, or industrial property line.
 - (c) Pole-mounted lights shall be limited to twenty (20) feet in height for residential and agricultural zoning districts and twenty-five (25) feet in height for MPD zoning districts.
- Commercial uses and Places of Worship within these districts shall comply with the lighting regulations outlined under Commercial and Industrial Zoning Districts. The director shall make the determination if a proposed use is considered commercial.
- (4) **Signage.** Where permitted, illumination of signs must be in accordance with the following:
- (a) Externally illuminated signage.
 - (i) All lighting of externally illuminated outdoor signs shall be shielded so the bulb is not directly visible beyond the shielding to minimize glare.
 - (ii) All lighting of externally illuminated outdoor signs shall be directed downward toward the sign.
 - (b) Internally illuminated signage.
 - (i) Background and letters. Because it is impossible to fully shield most internally illuminated outdoor signs, such signs shall be constructed with an opaque background and translucent letters and symbols in order to minimize the amount of light trespass and light pollution.
 - (ii) Reverse channel signage consisting of opaque letters and symbols, typically mounted several inches in front of an opaque surface, such as a wall, and illuminated by bulbs or other light emitters embedded within the letters or symbols themselves such that the letters and symbols stand out in front of the reflected light are permissible and encouraged.

16-4.27 **Places of Worship.** Prior to development of any associated accessory uses, approval of the site plan must be granted by the Board of Commissioners. For those accessory uses requiring sketch plat approval per Article V of Chapter 8 of this Code, the Board of Commissioners shall conduct the required public hearing. The director shall schedule the matter with the Board of Commissioners within 60 days of the receipt of the sketch plat application. If the accessory use is a school, a conditional use permit must be obtained.

16-4.28 **Poultry Houses.** In the A1, Agricultural District, poultry houses shall be setback a minimum of one hundred (100) feet from any property line.

16-4.29 **Sand Dredging Within Creek Banks.** The process of removing sand by pump action between the established banks of streams and creeks shall be allowed between the established banks of such waterways within all use districts in Forsyth County; provided, however, that written permission of the landowner is obtained from Forsyth County and the Georgia Department of Natural Resources, Environmental Protection Division; and, provided further, that all other necessary permits are obtained prior to the commencement of the operation.

16-4.30 **Seasonal Sales and Temporary Vending.**

- (A) All seasonal sales and temporary vending activities shall be subject to the requirements of this section unless explicitly exempted by any of the following criteria:
- (1) Fund-raising sales activities conducted by a nonprofit organization.
 - (2) All sales activities conducted as part of an event sponsored by a government agency or in conjunction with a special event alcohol permit issued by Forsyth County.
 - (3) Any sales activity explicitly exempted through official action of the Board of Commissioners.
- (B) **Temporary Sales Permit.** The issuance of a Temporary Sales Permit by the Department of Planning and Community Development shall be required before the commencement of any seasonal sales or temporary vending activities:
- (1) **Validity.** A Temporary Sales Permit shall be valid for a period of no more than 45 consecutive days. Up to four (4) permits may be issued per calendar year, per tax parcel.
 - (a) Permits may not be issued consecutively on the same parcel; a period of 15 days must elapse between the expiration of one permit and the issuance of another.
 - (b) No applicant, individual, or entity may be issued more than one (1) permit per tax parcel per calendar year.
 - (2) **Application Requirements.** The following items shall be provided to the department by the applicant prior to the issuance of a Temporary Sales Permit.

- (a) A Forsyth County business license issued for the current year.
 - (b) Written permission from the property owner to locate on the property and to utilize restrooms for customer and employee use.
 - (c) A site plan showing the designated area on the property for the seasonal sales or temporary vending activities.
 - (d) All applicable approvals, permits, and/or licenses required by any other local, state, or federal governmental organization or entity having jurisdiction over the subject matter.
 - (e) The department may require additional information and documentation as deemed necessary by the director to promote the health, safety, welfare, morals, convenience, order, and prosperity of Forsyth County and its citizens and to provide for attractive, economically viable areas for business and industry.
- (C) **General Requirements.** The following regulations shall apply to all sales activities governed by this section except for those exempted in section (A) above.
- (1) No sales or related activities shall disrupt controlled vehicular ingress and egress or occupy required off-street parking spaces.
 - (2) No sales or related activities shall disrupt pedestrian ingress and egress or occupy required internal sidewalks.
 - (3) No display shall be erected or installed, nor shall any activities take place within a required side or rear setback, a county or state right-of-way, or within fifty (50) feet of a county or state road.
 - (4) Vendors and merchants shall not call attention to the operation of said activities through the following means: creating sounds, playing music, making amplified announcements or similar means. At all times the use shall comply with the County's noise control requirements set forth in the Forsyth County Noise Ordinance.
 - (5) Vendors and merchants shall at all times comply with the Forsyth County Sign Ordinance and all parts of this code that regulate signage.
- (D) The department may recommend to the Board of Commissioners the adoption of additional policies related to these activities and uses as deemed necessary promote the health, safety, welfare, morals, convenience, order, and prosperity of Forsyth County and its citizens; and to provide for attractive, economically viable areas for business and industry
- 16-4.31 **Self-Service Storage.**
- (A) **Area.** The minimum lot size for a self-service storage development shall be two acres, and the maximum developed area for a self-service storage development shall be four acres.
 - (B) **Storage Unit Specifications and Uses.** Individual storage units shall not exceed eight hundred (800) square feet and may not be used for the storage of hazardous materials or toxic substances. The use of individual storage units for living, sales, or hobbies is prohibited. No individual self-service storage building shall be more than two hundred (200) feet long. In the Heavy Commercial (HC) and Business Park (BP) districts, self-service storage developments are limited to single-story buildings. Multi-story buildings are permitted for self-service storage developments in the Highway Business (HB) Commercial Business District (CBD) district, the Restricted Industrial District (M1), and the Heavy Industrial District (M2).
 - (C) **Access.** Access to self-service storage developments is limited to passenger vehicles and two-axle trucks (no semis are permitted). Interior drives between buildings shall be a minimum of twenty (20) feet wide.
 - (D) **Right-of-way Screening Required.** Fencing adjacent to a public right-of-way shall be required for self-service storage mini-warehouses, in the form of an architecturally finished wall.
 - (E) **Outdoor Storage.** Outdoor storage is prohibited unless an open storage yard is permitted in the zoning district in which the development is located.
 - (F) **Hours of Operation.** Self-service storage developments shall not be accessible to the general public (excluding on-site managers) between the hours of midnight and 5:00 a.m.
 - (G) **Separation Distances Between Self-Service Storage businesses.** Separation distances between self-service storage businesses shall be applicable for and measured between the lot of the proposed self-service storage businesses and the lot of any existing self-service storage business. A self-service storage business shall be deemed to exist when it has received land development or building permit approval from the County. Separation distances shall be measured by a straight line connecting the closest distance between the lots. The minimum separation distance shall be three fourths (¾) of a mile. No two self-service storage businesses shall be located on the same lot. The above separation requirements do not

apply to renewal of a license or to applicants seeking a new license for a location previously licensed by Forsyth County as a self-service storage business.

16-4.32 **Sheds.** In A1 zoning districts, sheds shall be allowed without a building permit provided that the shed meets the following requirements:

- (A) The shed shall be no larger than two hundred (200) square feet,
- (B) The shed shall not be outfitted for or serviced by any electrical, mechanical, or plumbing system, and
- (C) The shed shall comply with all setbacks.

All other sheds shall require building permits.

16-4.33 **Short-term Rental.**

- (A) Short-term Rentals may be permitted only in agriculturally and agricultural-residentially zoned properties, and only upon application for and receipt of a conditional use permit.
- (B) In addition to the General Considerations for Decision and the Special Considerations for Decision set forth in Section 8-5.5 of this Unified Development Code, the Board shall consider and may condition approval of an application for a conditional use permit based on the following:
 - (1) Overnight occupancy and the number of guests expected to occupy the premises;
 - (2) Daytime occupancy and the number of guests permitted on the premises;
 - (3) The number of bedrooms;
 - (4) The capacity of the paved or impervious surface parking lot;
 - (5) Lot size;
 - (6) Distance from the structure to be used as a Short-term Rental from all neighboring property lines; and
 - (7) Sewer capacity and/or size and condition of the on-site septic system, as applicable.
- (C) No conditional use permit granted for a Short-term Rental shall become effective until January 1, 2020, and use of any property as a Short-term Rental may not commence until the effective date of the conditional use permit.
- (D) Pursuant to Board of Commissioner action taken on May 21, 2019, those modifications to the Unified Development Code approved April 18, 2019 regarding Short Term Rentals shall not be subject to enforcement or citation until January 1, 2020. This paragraph shall be retroactive to May 21, 2019.

16-4.34 **Reserved.**

16-4.35 **Townhouses.** Townhouse subdivisions are not subject to the minimum lot width standards specified in Table 11.2(a) and Table 11.2(b), but shall conform to the following requirements:

- (A) **Subdivision Plat Approval Required.** Each townhouse development or phase thereof shall require subdivision plat approval in accordance with Chapter 18 of this ordinance and resolution.
- (B) **Streets.** All streets within a townhouse development shall be built to County specifications and dedicated to the public; provided, however, that the rear of townhouses may have vehicular access by way of a private access easement or alley.
- (C) **Lot Size.** Each single family attached dwelling unit must be on a lot of at least 2,500 square feet.
- (D) **Minimum Lot and Unit Width.** Each lot shall be at least twenty-four (24) feet wide. The minimum width of each unit shall also be twenty-four (24) feet.
- (E) **Setbacks.** On interior lots the side setback on the side containing the common wall is reduced to zero. The site setback on the side opposite the common wall must meet the requirement for the side yard for the zoning district in which it is located.
- (F) **Units Per Building and Roof Variations.** To avoid a monotonous appearance, for any given building, no more than six (6) units may have common walls i.e., no more than six (6) units per building. Any building containing more than three (3) units with common walls must have the roof of each attached unit distinct from the other through separation or offsets in roof design.

16-4.36 **Transportation and Utility Facilities.** These facilities are permitted only as conditional uses because of various off-site impacts that may result there from, including but not limited to, generation of waste, danger of explosion, crash, or bodily injury and dangers to adjacent land uses, substantial surface, air, or water traffic, noise exceeding levels fit for safety to the human ear, offensive or unpleasant odors, noxious gases and fumes, excessive temporary or sustained vibration, electromagnetic radiation, environmental degradation through spillage of chemicals or fuels, and aesthetic effects, among others. Prior to the approval of any use defined as a transportation and utility facility, the applicant shall submit a project impact statement that addresses the potential for effects cited in this section and, where such effects are found to be present when such activities are initiated, measures that will mitigate such effects. The County may consult with state and/or federal agencies with or without direct regulatory authority over

such uses and shall be allowed an additional sixty (60) days beyond normal processing times for such conditional uses described in this section.

16-4.37 **Vehicle Sales Dealerships or Vehicle Rental Establishments.**

- (A) Establishments that sell, rent, or lease vehicles must provide parking specifically identified and devoted to customers.
- (B) Adequate space must be allocated, specifically identified, and reserved on the site for the unloading of vehicles brought to the site by car carriers.
- (C) It shall be a violation to park vehicles for sale, rent, or lease in customer parking or unloading areas.
- (D) When abutting a residential zoning district or office residential district, vehicle sales dealerships or vehicle rental establishments require submittal and approval of a photometric plan for lighting to ensure compatibility with adjacent land uses.
- (E) Outside loudspeakers shall not be permitted.
- (F) The operation of vehicles on the dealership property so as to create unreasonable noise and to disturb the peace, quiet and comfort of the inhabitants of surrounding properties is prohibited.
- (G) The following shall apply to all used vehicle sales dealerships:
 - (1) A minimum of one (1) acre of paved surface is required to be reserved solely for display of vehicles. Areas used for buildings, offices, service and repair, or employee and customer parking shall not be included in the calculation of the minimum paved surface.
 - (a) The area used for the parking and display of vehicles must contain a stabilized base of not less than four (4) inches covered by a minimum of two (2) inches of pavement.
 - (b) Pavement shall be made of concrete, asphalt pavement, or other dust-free surface.
 - (2) All vehicles for sale shall be parked in designated parking spaces clearly identified through the use of striping. The location of each parking space must be clearly identified on the site plan.
 - (3) All parked, stored, or displayed vehicles shall be set back at least ten (10) feet from all public rights of way and shall not encroach upon any sidewalk or landscape strip.
 - (4) Parts, materials, supplies, and equipment shall be stored inside an enclosed building.
 - (5) The storage of junk and impounded vehicles is prohibited.
 - (6) No inoperative vehicle nor any part thereof shall be sold or advertised for sale on the premises.
 - (7) The dismantling of vehicles for salvage or sale of parts is prohibited.
 - (8) Where a used vehicle sales dealership also includes vehicle repair or service, the following shall also apply:
 - (a) Automotive services and repairs shall only be performed on vehicles that are to be sold on the premises.
 - (b) Vehicles awaiting service or repair shall be stored inside an enclosed building or on the side or rear yard and screened from view from the right-of-way in accordance with section 12-10.9.
 - (c) No more than four (4) vehicles shall be awaiting service or repair outside of an enclosed building at any one (1) time.
 - (d) Vehicles awaiting service or repair outside are permitted to be parked for no longer than seventy-two (72) hours before they shall be considered junk vehicles regardless of whether or not the vehicle is located within public view, except under the following circumstances:
 - (i) Vehicles may exceed the allotted time threshold when awaiting shipped parts for repair or in the event that a motor vehicle title is in the process of being secured due to abandonment, but no more than two (2) vehicles may be parked outdoors based on such occurrences at a given time.
 - (e) All service and repair activities must be conducted entirely within an enclosed building. Bay doors shall be kept closed unless a vehicle is entering or exiting the building.
 - (f) New facilities shall be designed with bays facing away from the primary street frontage.

CHAPTER SEVENTEEN

PARKING AND LOADING REGULATIONS

ARTICLE I, PURPOSE AND APPLICABILITY:

17-1.1 **Purpose and Intent.**

- (A) Establish requirements for minimum off-street parking and loading areas in proportion to the need created by each use;
- (B) To reduce congestion in the streets and to ensure that uses and functions of public rights-of-ways are not interrupted;
- (C) Establish certain maximum as well as minimum requirements for parking spaces to reduce development costs and ensure that excess impervious surfaces are not constructed, while providing for additional parking spaces additions when a demonstrated need exists;
- (D) To promote flexible approaches to the provision of off-street parking, including in some cases, as appropriate, use of on-street parking, shared parking arrangements, smaller spaces for compact cars, and unimproved overflow or spillover parking areas.
- (E) To encourage the provision of bicycle parking and park and ride facilities, where warranted.
- (F) To establish design and improvement specifications for the development of parking lots, access aisles, parking decks, and connections of parking lots and decks to public streets.
- (G) To ensure that parking areas will be compatible with abutting residential districts.

17-1.2 **Applicability.** This chapter shall apply to any new building constructed; for new uses or conversions of existing, conforming buildings; and for enlargements of existing structures. In addition, this chapter shall apply to any development providing five (5) or more off-street parking spaces. This chapter shall not be construed as to require additional parking spaces to be furnished for an existing building which is repaired, altered, maintained, or modernized, where no significant structural alterations are made and the size of the building is not increased; provided, however, that when the occupancy of any building is changed to another use, parking shall be provided to meet the requirements of this chapter for the new use.

ARTICLE II, REQUIRED PARKING:

17-2.1 **Required Minimum Number of Parking Spaces.** No existing facility used for off-street parking shall be reduced in capacity to less than the minimum required number of spaces, or altered in design or function to less than the minimum standards, unless specifically provided for in this chapter. Buildings, structures, and uses shall meet the following:

TABLE 17.1	
MINIMUM NUMBER OF OFF-STREET PARKING SPACES REQUIRED	
Use	Parking Spaces Required (Per Gross Floor Area Devoted to the Use, or Per Employee on Largest Shift, Except as Otherwise Specified)
Commercial Uses	
Art gallery	One per 400 square feet
Auto parts store	One per 400 square feet plus one per employee
Automobile service and repair	Two per service bay
Bank, credit union, savings and loan	One per 300 square feet (also see stacking requirements for drive-throughs)
Bed and breakfast inn	Two for the owner-operator plus one per guest bedroom
Billiard hall/amusement arcade	One per 200 square feet
Bowling alley	Two for each alley, plus one per each employee

Use	Parking Spaces Required (Per Gross Floor Area Devoted to the Use, or Per Employee on Largest Shift, Except as Otherwise Specified)
Commercial Uses	
Convenience store	One per 250 square feet plus one per employee
Dance hall or school	One space per 150 square feet
Funeral home or mortuary	One per four seats, plus one per two employees, plus one for each hearse, ambulance, or company vehicle
Furniture, carpet, appliance and home furnishing store	One per 1,000 square feet plus one per employee and one per delivery truck
Hardware store	One per 400 square feet plus one per employee
Health or fitness club	Ten plus one per each 250 square feet over 1000 square feet
Hotel, motel, or extended stay hotel or motel	One per guest room, plus one per employee, plus one per specified requirements for restaurants and meeting rooms as applicable
Kennel	One per 400 square feet, plus one per employee
Laundromat	One per each two washer/dryer combinations
Nursery or greenhouse	One per 1,000 square feet devoted to sales
Office – medical	One per 300 square feet
Office – professional	One per 300 square feet
Open air sales	One per 600 square feet of area devoted to open sales
Photographic studio	One per 400 square feet
Restaurant, bar, or tavern	One per 100 square feet
Retail store, not otherwise classified	One per 250 square feet
Salon	One and one-half per operator’s chair, plus one per employee
Self-service storage facility	One per facility manager, plus one per each forty storage units, with two spaces total minimum
Shopping center	Four and one-half spaces per 1000 square feet.
Theater, cinema	One per three fixed seats
Vehicle sales	One per employee, plus one per 150 square feet of repair space, plus one per 600 square feet of showroom
Veterinarian, animal hospital	Four per practitioner
Industrial Uses	
Manufacturing, processing, assembling	Two per three employees
Warehouse	One per two employees or one per 1,000 square feet, whichever is greater
Wholesale merchandise	One per 2,000 square feet
Institutional Uses	
Clubs/Lodges	One per four seats in room with greatest seating capacity
Day care center	One per employee, plus one per eight children, plus one space for each vehicle associated with facility
Government office	One per 300 square feet
Hospital	One per four beds, plus one per two employees
Library or museum	One per 300 square feet
Nursing home	One per three patient beds
Place of worship	One per four seats in room with greatest seating capacity
Post office	One per 200 square feet
School - elementary	One per employee plus 1 additional per 10 employees
School - middle	One per ten students or one per five seats in auditorium or main assembly area, whichever is greater

Use	Parking Spaces Required (Per Gross Floor Area Devoted to the Use, or Per Employee on Largest Shift, Except as Otherwise Specified)
Institutional Uses	
School - high	One per employee plus 1 per 10 students or 1 per 5 seats in auditorium or main assembly area, whichever is greater
Residential Uses	
Apartment, one bedroom	One per unit
Apartment, two bedroom	One and one-half per unit
Apartment, three bedroom	Two per unit
Home occupation	See Section 16-3.1 and 17-6.4 of this Code
Manufactured/Mobile home	Two per unit
Manufactured home park	See R-4 district provisions
Residence within building containing a non-residential use	One per unit
Single family detached or attached	Two per unit
Two family dwelling	Two per unit
Recreational Uses	
Amusement park	Per parking generation study funded by applicant and approved by the Director
Assembly hall or auditorium	One per four fixed seats, or one per 150 square feet of seating area, whichever is less
Basketball court	Five per court
Billiard hall	Two per table
Community center	One per 250 square feet
Country club	One per four hundred (400) square feet of gross floor area. Plus one and one-half per hole for golf course, two (2) per tennis court, and one (1) per one hundred (100) square feet of surface for swimming pools
Golf course	Three per hole
Golf driving range, principal use	One for every tee
Marina	One per two boat slips
Miniature golf	Two per hole
Shooting Range	One per firing point, plus one per employee
Skating rink	One per 250 square feet
Stadium or sport arena	One per twelve feet of bench seating
Swimming pool – subdivision amenity	One per 150 square feet of surface water area
Swimming pool – public	One per 100 square feet of surface water area
Tennis or racquet ball court	Two spaces per court

17-2.2 **Interpretations of Parking Requirements.**

- (A) Fractions. Where a fractional space results during the calculation of required parking, the required number of parking spaces shall be construed to be the next highest whole number.
- (B) Parking Space Requirement Not Specified. Where the parking requirement for a particular use is not described in this chapter, and where no similar use is listed, the director shall determine the number of spaces to be provided based on requirements for similar uses, location of the proposed use, the number of employees on the largest shift, and the expected demand and traffic generated by the proposed use.
- (C) Required Parking for Multiple Uses. When a building includes a combination of uses, the required number of parking spaces shall be the sum of the required parking for each use, when the multiple uses operate simultaneously. For non-simultaneous use, the parking requirements for the use requiring the greater number of parking spaces will govern.

17-2.3 **Reduction of Required Parking for Off-Site Arrangements.** Off-site parking may be used in combination to meet minimum parking space requirements; a reduction of required off-street parking spaces on a

given site may be permitted by the director in cases where additional off-street, off-site, parking area of sufficient quantity and in conformity with this chapter compensates for the reduction, subject to the following:

- (A) The property is under one ownership, or a valid agreement exists between the two property owners for use of the parking area;
- (B) Off-site parking shall not exceed fifty (50) percent of the required parking for a building or buildings.
- (C) Off-site parking shall be located within eight hundred (800) feet of the building or buildings in which it is leased to serve.
- (D) Lease agreements, as applicable, must be of sufficient duration to serve the use or uses proposed to be partially served by the off-site leased parking.
- (E) Safe and convenient pedestrian access, such as a sidewalk or path, must exist or be provided from the structure or use to the off-site parking lot.

17-2.4 **Reduction of Required Parking for Mixed or Joint Use of Parking Spaces.** The director may authorize a reduction in the total number of required off-street parking spaces for two or more uses jointly providing parking facilities when their respective hours of need of maximum parking do not normally overlap, provided that the developer submits sufficient data to demonstrate that the hours of maximum demand for parking at the respective uses do not normally overlap.

17-2.5 **Reduction of Required Parking for Alternative Transportation Arrangements.** The director may in individual cases administratively authorize a reduction in the minimum number of parking spaces for projects that are directly served by public transit and for projects that provide bicycle parking, provided that it can be shown that such available alternative travel modes will reduce the overall need for parking on the site proportional to the requested reduction in parking spaces.

17-2.6 **Reduction of Required Parking When On-Street Parking is Permitted.** The director may in individual cases administratively authorize a reduction in the minimum number of parking spaces for projects that are directly served by on-street parking approved by the Director of Engineering.

17-2.7 **Parking Maximums.** To avoid excessive surpluses which increase development costs and impervious surfaces, parking shall not be provided in quantities greater than twenty five (25) percent above the required minimum; provided, however, the following:

- (A) The director may allow parking at a rate in excess of twenty five (25) percent above the required number of spaces, on a case-by-case basis based upon the scale and impacts of the request, for good cause shown. The applicant shall make said request in writing which shall include documentation from an acceptable industry publication (e.g., Institute of Transportation Engineers, Urban Land Institute, American Planning Association, etc.) or by a study prepared by a traffic engineering firm that documents parking requirements.
- (B) The director may allow a land area for parking that exceeds twenty five (25) percent above the required number of spaces to be designed and reserved for future parking use. In such a case, said reserved parking area shall not be developed except by written permission from the Director, upon demonstration by the applicant that existing parking spaces are occupied at a rate of ninety (90) percent or higher for twenty five (25) percent or more of the regular business hours in which the business or use operates during a non-holiday week.

17-2.8 **Parking Space and Isle Specifications.**

- (A) **Space Size.** An off-street parking space shall be a minimum of nine (9) feet in width and eighteen (18) feet in length.
- (B) **Compact Parking.** Compact auto parking spaces, shall be not less than eight (8) feet wide by seventeen (17) feet long and may be used in commercial parking uses when more than twenty (20) parking spaces are required, provided the area is clearly marked and not more than twenty (20) percent of the entire parking area is designated compact auto parking.
- (C) **Ninety Degree Angled Parking.** For a single row of ninety (90) degree head-in parking, the minimum depth for a parking space plus the width of the aisle shall be forty-two (42) feet. For two (2) rows of ninety (90) degree head-in parking using the same aisle, the minimum depth for parking spaces plus the width of the aisle shall be sixty (60) feet.
- (D) **Forty Five Degree Angled Parking.** For a single row of forty-five (45) degree head-in parking the minimum width of parking space plus aisle shall be thirty-one (31) feet. For two (2) rows of forty-five (45) degree head-in parking using the same aisle, the minimum width for parking space plus aisle shall be fifty (50) feet.
- (E) **Thirty Degree Angled Parking.** For a single row of thirty (30) degree head-in parking the minimum width for a parking space plus aisle shall be twenty-nine (29) feet. For two (2) rows of thirty (30) degree

- head-in parking using the same aisle, the minimum width for parking spaces plus aisle shall be forty-five (45) feet.
- (F) **Parallel Parking**. A single row of parking spaces may be provided parallel to an aisle, provided they are at least twenty-two (22) feet in length and eight (8) feet in width.
- (G) **Driveway Direction**. Driveways less than twenty (20) feet in width, if provided, shall be marked and limited to traffic flow in one (1) direction only.

ARTICLE III, LOADING AREAS:

17-3.1 **Loading Areas Required for Specified Uses**. On the same lot with every building, structure or part thereof, erected or occupied for manufacturing storage, warehouse, truck freight terminal, department store, wholesale store, market, hotel, motel, or extended stay hotel or motel, hospital, mortuary, dry cleaning plant, retail business or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained adequate space for the standing, loading and unloading of such materials to avoid undue interference with public use of streets and alleys.

17-3.2 **Loading Area Specifications**. Unless otherwise approved by the director, loading spaces shall be a minimum of fourteen (14) feet wide, sixty (60) feet long, with fourteen (14) feet of height clearance. Said loading area shall be located to the rear of the building unless site design precludes a rear location, in which case loading shall be to the side of a building.

17-3.3 **Minimum Number of Off-Street Loading Spaces Required**. One off -street loading space shall be provided for the first 10,000 square feet of gross floor area or fractional part thereof for light industrial use and one off-street loading space for the first 5,000 square feet of gross floor area or fractional part thereof for retail or other non-industrial use for which a loading space is required. One additional space shall be required for each additional 25,000 square feet of gross floor area or fractional part thereof for light industrial use and for each additional 10,000 square feet of gross floor area or fractional part thereof for retail or other non-industrial use.

ARTICLE IV, GENERAL PARKING AND LOADING AREA SPECIFICATIONS:

17-4.1 **Location of Parking and Loading Areas**. All off-street parking and off-street loading spaces shall be located on the same lot as the structure or use, except as otherwise specifically permitted by this Chapter.

- (A) Interference with Right-of-Ways Prohibited. Parking space and loading area arrangements that require vehicles to back out into the public road right-of-way are prohibited except in village activity centers where speeds are low and the arrangement is approved by the Director of Engineering. Entrances to off-street parking for single family detached dwellings and manufactured homes onto a local street shall be exempt from this requirement.
- (B) Connections. The director may require that parking areas and loading zones connect to other parcels.

17-4.2 **Accessory Uses of Parking Lots and Loading Areas**. Parking facilities and loading areas shall be operated and maintained in accordance with the following:

- (A) Parking and loading areas shall not be used for the sale, storage, repair or dismantling of any equipment, materials or supplies, except that upon application the Planning Director may approve temporary structures and uses such as tent sales.
- (B) Parking and loading areas shall not be used to store vehicles for sale, except in cases where the property owner owns the vehicle(s), provided auto sales is a permitted use in the district in which the property is located. This provision shall not apply to the placing of a "For Sale" sign on or in one licensed vehicle, boat, or other vehicle at the same time located in a private residential driveway or front yard and which licensed vehicle, boat, or other vehicle is owned by an occupant of said private residence.
- (C) An attendant's shelter building which does not contain more than 50 square feet of gross floor area and which is set a distance of not less than 20 feet from any boundary of the parking lot may be permitted.

ARTICLE V, PARKING AND LOADING AREA IMPROVEMENT REQUIREMENTS:

17-5.1 **Access**. All parking shall have access to a public street. All loading areas shall have access to a public street or alley.

17-5.2 **Drainage**. Parking and loading areas shall be properly graded for drainage, and they shall be drained so as to prevent damage to abutting properties or public streets. Curbing shall be installed as required by the Director of Engineering when considered necessary for drainage.

17-5.3 **Surfacing.** Parking and loading areas shall be surfaced with concrete, asphaltic concrete, asphalt, pavers, or other dust-free surface; provided, however, that porous pavement parking spaces may be substituted for standard dust free pavements subject to the approval of the Director of Engineering according to standards that may be adopted by the Director of Engineering. The Board of Commissioners, however, may grant a variance for standard dust free pavements if (a) the applicant is a non-profit and tax-exempt organization, (b) the parking area under consideration is only for parking that is more than the required minimum as identified by this Code, or (c) the average daily traffic (ADT) associated with the use located on the property is less than 200 vehicles per day as determined by a traffic study. The variance shall be requested by variance application meeting the requirements of section 8-6.3 and in accordance with procedures in section 8-6.4. If a variance is granted, the dust-free pavement parking area shall not exceed a four percent (4%) grade. The Director may approve a gravel parking lot if (i) the lot is to be used for the storage of vehicles or heavy equipment; or (ii) all or a portion of the lot will provide parking for agritourism (Section 15-4.1) and/or special event (Section 15-3.2) uses and the Board of Commissioners authorizes a gravel parking lot for such use. In the event only a portion of a lot would be used for agritourism or special event uses, gravel shall only be authorized for those portions that are used for agritourism or special event use. Notwithstanding the requirements of this section, excess parking for large scale retail establishments shall comply with 12-11.5(F)(4). The provision of this section shall not prevent the use of pervious parking as provided in 21-6.5(D)(3). For purposes of 17-5.3(a-c and ii), all required accessible parking spaces shall be surfaced and shall comply with all requirements of the State of Georgia, including, but not limited to location, dimensions, and identification of accessible spaces.

17-5.4 **Striping.** All parking and loading spaces must be striped with paint lines, lined with curbstones, or otherwise permanently marked to designate the space.

17-5.5 **Lighting.** Adequate lighting shall be provided if the facilities are to be used at night or if necessary for security purposes. See Chapter 16 for lighting requirements.

17-5.6 **Signs.** Signs essential to the proper functioning of the parking lot and loading areas shall be installed. Such signs shall not be illuminated, shall not exceed four feet in area, or nine feet in height.

17-5.7 **Landscaping.** For all parking lots, a ten (10) feet wide strip of land along the entire front perimeter of the site, located between the front property line and any vehicular use area, shall be landscaped. Any appropriately located landscaped or buffered areas, required by this Code, or other codes, can be counted toward this requirement,

- (A) Any parking area exceeding twenty (25) spaces shall provide a minimum of twelve and one half percent (12.5%) of the total parking area as landscaped islands. Landscape strips along the perimeter of a parking area shall not count toward meeting this requirement.
- (B) Each landscape area shall contain turf grasses, shrubs, trees, or other landscape material in any combination, but must consist of at least three plant types. Interior planting areas shall be located to most effectively relieve the monotony of large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic. In order to achieve these objectives, trees shall be provided adjacent to and within the interior portion of parking areas in a ratio of one (1) tree for every ten (10) parking spaces. In addition, every parking space shall be within fifty (50) feet of the trunk of a tree.
- (C) Landscape strips for parking lots along the right-of-way of any road classified as a Minor Arterial or greater shall feature a three (3) foot high evergreen hedge and/or a three (3) foot high vegetated berm. Applicants may opt to provide an additional five (5) feet to the landscape strip [for a total of fifteen (15) feet] in lieu of the aforementioned features.

ARTICLE VI, SPECIAL PARKING REQUIREMENTS:

17-6.1 **Accessible Parking Spaces.**

Number Required. The required number of accessible parking spaces shall be as provided in Table 17.2 below. Accessible parking spaces shall be included in the total number of required spaces and not in addition to the minimum parking requirements. Accessible parking spaces shall comply with all requirements of the State of Georgia, including, but not limited to location, dimensions, and identification of accessible spaces.

Total Required Parking Spaces	Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20 plus 1 for each 100 over 1000

17-6.2 **Stacking Spaces and Lanes for Drive-Throughs.** Stacking spaces shall be provided for any drive-through or establishment having drop-off and pick-up areas. Three (3) stacking spaces for each drive-through window or communication/mechanical device shall be provided beginning at the first window or device encountered by the vehicle user. The following general standards shall apply to all stacking spaces, stacking lanes, and drive-throughs:

- (A) Stacking spaces and lanes shall not impede on and off site traffic movements, shall not cross or pass through off street parking areas, and shall not create a potentially unsafe condition where crossed by pedestrian access to a public entrance of a building.
- (B) Stacking lanes shall be separated from off-street parking areas. Individual lanes shall be striped, marked or otherwise distinctly delineated.
- (C) All drive-throughs shall be provided with a bypass lane with a minimum width of ten (10) feet.

17-6.3 **Semi-Tractor Trailer Parking.** For those uses which cater to the parking of semi-tractor trailers, designated off-street parking spaces shall be required in proportion to the use as determined by the director. All parking spaces designated for semi-tractor trailer parking shall be at least fourteen (14) feet in width and sixty (60) feet in length.

17-6.4 **Commercial Vehicles in Agricultural Zoning Districts.** One commercial vehicle and attached licensed and tagged trailer per acre, with a maximum of two, shall be allowed to be parked in connection with a residential dwelling unit in the Agricultural zoning districts if owned by the occupants of the dwelling unit or owned by a firm, corporation or entity for which a dwelling unit occupant is employed provided they meet the conditions listed herein. Nothing in this Section shall be deemed to supersede the non-conforming uses provisions in Chapter 10 of this Code.

- (A) Commercial vehicle. A commercial vehicle means any self-propelled licensed motor vehicle used on a highway in commerce to transport passengers or property and has a gross vehicle weight rating or gross combination weight rating of 26,000 or more pounds.
- (B) Minimum lot area. The parcel must be a minimum of one acre in size and zoned Agricultural (A1) or Agricultural-Residential (AG-RES).
- (C) Parking area surface. Unless the vehicle and attached trailer are otherwise parked or stored in an enclosed structure, the parking of one commercial vehicle including attached trailer, shall be limited to a stabilized surface made of concrete, crushed stone, gravel, asphalt, or pavers designated for the commercial vehicle and attached trailer, if applicable.
- (D) Vehicle parking location. No portion of a front yard may be used to park a commercial vehicle that is not a part of the driveway or parking area. If a designated parking area cannot be provided then the commercial vehicle and attached trailer, if applicable, must be located in the rear yard.

- (E) Setbacks. The commercial vehicle and attached trailer parking area must be setback a minimum of twenty-five (25) feet from any property line.
- (F) Exemptions. The provisions of this code shall not be construed to apply to:
 - 1. Vehicles owned by persons or business firms at the site for temporary business purposes, delivery, service or repair.
 - 2. Any vehicle involved in ongoing bona fide agricultural operations.
 - 3. Any vehicle owned by government or public utility such as electric, telephone, gas or cable television that is being used for service or repair on permitted construction projects.
 - 4. Any vehicle temporarily parked on the property for construction purposes where construction is underway and for which a current building permit or land disturbance permit has been issued by Forsyth County.
 - 5. Vehicles such as pickup trucks, vans or landscape trailers with two axles not meeting the definition of commercial vehicle.

17-6.5 **Construction Related Parking.** Notwithstanding any other parking restrictions contained in this Code, the restrictions of this section shall take precedence during the site development process. It is the responsibility of the LDP or commercial building permit holder to manage construction related parking in such a manner as to avoid unnecessary inconvenience to the public and to the neighboring properties. All construction related parking with respect to LDPs and commercial building permits shall be located on the site where the construction is to take place and no vehicles shall be parked on the right-of-way or any neighboring property. All construction plans submitted at the time of LDP application shall include a designated parking area for construction vehicles indicated on the plan. If relocation of this designated parking area is anticipated to be necessary during the site development process, each location of this phased parking shall be indicated. Failure to comply with this code section shall be considered a permit violation.

ARTICLE VII, PLANS:

No permit shall be issued for any parking facility until the plans and specifications, including required entrances, exits, and aisles, landscaping, screening, surface materials and drainage, have been submitted for review and are in compliance with this code. Plans and specifications shall include proper drainage and retention, surface materials, curbing and screening as required, all parking areas clearly marked and dimensioned, with handicapped and loading or other special (i.e., compact, porous material) spaces designated. Before any building permit is issued, the parking lot layout must be found by the director to be in compliance with all requirements of this chapter.

CHAPTER EIGHTEEN

SUBDIVISIONS AND LAND DEVELOPMENT

ARTICLE I. PURPOSE AND ADMINISTRATIVE PROVISIONS:

18-1.1 **Title.** These regulations shall be known and may be referred to as the subdivision, and land development regulations of Forsyth County.

18-1.2 **Purposes.** This chapter is adopted with the following purposes:

- (A) To promote the orderly, planned, efficient, and economic development of the unincorporated portions of Forsyth County and to guide future growth in accordance with the Comprehensive Plan.
- (B) To ensure that lands subdivided are of such character that they can be used for building purposes without danger to the health or safety of its residents, and to secure safety from fire, flood, or other menace.
- (C) To prevent the pollution of air, streams, and ponds; to encourage the wise use and management of natural resources throughout the unincorporated portions of Forsyth County, and to preserve the topography and beauty of the community and the value of land.
- (D) To ensure the proper provision of improvements such as drainage, water, sewerage, and capital improvements such as schools, parks, playgrounds, recreational facilities, and transportation facilities.
- (E) To provide for open spaces through the most efficient design and layout of the land.
- (F) To establish procedures for the subdivision and re-subdivision of land in order to further the orderly development of land.
- (G) To provide for the proper monumenting of subdivided land and proper legal descriptions.
- (H) To help eliminate the costly maintenance problems which develop when streets and lots are established without proper consideration given to various public purposes.
- (I) To facilitate and inform lot purchasers who generally lack the specialized knowledge needed to evaluate subdivision improvements and design.
- (J) To offer protection of natural resources through required buffers and undisturbed areas that minimize land disturbance and protect existing vegetation while allowing for the removal of non-native, invasive species at the discretion of the county arborist.
- (K) To accommodate low-impact stormwater best management practices, where appropriate to improve water quality and infiltration.

18-1.3 **Authority and Delegation.** These regulations are adopted pursuant to powers vested in counties by the State of Georgia Constitution and pursuant to state administrative rules for the adoption and implementation of Comprehensive Plans and the protection of vital areas of the State. The Board of Commissioners is vested with the authority to review, approve, conditionally approve, and disapprove sketch plats, and to grant variances from the requirements of chapter 18 and chapter 19 of this Code when applications for variance(s) are submitted simultaneously with a sketch plat application and pertain to the same property as the sketch plat application.

The Director of Planning and Community Development is vested with the authority to review, approve, conditionally approve or disapprove final plats of minor subdivisions and minor re-subdivisions, lot combination plats, lot line adjustments, dedication plats, construction plans and final plats of major subdivisions when such sketch plat approval of construction plans has been obtained.

The Director of Planning and Community Development shall also be authorized to review major subdivisions and major re-subdivisions for conformity to the requirements of this Code, and to make reports and recommendations to the Planning Commission on major subdivisions and major re-subdivisions, and to administer, interpret, and enforce the provisions of this chapter. The Director of Planning and Community Development shall further be authorized to administratively approve variances where expressly authorized in this Code. The Director of Engineering is vested with the authority to require and approve improvements and improvement guarantees specified in this chapter.

18-1.4 **Applicability and Prohibitions.**

- (A) The subdivision regulations of Forsyth County shall apply to all real property within unincorporated Forsyth County, but specifically excluding the subdivision of property as outlined in Section 18-1.5, "Exemptions."
- (B) Effect of prior subdivision regulations. At the subdivider's request, a plat that received preliminary approval under prior subdivision requirements may be processed through the final plat process under such requirements.
- (C) No person shall sell, advertise, or offer to sell, by deed, map, plat or other instrument, any parcel of land not subdivided under the requirements of this chapter.

- (D) No plat of land subdivision shall be entitled to be recorded in the Office of the Clerk of the Superior Court of Forsyth County, and it shall be unlawful to record such a plat of land subdivision, unless and until it shall have been approved in accordance with the requirements of this chapter.
- (E) It shall be unlawful for any person to transfer or sell land by reference to, or by exhibition of, or by other use of, a plat of a land subdivision that has not been approved and recorded in accordance with the requirements of this chapter. The description of such land by metes and bounds in the instrument of transfer shall not exempt the transaction.
- (F) No person shall commence construction of any improvements on any land, prior to the approval of construction plans and engineering plans for said improvements.
- (G) No building permit or certificate of occupancy shall be issued for a building, structure, or use, nor shall any excavation, grading, or land disturbance applications be approved, on any parcel of land created by subdivision after the effective date of this Code that has not been approved in accordance with the provisions of this Chapter.
- (H) No land dedicated as a public street or for other public purpose shall be opened, extended, or accepted as a public street or for other purpose unless such improvements are constructed in accordance with the specifications of this chapter and formally approved and accepted as public improvements by the Board of Commissioners.
- (I) No street or road will be accepted for maintenance by the County unless the property owner(s) first constructs the road to County standards.

18-1.5 **Exemptions from Plat Approval.** The following types of land divisions, transfers, and sales are specifically exempted from the plat approval requirements of this chapter; provided, however, that such exemptions shall not apply to land development requirements of this Chapter, and such exemptions shall not require the County to issue permits should the resulting lots or parcels not meet applicable requirements of this Code.

- (A) The creation and sale of cemetery plots.
- (B) The sale of lots consistent with previously approved and recorded plats or deeds.
- (C) The creation of leaseholds for space within a multiple-occupancy building or the division of property into leaseholds for commercial, industrial, or institutional use.
- (D) The creation of leaseholds for the agricultural use of property where the use does not involve the construction of a building to be used as a residence or for other purpose not directly related to agricultural use of the land or crops or livestock raised thereon.
- (E) Any division of land to heirs through a judicial estate proceeding, or any division of land pursuant to a judicial partition, or any division of land occurring from the foreclosure of a deed of trust.
- (F) Dedication plats prepared for the sole purpose of conveying right-of-way for a public street or highway to Forsyth County, the City of Cumming, or the State of Georgia; provided, however, that such road right-of-way dedication plat shall bear the signature of the Director of Engineering prior to its recording.

18-1.6 **Variances.** Repealed 3-26-01.

18-1.7 **Appeals.** Any person aggrieved by an interpretation or decision of the director, Director of Engineering, or Director of Water and Sewer, or other official responsible for the administration of this chapter may file an appeal to the Forsyth County Zoning Board of Appeals.

18-1.8 **Enforcement, Violations, and Penalties.** The Director of Planning and Community Development shall enforce the provisions of this chapter. The director is authorized to issue stop-work orders and issue citations for violations of this chapter. If it is discovered that a plat was recorded but was not eligible for recording under the provisions of this chapter, then in such an event the director shall cause to be filed a notice of revocation of approval of said plat in the Clerk's Office, Forsyth County Superior Court, with cross reference noted on the plat to the filed revocation, in a form to be approved by the County Attorney. In addition to remedies associated with violations to this Code, the director may institute proceedings to obtain injunction, abatement, or any other appropriate action or actions, to prevent, enjoin, or abate such unlawful action.

ARTICLE II, GENERAL PROVISIONS:

18-2.1 **Land is One Tract until Subdivided.** Until property proposed for subdivision has received plat approval and been properly recorded, the land involving the subdivision shall be considered as one tract.

18-2.2 **Lot Combinations.** An existing lot line forming the boundary between two lots located within the same subdivision may be removed or eliminated through the plat revision process which conforms to the requirements of this chapter. The combining of lots that are not located in the same subdivision is prohibited, except that lots that were formerly in different subdivisions may be combined where applicable covenants have expired either by their

own terms or by application of law, provided that the proposed lot combination between lots in such different subdivisions is approved by the Board of Commissioners in compliance with the sketch plat approval procedures at UDC 8-5.3(D), irrespective of the acreage involved. In the case no plat applies to the subject lots or parcels, a boundary survey and plat depicting all lots involved in the lot combination shall be required to be approved by the director and recorded. Such combination plat shall be titled with the same name as that of the original subdivision and shall indicate thereon that the replat is for the purpose of removing the lot lines between specific lots. For purposes of this paragraph only, the term subdivision shall have the meaning set forth in Chapter 3 but shall also mean lots that are encumbered by effective, valid and enforceable covenants.

18-2.3 **Boundary Line Adjustments.** One or more existing lot lines forming boundaries between platted lots located within the same subdivision, or one or more lot lines between abutting lots or parcels may be adjusted through a final plat revision process that requires the approval of the director and recording of a plat meeting the specifications of a final plat. In the case no final plat applies to the subject lots or parcels, a boundary survey and plat of the entire lots involved in the boundary line adjustment shall be required to be approved by the director and recorded. Such plat showing said boundary line adjustment shall be titled with the same name as that of the original subdivision and shall include thereon that the replat is for the purpose of adjusting the lot lines between specific lots.

18-2.4 **Access Requirements.**

- (A) **Minimum Access Standards.** All lots and tracts hereafter created must front a minimum of sixty feet (60') on a County, City, or State approved public road, with the exception of cul-de-sac lots, which must front a minimum of twenty feet (20') on a County approved public road. In the event property is a landlocked lot, as of the effective date of this Code, the property owner shall acquire a minimum twenty (20) foot easement to a State, City, or County-maintained road, and said easement shall be duly recorded and made a part of the property deed. No building permit shall be issued for any lot that does not meet the minimum access standards of this section, except as otherwise specifically permitted, until such time as there exists a road or street meeting all County standards.
- (B) **Plats Straddling Jurisdictional Boundaries.** Whenever access to the subdivision is required across land within the jurisdictional boundaries of another local government, the Planning Commission may request assurance from the local government authority that access is legally established, and from the local government engineer that the access road is adequately improved, or that a guarantee has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross jurisdictional boundary lines.
- (C) **Additional Rights-of-Way.** Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the minimum street width requirements specified by the County's Major Transportation Plan, and the entire right-of-way shall be provided where any part of the subdivision is on both sides of the street; provided that when the subdivision is located on one side of an existing street, one-half of the required right-of-way, measured from the center line of the existing roadway, shall be provided.

ARTICLE III, STREETS AND DEDICATIONS IN MAJOR SUBDIVISIONS:

18-3.1 **Requirements for Streets.**

- (A) **Public Streets Required.** Access to every lot in a major subdivision shall be provided over a public street, whether it is privately maintained or maintained by the County. Construction of a privately maintained road requires prior approval by the Board and must be constructed to current County standards. All streets and other features in the Major Transportation Plan of Forsyth County, Georgia, shall be platted by the subdivider in the locations and to the dimensions indicated in the Major Transportation Plan adopted by the Board of Commissioners.
- (B) **Street Alignment, Intersections and Jogs.** Streets shall be aligned to join with planned or existing streets. Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles. Street jogs with center-line offsets of less than 150 feet shall not be permitted.
- (C) **Continuation of Existing Streets and Connections.** Existing streets shall be continued as the same or greater width, but in no case less than the required width. The Planning Commission or Board of Commissioners may require that a major subdivision provide one or more future connections to adjoining subdivisions or unsubdivided tracts.
- (D) **Street Plans for Future Phases of the Tract.** Where the plat proposed to be subdivided includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a future street system for the portion not slated for immediate subdivision consideration shall be prepared and submitted by the subdivider.

- (E) **Marginal Access Streets.** Whenever the proposed subdivision contains or is adjacent to the right-of-way of a U.S. or State highway, a marginal access street approximately parallel and adjacent to such right-of-way may be required at a distance suitable for the appropriate use of land between such street and right-of-way.
- (F) **Alleys and Service Access.** Alleys may be provided. If they are provided, they must be paved. The pavement width of an alley must be no wider than twenty (20) feet. Dead-end alleys shall be avoided where possible; but if unavoidable, they shall be provided with adequate turn-around facilities. Service access shall be provided in commercial and industrial districts for off-street loading, unloading, and parking consistent with and adequate for the uses proposed.
- (G) **Street and Subdivision Names.** Street and subdivision names require prior approval by the County. Street and subdivision names shall not be approved that will duplicate or be confused with names of existing streets and subdivisions in the County.
- (H) **Block Length.** Intersecting streets shall be provided at such intervals so as to provide adequate cross traffic. Blocks in residential subdivisions should not exceed one thousand eight hundred (1800) feet nor be less than six hundred (600) feet in length, except where topography or other conditions justify a departure from these standards. In blocks longer than eight hundred (800) feet, pedestrian ways and/or easements through the block may be required by the Planning Commission near the center of blocks.
- (I) **Block Width.** The width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.
- (J) **Street Entrances.** All street entrances to major subdivisions must be landscaped per plans submitted to and approved by the Forsyth County Department of Planning and Community Development. The proposed location of street entrance monuments, if provided, must be shown on the Final Plat and approved by the County. Street entrance monuments must be setback 10 feet from the right-of-way or out of the clear zone for the main road, whichever is greater. Required landscaping must be in place prior to the approval of a Final Plat; provided, however, that the director may allow the planting of landscaping to be delayed by one season, when there exists adverse seasonal weather conditions, subject to the posting of a landscape bond in a form approved by the director.

18-3.2 **Dedications, Generally.** Subdivision streets and right-of-ways and other lands to be dedicated to the public shall be accepted by the County only upon the delivery to the Board of Commissioners of the general warranty deed conveying fee simple title of such right-of-ways and lands. The warranty deed shall be accompanied by an attorney's certificate of title and a tax transfer form addressed to the Forsyth County Board of Commissioners certifying that the grantor in such deed is vested with marketable fee simple title to the property conveyed thereby, free and clear of all liens and encumbrances, and further that the individual executing such deed has full authority to do so. Acceptance of such dedication shall be accomplished by resolution of the Board of Commissioners, a certified copy of which resolution shall be attached to both the deed of dedication and the final plat.

ARTICLE IV, DESIGN REQUIREMENTS FOR LOTS:

This article shall apply to major and minor subdivisions, unless specifically indicated otherwise.

18-4.1 **Adequate Buildable Area Required.** Land subject to flooding, improper drainage or erosion, or that is unsuitable for residential use for topographical or other reasons, shall not be platted for residential use nor for any other use that will continue or increase the danger to health, safety, or of property destruction, unless the hazards can be and are corrected. Each lot shall contain an adequate building site not subject to flooding and outside the limits of any existing easements or setbacks required by this Code.

18-4.2 **Lot Remnants Shall Not Be Permitted.** All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels. The director of Planning and Community Development may permit a lot remnant for a specific purpose such as a detention pond, provided that access and design is appropriate and the lot remnant is restricted to specific non-building use.

18-4.3 **Service Areas.** Commercial and industrial lots shall be adequate to provide service areas and off-street parking suitable to the use intended.

18-4.4 **Lot Area.** The minimum lot area shall not be less than that established by the zoning district in which the subdivision is located.

18-4.5 **Lot Width.** No portion of a lot shall be narrower than sixty feet (60), with the exception of cul-de-sac lots and lots on the inside of curves whose side property lines are perpendicular or radial to the road.

18-4.6 **Side lot lines.** Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.

18-4.7 **Corner Lots.** For residential corner lots, the front setback requirements established in Table 11.2(a) and Table 11.2(b) shall be observed along both street frontages. The applicant shall designate the rear lot line.

18-4.8 **Lot Depth.** Residential lots shall have a depth of not less than 100 feet, unless circumstances make these limitations impracticable.

18-4.9 **Double Frontage Lots.** Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from arterials or overcome specific disadvantages of topography or orientation. A ten (10) foot no access easement shall be required along one of the frontages.

18-4.10 **Locations Adjacent to Major Street.** Where a subdivision borders a freeway, a major arterial, or any other major source of noise, the subdivision should be designed to reduce noise in residential lots to a reasonable level via a landscaped buffer area or lots with greater depth from the major street to enable increased setbacks from the street. Double frontage lots with frontage on a major arterial shall have additional depth in order to allow space for screen planting along the lot line abutting a major arterial. The director may require a ten (10) foot no access easement for double frontage lots for the section of a lot abutting the major arterial.

18-4.11 **Drainage.** Where the subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a stormwater or drainage easement of adequate width as determined by the Director of Engineering and as set forth in 18-5.15. Drainage shall also be designed in accord with Ordinance No. 75 (Stormwater Management Ordinance), the Georgia Stormwater Management Manual and the Forsyth County Addendum that provides the County with the authority to manage drainage. If there exists a conflict between this paragraph and Forsyth County's stormwater management regulations, the stricter stormwater requirement shall control. Parallel streets may be required by the Planning Commission in connection therewith.

18-4.12 **Natural Features and Assets.** In the subdividing of land, due regard shall be shown for all natural features, such as tree growth, watercourses, historic sites or similar conditions which, if preserved, will add attractiveness to the proposed development and safety from hazards.

18-4.13 **Flag Lots and Tracts Prohibited.** No lot within a major subdivision plat shall be approved which constitutes a flag lot.

ARTICLE V, REQUIRED IMPROVEMENTS:

This article shall apply to major and minor subdivisions, unless specifically indicated otherwise.

18-5.1 **Required Improvements.** Each subdivider, and each developer of a lot that abuts a public street, shall be required to submit plans and make the improvements required by this chapter in accordance with the established rules and procedures in this article and the Forsyth County Engineering Department's Construction Standards and Specifications or as otherwise adopted by the Forsyth County Engineering Department. No subdivision plat shall be granted final approval, and no certificate of occupancy for any building shall be granted, until the improvements required of that subdivision or land development have been installed.

18-5.2 **Improvements Mandatory.** Every subdivider/developer shall be required to make the improvements in accordance with the specifications herein and otherwise adopted by Forsyth County.

18-5.3 **Plans Required.** No person shall construct or install any public or private utilities or improvements required by this chapter without first obtaining County review and approval of engineering plans, profiles and specifications therefor.

18-5.4 **Engineered Drawings.** Engineering drawings for public streets, including cross sections and centerline profiles, and public and private water, sewer, and utility systems, certified by a professional engineer registered in the State of Georgia, or if authorized under state law, a registered land surveyor, or professional landscape architect, shall be required to be submitted for review and approval, and such plans must meet the requirements of the Forsyth County, Georgia, Construction Standards and Specifications and applicable provisions of this Code. Prior to approval and recording of a final plat, a registered land surveyor or professional engineer for the subdivider/developer shall submit one copy of all finished, as-built plans of improvements, demonstrating that said improvements, as installed, meet the requirements of this chapter and certifying that the plans accurately reflect actual construction and installation. The Director of Engineering shall maintain all as-built street and utility plans for future use by the County.

18-5.5 **Survey Monuments for Subdivisions.** For all subdivisions, a Georgia registered land surveyor shall install permanent survey monuments at all property corners and land lot lines. Lot corners shall be marked with metal rods not less than 1/2" in diameter and 18" in length and driven so as to be stabilized in the ground.

- (A) Permanent survey monuments shall also be installed in accordance with the most recent edition of Section 180-5-.05 Monument Rules of State Board of Registration for Professional Engineers & Land Surveyors and the Georgia Plat Act (O.C.G.A. 15-6-67) as may be amended from time to time.
- (B) A completed monument description along with survey coordinate data will be submitted to the Geographic Information Office (GIO). Station descriptions will be submitted in a digital format compatible with County systems.
- (C) The two primary stations as referenced in Section 180-7-.05 Monument of the Rules of State Board of Registration for Professional Engineers and Land Surveyors will be provided in latitude and longitude and in State Plane Coordinates, DATUM NAD 83, and are to include a Z-value (elevation).
- (D) The two primary stations will be a minimum of thirty-six inches (36") deep and twelve inches (12") in diameter, placed in poured concrete.

18-5.6 **Streets.** All streets required to be constructed as part of a major subdivision process, or as required to be improved as part of a minor subdivision or land development, shall be constructed and improved, including pavement, in accordance with the standards and specifications for street construction as required by current Forsyth County, Georgia, Construction Standards and Specifications of the Department of Engineering and as provided by this Code.

18-5.7 **Street Signs.** Signs for street names, directions of travel, traffic control, and hazards shall be provided as directed by the Director of Engineering. Unless otherwise approved by the Director of Engineering, street signs shall be installed in accordance with current County Engineering Standards.

18-5.8 **Curbs and Gutters.** The Director of Engineering may require curbs and gutters where in his/her opinion, curbs and gutters are considered essential to adequately handle storm drainage and allow for the placement of underground utilities. Where required, curbs and gutters shall be installed in accordance with Forsyth County Construction Standards and Specifications. All streets and roads not using the curb and gutter design described in the Construction Standards and Specifications must meet all construction and drainage standards for ditches, slopes, and grassing and which shall be guaranteed for a minimum of three years.

18-5.9 **Sidewalks, When Required.** Sidewalks shall be provided in accordance with the Forsyth County Comprehensive Plan.

18-5.10 **Sidewalks, Location.** Sidewalks shall parallel the street pavement as much as possible, but the Director of Engineering may permit sidewalks to be designed and constructed so that they meander around permanent obstructions or deviate from a linear pattern for design purposes.

18-5.11 **Improvements on Abutting Public Streets.** Where a major or minor subdivision abuts and accesses a public street, the subdivider shall install curb and gutter, sidewalk, other road improvements, and a deceleration lane according to standards and specifications of the County as required by the Director of Engineering. Where a land development abuts and accesses a public street, the land developer shall install curb and gutter, sidewalk, other road improvements, and a deceleration lane according to standards and specifications of the County as required by the Director of Engineering.

18-5.12 **Reserve Strips.** Reserve strips controlling access to streets shall be prohibited except under conditions accepted by the County.

18-5.13 **Grading.** All trees, brush, stumps, rocks, or other debris shall be cleared from the street right-of-way, except in cases where trees are required to be preserved by the director in a manner acceptable to the Director of Engineering. All streets shall be graded to lines and grades as to comply with current County standards.

18-5.14 **Drainage System.** An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water. Cross-drains shall be provided to accommodate all natural water flow, and shall be of sufficient length and no less than twenty (20) feet of the top of the stream bank to permit full-width roadways and the required slopes. Drainage shall also be designed in accord with Ordinance No. 75 (Stormwater Management Ordinance), the Georgia Stormwater Management Manual and the Forsyth County Addendum that provides the County with the authority to manage drainage. If there exists a conflict between this paragraph and Forsyth County's stormwater management regulations, the stricter stormwater requirement shall control.

18-5.15 **Drainage Easements and Riparian Buffers.** Where an irrigation ditch or channel, natural creek, stream or other drainage way crosses a subdivision or land development, the subdivider or developer shall provide an easement sufficient for drainage and maintenance. Easements shall be provided for all drainage facilities as approved by the Director of Engineering. When a subdivision or land development is traversed by a watercourse, drainage way, channel, or intermittent stream, a stormwater or drainage easement of at least twenty (20) feet shall be provided.

18-5.16 **Water Main Requirements.** Water mains within major and minor subdivisions must be provided with connections to each lot in the subdivision and each land development, except as otherwise specifically provided.

Minimum diameter of water pipes shall normally be eight (8) inches. If road widening is required as part of the project, such as addition of a left turn lane or deceleration lane, any necessary water main relocation (as determined by Forsyth County) will be done at the developer's expense. Where a subdivision or development is planned on a road that does not have existing County water, and County water is extended to serve the property, or when an upsized County water line is extended to serve a development, then the water main shall be extended along the entire frontage of the property where abutting County right-of-way.

18-5.17 **Water System Requirements.** If a County and/or municipal water supply is not available to the subdivision at the time of constructing improvements for a subdivision or land development, then the subdivider or developer shall provide an adequate water source and an adequate water storage facility. Any community (subdivision) water system shall be approved by and constructed in accordance with the most current Forsyth County Water & Sewer Department Standards. The community (subdivision) water system plan shall also be approved by the Forsyth County Health Officer and a Letter of Approval from the Georgia Department of Natural Resources shall accompany the final plat application; provided, however, that in any minor or major subdivision containing not less than one (1) acre, a community water system need not be installed if the final subdivision plat contains thereon a notation that no such community water system is to be installed. This exception applies only to those major or minor subdivisions in which the lots are all greater than one (1) acre, and each lot is to be served by an individual groundwater well. In this situation, a groundwater well must be approved by the Forsyth County Health Department prior to issuance of a building permit for the lot. No building permit shall be issued within a subdivision or for the development of land, if there is not present throughout the subdivision or the land development an adequate water supply served by a County or municipal service system or by a water authority, unless and until the developer installs a proper water supply system and delivers to the Department of Planning and Community Development a certificate by the Georgia Department of Natural Resources certifying that the water system meets all applicable standards.

18-5.18 **Sewage System.** The sewage disposal options available to each subdivision and land development shall be limited to: (a) Public Sewer; (b) Existing Private Sewage Treatment Plant with Sufficient Capacity; or (c) Private On-Site Sewage Disposal Systems. In every instance where Public Sewer is available it shall be the sole sewage disposal option, and each house, building or property used for human occupancy, employment or other purposes shall be required to connect to and utilize Public Sewer. The availability of Public Sewer shall be deemed to exist when any portion of the development is within 5000 feet of a Public Sewer line and the Public Sewer line can accommodate the anticipated effluent load. The five-thousand (5000) feet requirement applies to development that is within five-thousand (5000) feet of an existing sewer line or sewer line under construction when measured along the gravity route from the property line. The five-thousand (5000) feet requirement does not apply to existing developments on septic where the existing septic system is adequate for the expanded or remodeled facility or home. The installations necessary for sewage disposal shall be installed by and at the expense of the sub-divider, land developer, or lot purchaser, in conformity with the requirements of the Forsyth County Health Department and existing policies, regulations, standards and ordinances approved by the Board of Commissioners.

(A) **Exemptions.** An exemption to the Public Sewer connection requirement may be granted if a development meets certain criteria as defined in this section.

1. For residential subdivisions composed of twenty-five (25) lots or less or stand-alone single houses, a variance can be granted by the Director of Water & Sewer when the gravity flow distance exceeds two-hundred (200) feet per residential lot or unit measured from the property line.
2. For all non-residential development, a variance can be granted by the Director of Water & Sewer when the distance exceeds two-hundred (200) feet per residential equivalent. One residential equivalent is equal to two-hundred and seventy (270) gallons of sewer capacity.
3. Additional Requirements that may be imposed in the reasonable discretion of the Director of Water & Sewer.
 - (a) An entire property will be evaluated for potential development needs and shall not be allowed to subdivide into smaller units to avoid extending to sewer.
 - (b) Any development granted a variance shall note in its' covenants that sewer connection will be required if and when gravity sewer is established within two-hundred (200) feet of the property per the Forsyth County Health Department's ruling and all costs, including tap fees, to make the connection, will be at the property owner's expense.
 - (c) Any proposed development consisting of more than one house or business that is granted a variance shall install "dry" sewer within the development to provide future service to each lot or potential customer connection. The "dry" sewer will be installed in the streets, or in other locations approved by the Department of Water & Sewer. Each potential service connection will be served by a 6" lateral. The sewer will extend to the downstream portion of the

development, and terminate at a location and invert elevation to be approved by the Director of Water & Sewer. All sewer infrastructure will be installed and tested in accordance with Forsyth County specifications.

- (B) **Sewer Variance.** The variance limitations of Chapter 8 notwithstanding, in the event there exists no available Public Sewer or Existing Private Sewage Treatment Plant with Sufficient Capacity, and utilization of a Private On-site Sewage Disposal System is not feasible, a sewer variance may be requested that, if granted, will authorize the collaborative public/private financing, design, construction, and operation of a Public Sewer facility.
1. **Pre-Application Meeting with Water and Sewer Department.** Prior to submittal of an application for a sewer variance, a pre-application meeting shall be conducted with the Director of the Water and Sewer Department, or his designee, to discuss each of the criteria set forth in (A)(5)(a-j) of this section. In addition to those enumerated items, the proposed design of the public sewer facility, anticipated financing of the proposed public sewer facility, anticipated capacity and proposed construction time-line shall also be discussed. Within ten (10) business days of the meeting, the Water and Sewer Department shall issue a memorandum providing a preliminary recommendation in favor of or in opposition to the proposed sewer variance. This memorandum shall be included as part of the sewer variance application filed with the Planning and Community Development department. A sewer variance application unaccompanied by such a memorandum shall not be accepted for filing. (Note: A recommendation in favor of or in opposition to a proposed sewer variance shall not be dispositive of whether a variance will be granted or denied).
 2. **Application Requirements.** In addition to the Water and Sewer memorandum identified in section (A)(1), an applicant for a sewer variance shall also provide all information required in the sewer variance application form as well as a written letter explaining the grounds upon which such variance is requested and should be granted. Such letter must specifically address and provide information pertinent to the criteria for granting sewer variances as specified in (A) (5) (a-j) of this section.
 3. **Public Hearing.** All applications for a sewer variance shall require public hearings and notice as specified in the applicable provisions of Chapter 8 of this Code.
 4. Who Considers variances – Variances under this section shall be reviewed as provided in Section 8-3.2 of this Code.
 5. **Criteria to Consider for Variance Applicants.** The applicant for any sewer variance shall provide written justification as to why the standard sewer or waste disposal options present a hardship. The Zoning Board of Appeals, Planning Commission, and/or Board of Commissioners as the case may be shall make a decision on each sewer variance based on the following criteria.
 - (a) The feasibility of utilization of Private On-site Sewage Management Systems;
 - (b) The financial feasibility of a Public Sewer facility at the proposed location;
 - (c) The proximity to the subdivision or development to Existing Private Sewer Treatment Plant or Public Sewer;
 - (d) The estimated period of time before Public Sewer will become available to the subdivision or development, in accord with the Forsyth County Master Sewer Plan;
 - (e) Whether a Public Sewer facility at the proposed location would be incompatible with Forsyth County's Master Sewer Plan;
 - (f) The anticipated additional demand and/or burden on existing infrastructure (i.e., roads, schools, fire services, etc.) that will be generated by the proposed subdivision or development;
 - (g) Whether a Public Sewer facility at the proposed location would assist Forsyth County in achieving those water reuse and return objectives established by pertinent state and local regulatory authorities;
 - (h) Whether the sewer variance, if granted, will be detrimental to the public safety, health, or welfare of the public or injurious to other property;
 - (i) Whether the conditions upon which the sewer variance request is based are unique to the subdivision or development for which the relief is sought and are not applicable generally to other subdivisions or developments; and
 - (j) Whether, because of the particular location, physical surroundings, environmental considerations, archaeological or historical considerations, shape, size, or topographical conditions of the specific subdivision or development involved, an extraordinary hardship, environmental or health hazard would result, as distinguished from a mere inconvenience, if

available sewer options are utilized.

6. **Variance Decision.** A variance application submitted as part of a rezoning request shall be considered and decided coterminous with the rezoning application. A variance application not submitted as part of a rezoning request shall have a decision rendered within 180 days from the date the application is submitted. If no decision is forthcoming within 180 days, then the sewer variance shall be deemed granted, per the application.
 7. **Review of Variance Decisions.** Review of Variance Decisions under this section shall be conducted consistent with Chapter 8, Article VIII of this Code.
- (C) **Granting of a Sewer Variance.** In the event a sewer variance is granted, the applicant and County representatives shall promptly meet and develop plans for a collaborative sewer collection, treatment and disposal system which shall be built in accordance with Forsyth County design specifications, and titled, owned and operated by Forsyth County or its designee. As part of this collaborative effort, the County and the applicant shall meet and formulate a strategy for the (1) financing of the sewer plant, if applicable, (2) remuneration of sewer financing expenses to the applicant, if applicable, (3) capacity allocations, (4) competitive bid criteria, (5) time-line for commencement of construction, (6) permitting issues, and (7) any other matters necessary and pertinent to the construction and financing of the Public Sewer. Adherence to Forsyth County design specifications with respect to the Public Sewer facility shall not be a negotiable item.
- (1) **Disputed Terms.** If, after good faith attempts are exhausted, the County and the applicant are unable to reach resolution on any or all of the terms of a collaborative agreement to construct a Public Sewer facility, a three member panel shall be assembled to consider and resolve disputed terms. The County and the applicant shall jointly prepare a statement indicating those terms that are agreed upon and those terms that are disputed. This statement shall be provided to the panel. More than one panel may be assembled if the disputed terms encompass multiple subject areas requiring panels with varied expertise.
 - (2) **Panel Membership.** One member of the panel shall be a qualified professional chosen by the applicant; one member of the panel shall be a qualified professional chosen by the County. The third member shall be a qualified professional chosen by both the County and applicant-appointed panel members. The panel shall consider the variance application, documentation on file as part of the variance process, and the joint statement by the County and applicant, and shall issue a decision resolving the disputed terms within thirty days of assembly. A majority of the panel must resolve disputed issues. The decision of a panel shall be final.
 - (3) **Contract formation.** Upon receipt of the panel(s)' decision, the County and the applicant shall enter into an agreement for the construction of a Public Sewer facility incorporating the terms mutually agreed upon and/or as resolved by the panel. This contract shall be subject to approval by the Forsyth County Board of Commissioners, which approval shall not be unreasonably withheld or delayed.
 - (4) **Withdrawal.** At any time prior to execution of the contract identified above, the applicant shall be permitted to withdraw the request for a collaborative Public Sewer agreement. In the event of withdrawal, no party may make a renewed sewer variance request involving the same property for a period of one (1) year.
 - (5) **Appeal.** In lieu of withdrawal, an applicant may, within 30 days of a panel decision, appeal to the superior court to determine whether the panel decision was the product of (1) corruption, fraud or misconduct, (2) an overstepping by the panel of their authority or such imperfect execution of it that a final and definite award upon the subject matter submitted was not made; or (3) a manifest disregard of the law.

18-5.19 **Water Impounding Structures.** The minimum design standards and specifications for any proposed dam or water impounding structure within the subdivision shall be the criteria used in the "Georgia Safe Dams Act of 1978" (Ga. Code Ann. Section 12-5-370, et.seq. as may be amended from time to time) and all current standards, as applicable and as required by the Director of Engineering. Any existing structure within a proposed subdivision shall be brought structurally in line with the standards and specifications stated herein prior to final plat approval. The design, plans and specifications must be prepared by a qualified professional engineer, and be reviewed by the Director of Engineering. This in no way relieves the developer of any liability for damages directly or indirectly related to any water impounding structure throughout the life of such structure. Water impounding structures shall be installed in accord with Ordinance No. 75 (Stormwater Management Ordinance), the Georgia Stormwater Management Manual and the Forsyth County Addendum that provides the County with the authority to manage water

impounding structures. If there exists a conflict between this paragraph and Forsyth County's stormwater management regulations, the stricter water impoundment requirement shall control.

18-5.20 **Oversizing of Improvements and Utilities.** The subdivider or land developer shall construct such oversized improvements the Director of Engineering determines are necessary, provided that the subdivider shall not be obligated for the additional cost of improvements and utilities that are not uniquely required for that development, and provided the subdivider agrees to a proposal by the Director of Engineering to share in the cost arrangements for over-sizing improvements. A formula may be developed by the County to provide for a sharing of the cost of other improvements needed to serve the subdivision when certain of the improvements are necessary to serve other developments in the vicinity.

18-5.21 **Fire Flow and Fire Access.** Fire hydrants with appropriate water pressure at appropriate intervals throughout the subdivision or to a land development shall be provided by the subdivider or land developer as required by the County Fire Department. Minimum required fire flows are 750 GPM for residential and 1,500 GPM for commercial/industrial unless otherwise specified by the Fire Chief or his designee. Residential fire flow shall be no less than 1,000 GPM when the distance between structures is less than 20 feet. Fire lanes shall be provided as required by the County Uniform Fire Code and where necessary to protect the area and provide emergency access.

18-5.22 **Subdivision Improvement Guarantees.** In order to protect the County and prospective purchasers of and residents in a subdivision, the subdivider/developer shall provide to the County financial security to guarantee the installation of public improvements. The subdivider's or developer's financial guarantee may be any of the following: (1) An escrow of funds with the County; (2) An escrow with a bank or savings and loan association upon which the County can draw; (3) An irrevocable letter of commitment or credit upon which the County can draw; (4) A performance bond for the benefit of the County upon which the County can collect; (5) A certificate of deposit with assignment letter; and (6) Any other form of guarantee approved by the Board of Commissioners that will satisfy the objectives of this section. The guarantee shall be in an amount to secure the full costs, as determined by the County, of constructing or installing the improvements and utilities required. All drainage facility construction shall be guaranteed for a minimum of three (3) years.

18-5.23 **Common Area.** In residential developments, a common area must be provided in any subdivision planned for fifty (50) units or more, excluding CR2 subdivisions, which shall require common area regardless of the number of planned units. This area shall be provided at the rate of no less than five (5) percent of the total area of land within the proposed subdivision unless otherwise indicated in the residential performance standards tables. Common area shall be located and designed to ensure it is capable of being used and enjoyed by the residents for active or passive recreation. This area shall be accessible via pedestrian connections and include some combination of walking trails, bikeways, neighborhood pocket parks, community gardens, civic gathering places, and passive and/or active recreation facilities.

18-5.24 **Maintenance of Common, Non-Public Facilities.** Where the subdivision has an incorporated property owner's association for management, the title of all common areas, drainage easements and amenities areas not accepted for dedication to the public shall be conveyed to the association for management and maintenance upon the earlier of (1) when management of the subdivision is transitioned from the developer to a property owners' association or like entity, or (2) at the time of final build out of all residential units. This language shall not place an affirmative obligation on the county to monitor the transfer of title of common areas, drainage easements and amenity areas; but shall authorize county action and enforcement in the event of reported failures of compliance. Where a property owners' association is not incorporated, deed restrictions shall be recorded and referenced on the final subdivision plat. Inspection and Maintenance of these facilities shall be monitored in accord with the Forsyth County Addendum to the Georgia Stormwater Management Manual, Section 4.2.2. If there exists a conflict between this paragraph and Forsyth County's stormwater management regulations, specifically including Section 4.2.2 of the Addendum, the stricter inspection and maintenance obligations shall control.

18-5.25 **Utilities.** Electric power lines, telephone lines, cable telephone line, fiber optic cable, and similar utilities shall be underground.

18-5.26 **Common Mailbox Facilities.** Common mailbox areas must include a roofed area to provide shelter to the patron from the elements. Such structures are exempt from setback requirements as noted in section 10-1.15(D).

ARTICLE VI, APPLICATION REQUIREMENTS AND PROCEDURES:

18-6.1 **Application Requirements.** The Director of Planning and Community Development shall not accept any application for the subdivision or development of land as complete unless and until the application meets all pertinent requirements specified in this Chapter. Application requirements for land subdivisions and land developments are summarized in Table 18.1. All plats and construction plans shall be submitted in accordance with the requirements specified in Table 18.2.

TABLE 18.1
APPLICATION REQUIREMENTS

Requirement	Minor Subdivision	Major Subdivision	
		Construction plans	Final Plat
Pre-application review with staff	Recommended		
Application form completed		Required	Required
Letter requesting approval with name, address, and phone of applicant			
Number of copies of plat	4 Copies or as specified by the director	9 Copies or as specified by the director	10 Copies or as specified by the director
Filing fee per Resolution/schedule	Required	Required	Required
Description of type of water supply and sewerage system and utilities to be provided	Required	Required	Required
Water model sealed by a Professional Engineer		Required	
Soil test for each lot proposed for on-site septic tank and drainfield		Required	Required
Data on existing conditions			
Traffic Study			
Public Participation Plan/Report			
Hydrological or other engineering study	Per County Engineer	Required	
Development of regional impact application			
Subdivision entrance monument and landscaping elevation/plan		Required	
Warranty deed for the dedication of streets and other public place			Required
Written approval from electric utility company regarding installation of service points and pole-mounted lights			Required
As-built drawings of public improvements			Required
Subdivision improvement guarantee			Required
Certificate of title	Required		Required
Plat Certificate	Per County Engineer		Required

**TABLE 18.2
 PLAT AND PLAN REQUIREMENTS**

Information Required to be on the Plat or Construction Plans	Construction Plans	Final Plat
Scale (minimum)	1"=100 feet	1"=100 feet
Sheet size (maximum)	24" x 36"	18" x 22"
North arrow and graphic engineering scale	Required	Required
Reference to north point (magnetic, true north, or grid north)		Required
Proposed name of subdivision and phases, if any	Required	Required
Vicinity Map	Required	Required
Total acreage of the property being subdivided	Required	Required
Name, address, and telephone of owner of record	Required	Required
Name, address and telephone of subdivider	Required	Required
Name, address and telephone of preparer of plat	Required	Required
Date of plat drawing and revision date(s) if any	Required	Required
Exact boundaries of the tract to be subdivided by bearings and distances, tied to one or more permanent monuments.	Required	Required
Names of owners of record of all abutting land	Required	Required
Bearings and distances to one or more land lot line(s), and any Municipal or County boundaries within the property.	Recommended	Required
Existing buildings and structures on or encroaching on the tract to be subdivided	Required	Not Shown
Existing streets, utilities and easements on and adjacent to the tract	Required	Required
As-built fire flow test at each fire hydrant for residential developments		Required
Environmental conditions (streams, wetlands, watershed protection districts, flood hazard areas, river corridor boundaries, etc.)	Required	Required
Location of any bury sites. A statement, in bold print, stating: "The only material to be buried on-site is vegetative material, provided it is not buried within 100 feet of any property line or enclosed structure. Construction waste may neither be burned nor buried and must be taken to a state approved landfill."	Required	Not Shown
Preliminary tree protection and replacement plan	Required	Not Shown
Block boundaries lettered and each lot numbered consecutively counterclockwise without repetition		Required
Dimension of all lots	Approximate	Exact
Locations of streets, alleys, lots, open spaces, and any public use reservations and/or common areas	Required	Required
Right-of-way widths and pavement widths for existing and proposed streets	Required	Required
Locations, widths and purposes of easements	Required	Required
Street centerlines showing lengths of tangents and curb data	Required	Required
Acreage to be dedicated to the public		Required
Street names	Required	Required

Information Required to be on the Plat or Construction Plans	Construction Plans	Final Plat
Street mailing address for each lot		Required
Topography (U.S.G.S. Quad maps are sufficient for sketch plat)	Required	Not Shown
Digital submission (in format required by County Information Technology Staff)		Required
Minimum front setback for all lots	Required	Required
Location and description of all monuments		Required
Certificate of ownership and dedication* * For minor plats, only if required by the County Engineer		Required
Plat recording and signature block		Required
Signature block for Planning Commission approval		Required
Land surveyor's stamp, certificate*, signature, including field survey and closure statement * For minor plats, only if required by the County Engineer	Required	Required
Statement of and reference to private covenants	Recommended	Required
Schedule of construction for all proposed projects with particular attention to development planned for the first year	Required	
Designated parking area(s) for construction related vehicles	Required	

18-6.2 **Sketch Plat.** Sketch Plat purpose, requirements and procedures are addressed in Chapter 8 of this Code.

18-6.3 **Construction Plans.**

- (A) Application. Upon approval of a sketch plat, the subdivider or land developer may apply for construction plans approval. In the case of a minor subdivision, or in cases where a sketch plat is not required by this article, the subdivider or land developer may apply for approval of construction plans; provided, however, that in the case of a minor subdivision or land development the applicant for construction plan approval should hold a pre-application conference with the Department to ensure that plans meet the intent and specific provisions of this Code. The construction plan approval process is administrative. Applications for construction plan approval shall be made in accordance with requirements shown in Table 18.1 and 18.2. No application for a construction plan shall be accepted for processing or approved by the director until a sketch plat, if required, has been approved and the proposed construction plans are found by the director to substantially conform with said approval and any conditions of such approval.
- (B) Director's Decision Criteria. The only basis upon which the director may deny a construction plan is the failure of the application to meet the requirements of this Code or any other applicable Forsyth County Ordinance or the failure of the construction plans and application to meet the requirements of sketch plat approval specified by the Planning Commission.
- (C) Certificate of Approval. All copies of the construction plans shall be noted by inscription on the plat as follows:
- (D)

"Pursuant to the Unified Development Code of Forsyth County, Georgia, and all requirements of approval having been fulfilled, these construction plans have been given approval by all Reviewing Departments, with final approval by the director, or a designee of the Planning & Community Development Department, the issuing authority for Forsyth County. Construction plan approval does not constitute approval of a final plat, if required, and does not entitle this plat and plans to recordation in the Clerk's Office, Forsyth County Superior Court. The certificate of construction plan approval shall expire and be null and void one year from the date of the Planning & Community Development Department approval stamp as found on the cover sheet of these plans."

- (E) **Certificate Expiration.** The Planning & Community Development Department stamp of approval on construction plans shall certify that the plans are approved, but such stamp shall not constitute approval of a final plat, if required. In the case of a subdivision, it indicates only the layout has been approved as a guide to the preparation of final plat, and that improvements are authorized to be constructed. Construction plan approval shall expire and be null and void one year from the date of Planning & Community Development Department approval stamp as found on the cover sheet of said plans, unless activity toward improvement upon the land has been initiated, or unless an extension of time is approved by the Department.

18-6.4 **Final Plat.**

- (A) **When Required.** All major and minor subdivisions shall require final plat approval. The final plat approval process is administrative. Applications shall be made in accordance with requirements shown in Table 18.1.
- (B) **Criteria For Approval.** The Director of Planning and Community Development may grant final plat approval if the following conditions are met:
- (1) A sketch plat of the proposed subdivision has been previously officially approved by the County when required.
 - (2) Construction plans have been approved by the director.
 - (3) All improvements have been installed and inspected by the Director of Engineering, or adequate provisions have been made to guarantee such improvements. The Forsyth County and/or City of Cumming Water and Sewer Department must approve utility construction prior to the approval of the final plat.
 - (4) The final plat meets all applicable requirements of this Code.
 - (5) A complete final plat application has been submitted, including all supporting materials required by this Chapter for final plats.
 - (6) If a final plat has not been approved within one (1) year of initial submittal, the application for final plat approval is null and void. The final plat must be resubmitted and the applicant must pay a resubmittal fee.
 - (7) In residential developments, any amenities area must be permitted and under construction before the issuance of a final plat.

Final plats and applications that meet the above-referenced conditions shall be considered a ministerial action of approval by the Director of Planning and Community Development. Denial of a final plat shall be permitted only upon specific findings that one or more of the above-referenced conditions have not been met.

- (C) **Approval Certificate.** Upon approval of the final plat, a certificate, stamped directly on the plat, shall state:

"Pursuant to the Unified Development Code of Forsyth County, Georgia, and all requirements of approval having been fulfilled, this final plat was given approval by all Reviewing Departments, with final approval by the director, or a designee of the Planning & Development Department, the issuing authority for Forsyth County. This final plat is entitled to recordation in the Clerk's Office, Forsyth County Superior Court, on or after the date as indicated on the Planning & Development Department approval stamp as found on the cover sheet of these plans."

- (D) **Additional Plat Specifications.** Per those requirements identified in Table 18.1 and 18.2 to be supplied on a final plat, each major subdivision final plat – and all minor subdivision plats when deemed necessary by the County Engineer - shall contain certificates in the following form:

- (1) **Surveyor's Certificate.** A certificate by a surveyor directly on the applicable plat as follows:

It is hereby certified that all monuments and improvements shown hereon actually exist except as otherwise indicated, and that their location, size, type and material are correctly shown.

By: _____
Registered Georgia Land Surveyor No.: _____

- (2) **Owner's Certificate.** A certificate by the owner directly on the applicable plat, signed in an appropriate manner as follows:

The owner certifies that all state and local taxes and other assessments that have been billed for collection by the pertinent taxing authority have been paid. The owner donates and dedicates to the public for use forever the public street right-of-way as shown on this plat.

Owner

Signed, sealed and delivered in the presence of:

Witness

Notary Public

ARTICLE VII. SUPPLEMENTARY PROVISIONS FOR MINOR SUBDIVISIONS:

Notwithstanding other provision of this chapter, minor subdivisions shall be governed by the following:

18-7.1 **Flag Lots.** Flag lots within minor subdivisions shall be permitted, provided that flag lots within a minor subdivision shall meet the minimum access requirements as specified by this Code. At no point may the staff or "pole" portion of a flag lot be less than sixty (60) feet in width. Minor subdivisions may contain more than one flag lot; however flag lots may not adjoin each other or share common property lines. This provision shall not be construed to prohibit the approval of two contiguous flag lots in separate minor subdivisions under separate ownership. Under no circumstances may two flag staffs or "poles" be contiguous.

18-7.2 **Access.** A maximum of three (3) lots within a minor subdivision may fail to abut a public road or street only in an instance where the subdivider provides access to said individual lot over and across a valid easement containing a minimum width of twenty (20) feet. The location and dimensions of such access shall be shown upon the minor subdivision plat and clearly identified as an easement and shall only be used for a maximum of three (3) parcels, whether previously platted or newly created under the terms of this chapter. In instances where a minor subdivision contains such lots that do not abut a public road, the final plat of the minor subdivision shall also contain the following owner's certificate:

"I, the undersigned owner hereby dedicate the access easement shown on this plat to the common use of the owner, or owners, of the lot within this subdivision. It is further acknowledged that the accessway and any improvements within such access easement shall not be accepted by Forsyth County, Georgia, but shall remain privately owned and maintained.

Owner

Signed, sealed and delivered in the presence of:

Witness

Notary Public"

18-7.3 **Limitations on Minor Subdivisions.**

- (A) Purpose. Minor subdivisions provide certain advantages that tend to favor their use over the filing of major subdivision applications. Said advantages include a shorter application period and approval process, less public scrutiny, and less rigorous requirements for access to three of the lots in a minor subdivision. Given these advantages, the prospect exists that subdividers may seek to divide a parcel via consecutive and/or contiguous minor subdivisions instead of filing for a major subdivision. It is the intent of the Board of Commissioners to prohibit the practice of “chain” subdivisions where the same land owner subdivides land and then files minor subdivision applications on contiguous common parcels, which collectively total seven (7) or more lots. It is also the intent of the Board of Commissioners to prohibit minor subdivisions adjacent to each other within a three-year time period, in cases where part of an original tract of land is now owned by another person or entity and was transferred or sold to another owner with the apparent intent to circumvent the major subdivision process.
- (B) Contiguous common parcels, as defined by this Code, shall be referenced on all applications for minor subdivisions and contiguous common parcels shall be considered part of any application for minor subdivision, for purposes of determining whether or not the division of land proposed is a major subdivision or a minor subdivision. Contiguous common parcels shall not be counted as lots in the case of a minor subdivision.
- (C) Land within a minor subdivision, including all contiguous parcels owned by the subdivider, shall not be further divided for a period of three years unless a sketch plat application is filed and approved as a major subdivision pursuant to the requirements of this chapter.
- (D) If property proposed to be subdivided was part of an original tract, and if the property proposed to be subdivided abuts land that has been divided as a minor subdivision in the last three years, then minor subdivision of said property shall be prohibited. This provision shall not be construed to prohibit the approval of two contiguous minor subdivisions under separate ownership; however, this provision is intended to be construed liberally so that one property owner does not develop a minor subdivision on part of an original tract and transfer or sell another part of the original tract for the purposes of minor subdivision within a three year period. It is the intent that land abutting a minor subdivision that was owned by the subdivider of the abutting minor subdivision shall not be subdivided as a minor subdivision for a period of three years, regardless of ownership.

ARTICLE VIII, INTRAFAMILY LAND TRANSFERS:

18-8.1 **Eligibility.** A land subdivision shall qualify as an intrafamily subdivision plat if it meets the following requirements:

- (A) Each and every conveyance of a tract or parcel of land contained within the subdivision plan shall be an intra-family transfer to the children or the spouse and children of the Grantor or surviving heirs of deceased children of the Grantor.
- (B) No consideration shall pass from the Grantees to the Grantors other than love and affection. Transfers for money, tangible or intangible personal property, real property exchanges, or other conveyances for consideration are excluded.
- (C) The provisions of this Article shall be available only for minor subdivisions.
- (D) The provisions of this Article shall apply only to simultaneous transfers of tracts or parcels of land and all platted parcels shall be immediately transferred with recording of the deeds simultaneously with the final subdivision plat.
- (E) The proposed subdivision must meet all requirements of this Code
- (F) No Grantee shall receive more than one approved parcel.

18-8.2 **Plat and Procedural Requirements.** To be eligible for approval, the following requirements shall be met:

- (A) The proposed subdivision must contain only lots which are one (1) acre or greater in area, unless a variance is obtained.
- (B) Each subdivided parcel shall be substantially equal in area as topography permits.
- (C) A plat of the proposed subdivision shall be presented for approval to the Planning Commission.
- (D) An easement for ingress and egress, minimum sixty (60) feet wide at all points, shall be shown on the plat running from a public road maintained by the State of Georgia, the Political Subdivision of Forsyth County or the City of Cumming to each divided tract or parcel. If such easement runs across lands of persons other than those owned by the proposed Grantor(s), reference must be given on the subdivision

- plat to the place of recording of the deed granting the sixty (60) foot easement across the property of such other person(s). The easement shall be owned by the Grantees in fee simple as tenants in common.
- (E) The plat must contain thereon a notation as follows:

"The easement shown on this plat is for the exclusive use of the approved lots _____ shown. No other property shall be allowed to use the easement for ingress and egress until the easement meets County standards and is accepted by the governing authority. The approved lots shall not be further subdivided until such acceptance or upon the grant of variance pursuant to regulations. The property owner(s) shall be required to bring said easement and the travel way within the easement up to County standards prior to the dedication of the right-of-way and acceptance of maintenance by the County."

- (F) The name of each Grantee shall be shown on each tract created.
- (G) The sixty (60) foot easement shall traverse the tracts or parcels to be conveyed contiguous to the boundaries thereof and shall not divide a single tract or parcel.
- (H) All deeds, affidavits, and costs for recording shall be submitted to the Planning and Community Development Department at the same time the final plat is presented for approval.
- (I) The platted easement shall be cleared of trees and brush for safety purposes along the centerline thereof to a minimum width of thirty (30) feet with an installed traveled surface in the center of such thirty (30) foot strip, such installed traveled surface to be graded to a minimum width of twenty two (22) feet with adequate drainage provided to prevent flooding of the roadbed. All tracts or parcels shall use this right-of-way for ingress and egress to the publicly maintained road.
- (J) The sixty (60) foot easement shall show two ten (10) foot wide strips within such right-of-way and contiguous to the boundaries thereof within which all utility installations serving the parcels shall be placed.
- (K) The subdivision plat shall contain thereon, in addition to other notations required by this chapter for final plats, a notation that "no warranty deed, quit-claim deed, executor's or administrator's deed or assent to devise, or other transfer of any interest in the property shall be executed or recorded transferring any tract or parcel, or portions thereof, unless such division has been specifically approved by the Planning Commission.
- (L) An affidavit, signed by all Grantors and Grantees in a form approved by the County Attorney, stating that no consideration for the transfer of the properties shall pass other than love and affection, shall be filed with the Department of Planning and Community Development.

ARTICLE IX, PRIVATE STREETS:

18-9.1 **Private Streets Permitted.** Notwithstanding other provisions of this chapter (Section 18-2.4(A) and Section 18-3.1(A)), private streets may upon application be permitted by the Board of Commissioners within major subdivisions, subject to the requirements of this article. Applications for approval of private streets shall be considered by the Board of Commissioners. The Board of Commissioners may impose conditions on the approval of private streets to ensure the health, safety and welfare of the general public and to mitigate potential problems with private streets.

Notwithstanding other provisions of this chapter (Section 18-2.4(A) and Section 18-3.1(A)), a private street may be permitted as part of a subdivision containing six or fewer lots on lands zoned A1 and LR, without the specific approval of the Board of Commissioners, as a major subdivision, subject to the requirements of this article; provided, however, that no more than six (6) lots shall be served by any individual private street pursuant to this provision.

Private streets shall not be permitted or approved pursuant to this article when it is proposed in a location shown on the County's official map as a future public street or on the County's major thoroughfare plan as a public street.

18-9.2 **General Provisions.**

- (A) It shall be unlawful for any person, firm, or corporation to construct a new private street or alter an existing private street or to cause the same to be done without first obtaining a land disturbance permit for such construction or alteration from the Department.
- (B) It shall be unlawful for more than six (6) lots to be served by a private street, except as may be specifically approved by the Board of Commissioners as provided in Section 18-9.1.
- (C) All private streets shall be constructed to all standards for public streets as required by this Code, construction specifications of the County Engineering Department, and the Director of Engineering. No

land disturbance permit for a private street shall be issued unless the proposed street is in conformity with County standards and requirements for public streets and the provisions of this Code.

- (D) No final plat involving a private street shall be approved unless said final plat conforms to the requirements of this chapter.
- (E) All provisions of this chapter regarding public streets, including the design, submittal of plans, required improvements, etc., shall apply to all private streets approved pursuant to this article.

18-9.3 **Street Names and Easements for Private Streets.** Private streets shall be named. The subdivider of land involving a public street shall install street signs with content containing the street name and the designation "private," as approved by the Director of Engineering. Easements for private streets shall be designated on final plats as general purpose public access and utility easements, along with the name of said private street. Said easement shall at minimum be of the same width as that required for the right-of-way of a public street by the major thoroughfare plan and the Director of Engineering for the type of public street (local, collector, etc.) most closely resembling the proposed private street. Easements for private streets shall not be included in any calculation of minimum lot size or density limitations established by this Code. In the cases of private streets serving six (6) lots or less, the general purpose public access and utility easement for the private street shall be shown in a manner on the final plat such that each lot fronting the private street extends to the centerline of the private street. No lot shall be permitted to be divided by the general purpose public access and utility easement required and established for a private street. In the cases of private streets serving seven (7) or more lots, the general purpose public access and utility easement for a private street shall be drawn as its own discrete parcel to be dedicated to a private homeowners association (i.e., not shown to be a part of any lot).

18-9.4 **Maintenance.** The County shall not maintain, repair, resurface, rebuild, or otherwise improve streets, signs, drainage improvements or any other appurtenances within general purpose public access and utility easements established for private streets. A private maintenance covenant recorded with the County Clerk of the Superior Court shall be required for any private street and other improvements within general purpose public access and utility easements established for private streets. The covenant shall set out the distribution of expenses, remedies for non-compliance with the terms of the agreement, rights to the use of easements, and other pertinent considerations. The Covenant shall specifically include the following terms:

- (A) The Covenant shall establish minimum annual assessments in an amount adequate to defray costs of ordinary maintenance and procedures for approval of additional needed assessments. The Covenant shall also specify that the funds from such assessments will be held by a homeowners or property owners association in cases of a subdivision fronting on a private street.
- (B) The Covenant shall include a periodic maintenance schedule.
- (C) The Covenant for maintenance shall be enforceable by any property owner served by the private street.
- (D) The Covenant shall establish a formula for assessing maintenance and repair costs equitably to property owners served by the private street.
- (E) The Covenant shall run with the land.
- (F) The Board of Commissioners may, at its discretion, as a condition of approving private streets, require a performance bond and/or maintenance bond be submitted by the subdivider and held by a homeowners or property owners association, or the Board may require that the subdivider pay an amount of money as recommended by the Director of Engineering into an escrow account or other suitable account for the maintenance and repair of private streets and stormwater management improvements, to be drawn from by the homeowners or property owners association as maintenance and repair needs may arise.
- (G) The subdivider/developer shall provide to the County an acceptable form of financial security to guarantee the repair and maintenance of public water and sewerage improvements and utilities, including, but not limited to water lines, sewer lines, pump stations, force mains, and lift stations. The subdivider's or developer's financial guarantee, whichever is applicable, may be any of the following on a form required by or acceptable to the County: (1) An escrow of funds with the County; or (2) A maintenance bond for the benefit of the County upon which the County can collect. The financial guarantee shall be in an amount to secure the full costs, as determined by the Director of Water & Sewer, of maintaining and repairing said improvements and utilities for a period ending upon the later of the County's issuance of a release letter regarding the bond or 18 months after recording of the County approved final plat for the subdivision, or subdivision phase, as the case may be. The previous sentence notwithstanding, in no event will the financial guarantee extend for longer than thirty-six months. To the extent no release letter has been issued by the County within thirty-six months of the guarantee being issued, the guarantee shall be deemed to automatically expire at the expiration of the thirty-sixth month.

18-9.5 **Specifications for Final Plats Involving Private Streets.** No final plat involving a private street shall be approved by the Department for recording unless and until it shall contain the following on the face of the plat:

- (A) Deed book and page reference to the recorded covenant required in Section 18-9.4 above.
- (B) "WARNING, Forsyth County has no responsibility to build, improve, maintain, or otherwise service the private streets, drainage improvements, and other appurtenances contained within the general public purpose access and utility easement or easements for private streets shown on this plat."
- (C) "Grant of Easement. The general purpose public access and utility easement(s) shown on this plat for private street(s) is hereby granted and said grant of rights shall be liberally construed to provide all necessary authority to the County, and to public or private utility companies serving the subdivision, for the installation and maintenance of utilities, including, but not limited to electric lines, gas lines, telephone lines, water lines, sewer lines, cable television lines, and fiber optic cables, together with the right to trim interfering trees and brush, together with a perpetual right of ingress and egress for installation, maintenance, and replacement of such lines.

Signature of Property Owner"

- (D) The following certificate of dedication shall be required, unless the Board of Commissioners or other authorized representative of Forsyth County waives the dedication requirement.

"Certificate of Dedication. All water and sewer lines installed within the general purpose public access and utility easement(s) shown on this plat for private street(s) are hereby dedicated to Forsyth County.

Signature of Property Owner"

18-9.6 **Requirement for Purchaser's Acknowledgement of Private Responsibilities.** Prior to the sale or as a condition of the closing of a real estate transaction involving any lot served by a private street in Forsyth County, the subdivider or seller of said lot shall execute a notarized purchaser's acknowledgement of private street construction and drainage maintenance responsibilities set forth below. A copy of the purchaser's acknowledgement shall be retained by the purchaser and shall be required to be submitted as a condition of a building permit for a principal building on said lot:

"Purchaser's Acknowledgement of Private Street and Drainage Maintenance Responsibility.

(I) (We) have read the Declaration of Covenant which pertains to the lot that is the subject of this real estate transaction _____ (insert address or attach legal description). (I) (We) understand that the Declaration of Covenant applies to the lot that (I am) (we are) purchasing and requires (me) (us) to provide a specified percentage or amount of the financing for the construction and maintenance of any private street and drainage facilities serving the lot which (I am) (we are) purchasing, and that owners of other lots in this plat may sue and recover for those costs which this covenant requires (me) (us) to pay, plus their damages resulting from (my) (our) refusal to contribute, plus reasonable attorneys fees. (I) (we) further understand that the County has no obligation to assist with the maintenance and improvement of the private street, drainage facilities, and other appurtenances within the general purpose public access and utility easement for the private road serving the lot in question. I (we) understand that a copy of this purchaser's acknowledgement shall be required as a condition of the issuance of a building permit for a principal building on the lot (I am) (we are) purchasing.

Purchaser

Purchaser"

ARTICLE X, GENERAL BUFFER REGULATIONS:

18-10.1 **Buffer Protection Requirements.** All undisturbed buffers (whether exterior buffers or stream buffers or any other designation) shall be identified with orange, four-foot tree-save fencing prior land-disturbance. Tree-save fencing shall remain in place until issuance of Certificate of Occupancy or Certificate of Completion.

18-10.2 **Augmentation.** All buffers are required to be undisturbed, except as provided below. Undisturbed buffers shall be augmented, however, with plantings in order to satisfy requirements of the Forsyth County Buffer Standards if sparsely vegetated.

18-10.3 **Prohibited Encroachments.** Prohibited buffer encroachments include, but are not limited to, buildings, pavement, parking, service areas, detention ponds, roads, septic tanks, septic drain fields, and walls, unless otherwise specified in Section 18-11. A buffer may be disturbed for approved access and utility crossings including, but not limited to, water and sewer lines, drainage pipes, and gas lines provided that it does so via a perpendicular crossing that does not run parallel within the buffer. An exception to a perpendicular crossing restriction may be requested for Side and Rear Buffers. In addition, the removal of non-native, invasive species is allowed within zoning buffers at the discretion of the county arborist. If a required buffer cannot provide a visually impervious screen, it shall be supplemented with additional plantings as specified in the Forsyth County Buffer Standards. Specific buffer types are defined below.

18-10.4 **Buffer Measurement.** The specified width of a buffer is measured as extending along the entire portion of the common property line and from the common property line extending into the interior of the subject parcel.

18-10.5 **Buffer Controls by Type.** The following regulations are found in various chapters of this Code, including Chapter 10 General Provisions, Chapter 16 Supplementary Regulations and Chapters 11, 12, 14 regulating Zoning Districts. For convenience, these regulations are itemized here.

- (A) Residential Exterior. The exterior buffer required by Chapter 11 for some residential developments may be disturbed for grading and/or development of a site.
- (B) Georgia Highway 400 – Limited Access (Fulton County to SR 369 right-of-way). The required buffer shall meet the requirements of the Forsyth County Buffer standards to achieve a visual screen.
- (C) Large Scale Retail. The buffer required along property lines abutting residential, agricultural or OR zoning district shall remain undisturbed.
- (D) Stream Buffer. See Section 18-11.
- (E) Side and Rear Buffer Zoning District requirements. The buffer required along property lines abutting residential, agricultural or OR zoning districts may be disturbed and replanted when site conditions dictate, as documented by the Engineer of Record and as permitted by the Director of Planning and/or Engineering. Specifically, such disturbance may occur only in instances where erosion control issues, stormwater management methods (excluding structural stormwater control practices), topography, and/or the installation of water and sewer lines require clearing and/or grading. In regards to utility crossings, in instances where the line must run parallel within the buffer, compliance with the Forsyth County Buffer Standards must be met; said easement cannot reduce the minimum planting requirement or width of the required buffer. All disturbed buffers must comprise of one extra row of plantings in addition to the minimum requirements as indicated in the Forsyth County Buffer Standards prior to final site approval.

ARTICLE XI, STREAM BUFFER REGULATIONS:

18-11.1 **Applicability.** The provisions of this Article shall apply to all land development activity on property containing State Waters as defined in Chapter 3 of this Unified Development Code. These requirements are in addition to, and do not supersede, any applicable buffer requirements established under state law, and approval under or exemption from the requirements of this Article does not constitute approval under or exemption from buffer requirements established under state law or from other applicable local, state or federal regulations.

- (A) The requirements of this Article shall not apply to the following activities:
 - (1) Work consisting of the repair or maintenance of any lawful use of land that is zoned and approved for such use on or before the effective date of this Article.
 - (2) Existing agriculture, silviculture, landscaping, gardening and lawn maintenance.
 - (3) Any land development activity that is under construction, permitted for development, or has been submitted for approval as of the effective date of this Article.
 - (4) Multi-Phased land-disturbance activities. With respect to the applicability of this Article, a grace period shall exist for multi-phased developments (whether for office parks, master-planned communities or

otherwise identified multi-phase developments) for which any of the following exist prior to the effective date of this Article:

- (a) initial phases have already been permitted, or
- (b) a site plan had been approved through the sketch plat process showing an alternate stream buffer or,
- (c) an approval for zoning included conditioning the property to a specific site-plan, provided that the approval date preceded November 14, 2004.

For such developments, discrete phases that have not been submitted for permit approval as of the effective date of this Article shall be allowed two years to do so and shall be allowed to utilize the previous stream requirements identified on their site plans or zoning condition. Permit applications submitted more than two years after the effective date of this article, however, shall meet the buffer and setback requirements herein.

- (B) Exemptions. The following specific activities are exempt from this Article. Exemption of these activities does not constitute an exemption for any other activity proposed on a property.
 - (1) Activities for the purpose of building the following:
 - (a) a stream crossing by a driveway, transportation route or utility line;
 - (b) Water and Sewer utility lines and pumping stations, provided that the Director of Water and Sewer determines that the buffer is the best location for such facilities;
 - (c) public water supply intake or public wastewater outfall structures;
 - (d) intrusions necessary to provide access to a property;
 - (e) public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;
 - (f) unpaved foot trails and paths; any paths or trails constructed and maintained by the County, and; any paths that connect to a County trail system, subject to approval by the County Engineer.
 - (g) activities to restore and enhance stream bank stability, vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used.
 - (h) water features designed specifically for stormwater best management practices, as determined by the Director of Engineering.
 - (2) Public sewer line easements paralleling the creek, except that all easements (permanent and construction) and land disturbance should be at least 25 feet from the top of the bank. This includes such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures. This exemption shall not be construed as allowing the construction of roads, bike paths or other transportation routes in such easements, regardless of paving material, except for access for the uses specifically cited in (1) above.
 - (3) Authorized land development activities within a right-of-way.
 - (4) Within an easement of any utility existing at the time this Article takes effect or approved under the terms of this Unified Development Code, land disturbance activities and such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures.
 - (5) Emergency work necessary to preserve life or property. However, when emergency work is performed under this section, the person performing it shall report such work to the Department of Engineering on the next business day after commencement of the work. Within 5 days thereafter, the person shall apply for a permit and perform such work within such time period as may be determined by the Department of Engineering to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the protection area.
 - (6) Forestry and silviculture activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity. If such activity results in land disturbance in the buffer that would otherwise be prohibited, then no other land disturbing activity other than normal forest management practices will be allowed on the entire property for three years after the end of the activities that intruded on the buffer.

18-11.2 **Stream Buffer Requirements.** All land development activity subject to this Article shall meet the following requirements:

- (A) An undisturbed natural vegetative buffer shall be maintained for 50 feet, measured horizontally, on both banks (as applicable) of State waters as measured from the top of the bank.
- (B) An additional setback shall be maintained for 25 feet, measured horizontally, beyond the undisturbed natural vegetative buffer, wherein all impervious cover shall be prohibited, except for stormwater management facilities. Grading, filling and earthmoving shall be minimized within the setback; allowance for such activity

shall consider needs for retaining walls and other topographical requirements as determined by the Department of Engineering.

- (C) No septic tanks or septic tank drain fields shall be permitted within the buffer.
- (D) Additional Permit Application Requirements for Developments on Properties that Contain State Waters. Any permit application for property requiring buffers and setbacks hereunder must include the following:
 - (1) A site plan showing:
 - (a) The location of all State waters on the property;
 - (b) Limits of required buffers and setbacks on the property;
 - (c) Buffer zone topography with contour lines at no greater than five (5) foot contour intervals;
 - (d) Delineation of forested and open areas in the buffer zone; and,
 - (e) Detailed plans of all proposed land development in the buffer and of all proposed impervious cover within the setback, including documentation establishing a properly approved variance or qualifying exemption that would permit land disturbing activity within a buffer or setback;
 - (2) A written description of any proposed land development within the buffer and setback; and,
 - (3) Any other documentation that the Director of Planning and Community Development or Director of Engineering may reasonably deem necessary for review of the application and to insure that the buffer zone regulation is addressed in the approval process. All buffer and setback areas must be recorded on the plat, final plat, or as-built of the property following plan approval.

18-11.3 Administration of Stream Buffer Requirements.

- (A) Variance Procedures. Variances from the above buffer and setback requirements may be granted in accordance with the following provisions:
 - (1) Who Considers Variances. Variances under this section shall be reviewed as provided in Chapter 8 of this Code and apply to those requested in conjunction with zoning application requests.
 - (2) Public Hearing. All applications for a stream buffer variance shall require a public hearing and notice as specified in the applicable provisions of Chapter 8 of this Code.
 - (3) Variances will be considered only in the following cases:
 - (a) When a property's shape, topography or other physical conditions existing at the time of the adoption of this Article prevents land development unless a buffer variance is granted.
 - (b) Unusual circumstances wherein strict adherence to the minimal buffer requirements in this Article would create an extraordinary hardship, as distinguished from a mere inconvenience. Variances will not be considered when, following adoption of this Article, actions of any property owner of a given property have created conditions of a hardship on that property.
 - (4) At a minimum, a variance request shall include the following information:
 - (a) A site plan that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey;
 - (b) A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
 - (c) A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated;
 - (d) Documentation of the extraordinary hardship should the buffer be maintained;
 - (e) At least one alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;
 - (f) A calculation of the total area and length of the proposed intrusion;
 - (g) A stormwater management site plan, if applicable; and,
 - (h) A buffer mitigation plan in accordance with the Stream Buffer Mitigation Checklist. Forsyth County acknowledges the beneficial functions of undisturbed stream buffers including: water quality protection, pollutant/runoff infiltration, maintenance of base flow water levels, erosion/sedimentation reduction, increased channel/bank stability, stream shading, support of aquatic and terrestrial wildlife habitats, and recreational/aesthetic value. To compensate for the lost stream buffer functions due to impacts, mitigation should revegetate, protect, and otherwise maintain and improve stream buffer functioning at the same site where the impact will occur.
 - (5) Incomplete applications which fail to include the above information shall not be considered.

- (6) The Department of Engineering shall prepare and submit to the board considering the variance (Zoning Board of Appeals, Planning Commission and/or Board of Commissioners) a technical comment on the applicant's mitigation measures, alternative designs and/or explanations of why an alternative plan is not possible.
- (7) The following criteria will be considered in determining whether to issue a variance:
 - (a) The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
 - (b) The locations of all State Waters and on the property, including along property boundaries;
 - (c) The location and extent of the proposed buffer or setback intrusion; and,
 - (d) Whether request is the minimum necessary to accomplish the proposed development and whether alternative designs are possible which require less intrusion or no intrusion;
 - (e) The long-term and construction water-quality impacts of the proposed variance;
 - (f) Whether issuance of the variance is at least as protective of natural resources and the environment.
- (B) Responsibility. Neither the issuance of a development permit nor compliance with the conditions thereof, nor with the provisions of this Article shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose any liability upon Forsyth County, its officers or employees, for injury or damage to persons or property.
- (C) Validity. Approvals are valid per Section 8-6.4 (C) of this Code.
- (D) Review of Variance Decisions. Applicants may petition the Board of Commissioners regarding variance decisions per Chapter 8, Article VIII of this Code.
- (E) Inspection. The Director of Engineering may cause inspections of the work in the buffer or setback to be made periodically during the course thereof and shall make a final inspection following completion of the work. The permittee shall assist the Director of Engineering in making such inspections. Forsyth County shall have the authority to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this Article, and for this purpose to enter at reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites of any land development activities within the protection area. No person shall refuse entry or access to any authorized representative or agent who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out official duties.
- (F) Violations, Enforcement and Penalties. Any violation of the provisions of this Article or the requirements of an approved site plan or permit may be subject to the enforcement actions detailed in Chapter 22 of the UDC or Ordinance No. 73 (Soil and Sedimentation Control Ordinance), Section VII, whichever shall result in the greater potential penalty to the offender. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief.

ARTICLE XII, ADDITIONAL UNDISTURBED AREA REGULATIONS:

18-12.1 **Applicability.** The provisions of this Article shall apply to any land development activity within designated zoning districts as noted below. These requirements are in addition to any applicable buffer requirements established under state and local law.

- (A) Residential developments of at least 25 acres located within residential zoning districts shall adhere to the following:
 - (1) An undisturbed area of separation shall exist between each contiguous area of disturbance as regulated by the Forsyth County Soil Sedimentation and Erosion Control Ordinance (Ordinance #73). The square footage of each undisturbed area of separation shall be calculated based on a minimum width of 50 feet as measured from the perimeter of each contiguous area of disturbance. The total square footage may then be designed and located in a manner that replicates a naturalistic shape, but such area shall not fall below a minimum width of 50 feet and the total square footage must adhere, at minimum, to the calculated square footage total and be placed between each contiguous area of disturbance.
 - (2) An undisturbed area of separation may only be disturbed for streets, sidewalks, trails and access for utilities including but not limited to water and sewer lines, drainage pipes, and gas lines, via a

perpendicular crossing as well as the removal of non-native, invasive species at the discretion of the county arborist.

ARTICLE XIII, OPEN SPACE AND LOW-IMPACT STORMWATER DESIGN:

18-13.1 **Purpose and Intent.** The provisions of this Article are intended to incentivize aesthetically-enhanced, natural looking stormwater management facilities designed to function as accessible community amenities and runoff reduction measures that incorporate enhanced landscape design for community benefit.

18-13.2 **Applicability.** The provisions of this Article shall apply to open space requirements associated with any zoning district, but shall not pertain to conservation subdivisions as regulated by Chapter 19.

18-13.3 **Incentive Requirements.**

(A) Approved design features noted below may be applied towards minimum open space requirements at two times the amount of square footage for non-residential zoning districts to include the Master Planned District (MPD) and one and a half times the amount of square footage for residential districts. Square footage calculations shall include those areas serving as a low-impact stormwater control feature and may also include community amenity elements such as pedestrian paths and seating located within and around such features.

(B) Developments in any zoning district may incorporate the following low-impact stormwater design options within required open space upon county review and approval. Approval shall be granted provided the design satisfies the requirements of this Article.

(1) Stormwater ponds that have a minimum permanent pool of water as long as all of the following elements are incorporated:

- (a) Naturalized landscaping along gentle pond side slopes;
- (b) Fountain for aeration to maintain water quality;
- (c) No physical barriers around the pond perimeter;
- (d) Pedestrian, pervious path with seating is located around pond perimeter. Path system must provide safe and convenient connectivity from pond area to either a residential subdivision amenity area or non-residential, primary building entrance(s) and then to the public street network. Connections to amenity areas and building entrances may be impervious when part of a sidewalk or multi-use trail network within the development.

(2) Incorporation of grass filter strips subject to the following:

- (a) Turf grass or similar groundcover is provided to filter out sediments and other pollutants from runoff;
- (b) Design shall be in accordance with the Georgia Stormwater Management Manual;
- (c) Routine mowing of filter strip shall be required for proper maintenance;
- (d) Filter strips may be located in required landscape strips.

(3) Parking lot bioretention applications which may include the following:

- (a) Lot grading that is designed for sheet flow towards linear landscape areas and parking islands;
- (b) Curb-less pavement edges used to convey water into depressed parking islands or other landscape areas;
- (c) Parking lots that are graded so that flows reach a curb-less pavement edge or curb cut before reaching catch basins or storm drain inlets;
- (d) Turf grass at the edge of parking lots to serve as a grass filter strip when the depression for bioretention is located within a pervious area that is adjacent to the parking lot.

(4) Courtyards utilized for collecting runoff from a storm drain system or roof leaders that may be directed to these areas or other pervious locations on site where bioretention may be installed.

(C) Planting plans sealed by a registered landscape architect must be submitted for each bioretention area and shall include the following:

- (1) Delineation of planting areas including the size and species of all plant material;
- (2) Plant material shall be based on the goal of simulating a terrestrial, forested community of native species including grass and herbaceous ground covers, shrubs, and trees, which shall achieve surface area coverage of at least 75% within two (2) years;
- (3) The proper selection and installation of plant materials is critical to the performance and function of bioretention areas and shall be based on guidelines found in Appendix D, Georgia Stormwater Management Manual.

- (D) The Engineering Director may administratively approve an alternate low impact stormwater design where the proposed design satisfies the intent of this Article at least as well as the designs identified in this Article and the public health, safety and welfare is protected.

CHAPTER NINETEEN

CONSERVATION SUBDIVISIONS

ARTICLE I. PURPOSE AND INTENT:

19-1.1 This chapter is intended to provide for residential subdivisions that are designed based first and foremost on the provision and preservation of open space, but that accommodate the entire amount of development that would otherwise be legally possible under conventional subdivision designs, and that:

- (A) Minimize the environmental and visual impacts of new development on critical resources, aesthetically pleasing areas, and historically and culturally significant sites and structures;
- (B) Encourage more efficient development of land by affording greater flexibility of design and placement of buildings and structures;
- (C) Reduce infrastructure construction costs;
- (D) Contribute to an interconnected network of permanent open space in the County;
- (E) Provide for undivided open space within new developments;
- (F) Enhance quality of life for residents by creating more attractive and pleasing living environments;
- (G) Reduce the demand on public expenditures for open space, parkland, play fields, and other areas for active and passive recreation;
- (H) Minimize disturbances to streams, steep slopes, and vegetation and provide increased opportunities to maintain natural conditions; and
- (I) Meet design requirements and guidelines established in this chapter for the protection of conservation areas.

ARTICLE II. APPLICABILITY OF CHAPTER 18 AND CHAPTER 11 TO CONSERVATION SUBDIVISIONS:

19-2.1 It is the intent of this chapter to create and preserve open space and to provide alternative standards for the development of land to those specified in Chapter 18, Subdivisions and Land Development and those specified in Chapter 11, Residential Districts. Provisions of Chapter 18 and Chapter 11 that are specifically addressed in this chapter shall not apply. However, in cases where the provisions for conservation subdivisions do not address a particular question or issue, the provisions of Chapter 18 and Chapter 11 shall apply.

ARTICLE III. OPEN SPACE AND CONSERVATION AREAS:

19-3.1 **Required Specifications.**

- (A) **Minimum Size.** The minimum size of a conservation subdivision shall be twenty-five (25) contiguous acres. Division of the subject property by a public road is prohibited.
- (B) **Area in Open Space.**
 - (1) Each conservation subdivision shall provide a minimum of forty percent (40%) of its total land area as open space, as defined by this Code. The amount of acreage dedicated to secondary conservation areas must equal at least thirty percent (30%) of the total primary conservation areas. If the total amount of open space provided is comprised of sixty percent (60%) or more secondary conservation area as described below, the overall total open space amount required shall be reduced to thirty percent (30%) of the total land area. Open space may be comprised of up to one hundred percent (100%) secondary conservation area.
 - (2) Open space shall be no less than five (5) contiguous acres.
 - (3) The width of any open space tract shall be at least twenty-five (25) feet.
 - (4) Exterior buffers cannot be counted towards the secondary conservation area total.
- (C) **Primary Conservation Areas.** Primary conservation areas refer to the most ecologically sensitive and often severely constrained land, including land as shown in Table 19.1. A conservation subdivision shall identify and integrate all primary conservation areas into permanent open space. Refer to figure 19.1 for guidance on the conservation subdivision design process.
- (D) **Secondary Conservation Areas.** Secondary conservation areas refer to locally noteworthy or significant features of the natural or cultural landscape and include land as shown in Table 19.1. A conservation subdivision shall identify secondary conservation areas and shall strive to integrate all or a portion of

them into undivided, permanent, open space. “Undivided” refers to contiguous, usable open space; small strips of land remaining randomly among parcels or isolated “alley” strips do not qualify as meeting the required conservation area standards. Refer to figure 19.1 for guidance on the conservation subdivision design process.

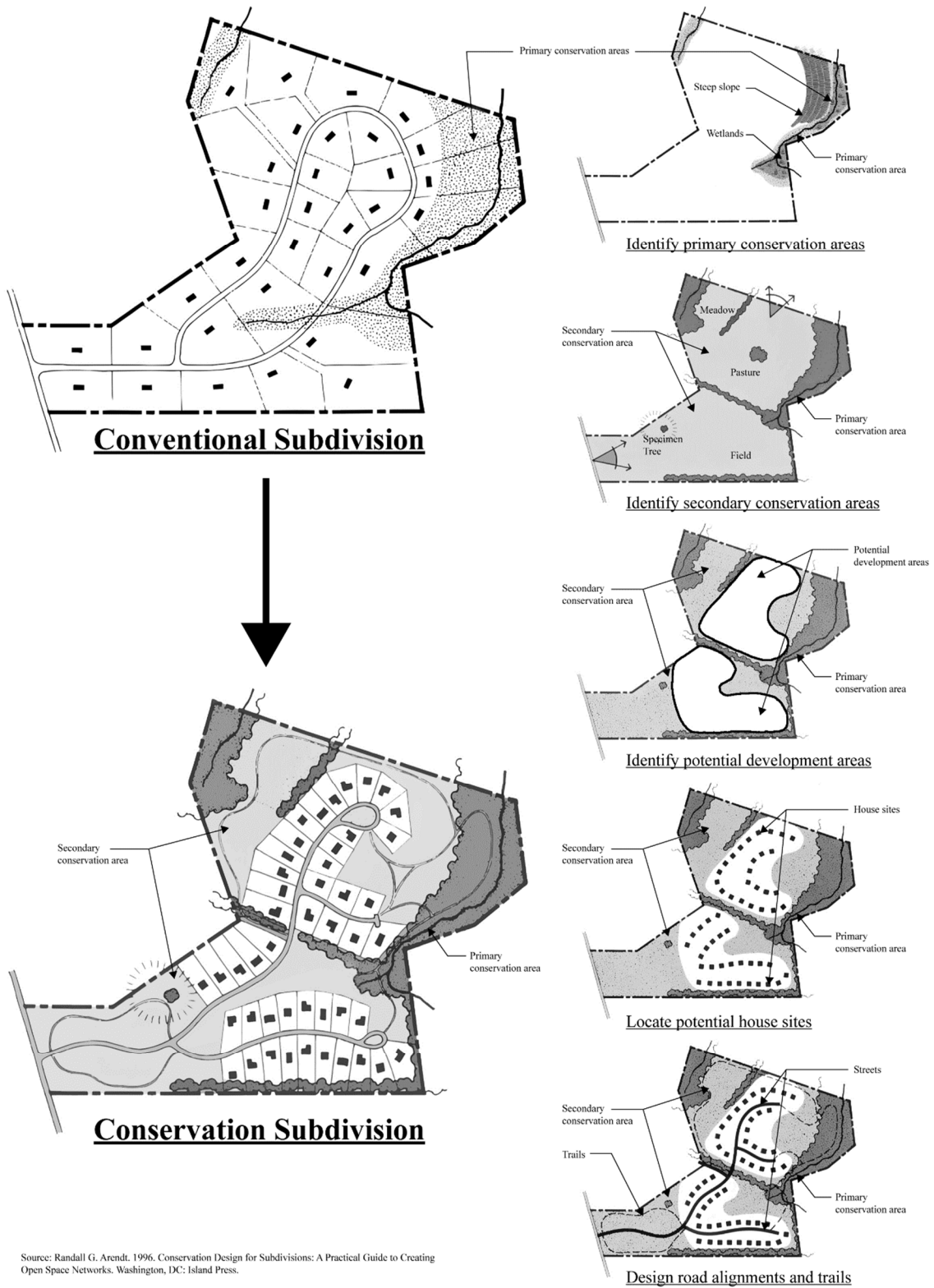
TABLE 19.1
DEFINITIONS FOR PRIMARY AND SECONDARY CONSERVATION AREAS

<u>Primary Conservation Areas</u>	<u>Secondary Conservation Areas</u>
Habitats for endangered or threatened species	Open meadows and/or pastures of 3 contiguous acres or more
Wetlands	Orchards
Flood plains	Existing forests of 3 contiguous acres or more
State waters, shorelines, and associated buffers	Specimen tree stands
Steep mountain slopes	Aquifer recharge areas
Steep slopes of 35% or greater	Slopes between 25% and 35%
	Historic and Archeological sites
	Trails
	Trailheads constructed with pervious materials connecting to identified County trails

19-3.2 **Standards for Open Space.** This section provides standards and guidelines for establishing open space.

- (A) **Location.** When a conservation subdivision site abuts an existing conservation area, park, nature preserve, or public undeveloped land, such as the 1085 line of the U.S. Army Corps of Engineers around Lake Lanier, conservation areas shall be designed so that they are located along the common boundary line.
- (B) **Trails.** Open space shall provide for trails, between-ten (10) and-twelve (12) feet wide and shall be designed to connect with a sidewalk network and/or function as pathways to common area and/or amenity destinations. Trails are required to be located external to individual residential lots and are not intended to be accessed via easements through individual residential lots. No trail located within open space may include impervious materials. Motorized vehicles shall not be permitted on trails except for maintenance, construction, or public safety purposes. This prohibition shall be included within the required covenants. Where appropriate and convenient, such trails shall be made handicapped accessible. Connection to off-site County trails is strongly encouraged.
- (C) **Trail/Street Crossings.** Where trail systems cross an internal subdivision street, the access points shall be directly across from each other, clearly identified both to the motorist and pedestrian, and located with appropriate sight distance as determined by the Director of Engineering, subject to the approval of the Engineering Department. Where a trail crosses any County road not interior to the subdivision, the trail shall be grade separated (i.e., by a tunnel or bridge), or located at a traffic control device approved by the Director of Engineering and Planning Director.
- (D) **Limits of Disturbance.** No clearing or grading shall be permitted in the primary or secondary conservation areas with the following exemptions:
 - (1) Encroachments for infrastructure and stormwater shall be granted only for perpendicular buffer crossings that have been reviewed and approved per Chapter 18, Article XI.
 - (2) Removal of vegetation as identified on the United States Department of Agriculture Georgia List of Exotic and Invasive Plants is permitted provided such removal is minimal. This exemption shall not apply to undisturbed state and county stream buffers.
- (E) **Tree Cover.** Preservation and enhancement of existing tree canopy is strongly desired and encouraged wherever possible but at minimum, must be consistent with the Forsyth County Tree Ordinance.
- (F) **Permitted Uses.** For the purposes of this chapter, open space may be used for primary conservation area and secondary conservation area. Pervious surface trails for passive recreation may be allowed.
- (G) **Active Recreational Facilities.** Active recreational facilities, if provided, shall not be located in the primary or secondary conservation areas and shall not count toward required open space.
- (H) **Golf Courses Prohibited.** Golf courses do not comply with the conservation intent of this chapter and thus are not permitted.

FIGURE 19.1
CONSERVATION SUBDIVISION DESIGN PROCESS



Source: Randall G. Arendt. 1996. Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks. Washington, DC: Island Press.

ARTICLE IV, DETERMINING LOT YIELD:

19-4.1 **Maximum Number of Lots.** In conservation subdivisions, lot sizes are allowed to be smaller than permitted in conventional subdivisions. The minimum lot size shall be as provided in table 19.2 in section 19-5.1, so as to ensure that lots created will not be substantially out of character with lot sizes in conventional subdivisions within the same zoning district. The development must, however, be density neutral i.e., the overall number of dwellings allowed must be no more than the total number of dwellings a conventional subdivision layout would yield. The applicant may choose one (1) of the methods below to determine the maximum number of lots. The greater of option (A) or (B) is the maximum allowed lots.

- (A) Yield Plan. A yield plan shows the site developed as a conventional subdivision and the maximum number of lots the site would theoretically yield. The design of the yield plan must be realistic and account for areas that cannot be developed such as flood plain, stream buffers and wetlands.
- (B) Adjusted Tract Acreage Method. This calculation deducts the adjusted constrained lands from the gross tract acreage. The resulting net tract acreage is then multiplied by the zoning district density. The process for this calculation is described as follows:
 - (1) Determine the constrained lands. Identify all land in the following categories:
 - (a) Slopes over thirty-five percent (35%) of at least five thousand (5,000) square feet contiguous area.
 - (b) The 100-year flood plain.
 - (c) Wetlands that meet the definition of the Army Corps of Engineers pursuant to the Clean Water Act.
 - (d) Area of land in stream buffers as required by federal, state or local regulations.
 - (e) Area of land designated for construction of roads and associated right-of-way.
 - (f) Area of all impervious surfaces associated with amenities, including but not limited to parking areas, tennis courts, swimming pools, clubhouses and other impervious surfaces.
 - (2) Calculate the adjusted constrained lands by multiplying the total area of land in items (a) through (d) by fifty percent (50%) and adding one hundred percent (100%) of area of land in (e) and (f).
 - (3) Determine the net tract acreage. The net tract acreage is calculated by subtracting the adjusted constrained lands from the gross tract acreage of the property to be developed.
 - (4) The number of allowed lots is determined by multiplying the net tract acreage by the zoning district density as listed in Table 19.2 in section 19-5.1.

Example scenario:

100 Acre Property
10 Acres of Wetlands (x 50%)
10 Acres of Slopes (x 50%)
15 Acres of Roads/ROW/Amenity
1.5 u/a Res2 Density

100 ac		Total acreage
-25 ac	(20 x 50%) + 15	Adjusted constrained lands
= 75 ac		Net acreage
x 1.5 u/a		Res 2 density
= 112 max lots		Max lots

ARTICLE V, SITE DESIGN STANDARDS:

19-5.1 After determining primary and secondary conservation areas. This article provides standards and guidelines for conservation subdivisions.

- (A) Performance standards shall be in accordance with table 19.2 below.
- (B) Homes shall not front directly on off-site streets.
- (C) No less than eighty-five percent (85%) of lots shall be entirely abutted on at least one (1) side by open space.
- (D) All buildings and structures shall be set back a minimum of seventy-five (75) feet from all primary conservation areas.

- (E) Where possible, structures shall not be placed at the top of ridge lines, and building envelopes shall not include ridge lines, in order to preserve the natural view of ridges. A ridge line shall be considered the line or surface along the top of a long narrow hilltop, mountain range, or watershed. Structures required to be sited in steeply sloping areas shall have their heights lower than the ridge line. Lots with slopes of twenty-five percent (25%) or more are discouraged because they: 1) may not ensure the provision of yards suitable for lawns and play areas; 2) pose challenges with respect to septic tank drain fields; and 3) pose erosion control concerns.
- (F) Fencing is prohibited unless otherwise required by State or County rules or regulations.
- (G) Conservation subdivisions in all zoning districts shall provide an exterior buffer. The size of the exterior buffer is determined by the size and zoning of the lot proposed adjacent to the exterior buffer of the conservation subdivision and shall be in accordance with table 19.3 below. In the event that the subject property is abutted by more than one zoning along a property line, the largest of the adjacent buffer sizes shall determine the buffer size required on the subject property for that property line.
- (H) Neither exterior buffers nor stream buffers shall be incorporated within individual residential lots.

**TABLE 19.2
 PERFORMANCE STANDARDS**

	RES1	RES2	RES3	RIR	CR1	R1	R2R	R2	LR
Minimum lot size	11,500 square feet with an avg. of 12,500 square feet	10,000 square feet with an avg. of 11,000 square feet	9,000 square feet	12,000 square feet	9,000 square feet	16,000 square feet	9,000 square feet	12,000 square feet	9,000 square feet
Front Setback	20 feet*	15 feet*	15 feet*	15 feet*	15 feet*	15 feet*	15 feet*	15 feet*	15 feet*
Side setback	10 feet	5 feet	5 feet	5 feet	5 feet	5 feet	5 feet	5 feet	5 feet
Minimum distance between structures	25 feet	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet
Rear setback	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet
Exterior setback	75 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet
Minimum lot width	85 feet	75 feet	60 feet	60 feet	60 feet	60 feet	60 feet	60 feet	60 feet
Minimum heated home size	2,000 square feet	2,000 square feet	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Maximum lot coverage	50% (Note 1)	50% (Note 1)	50% (Note 1)	50% (Note 1)	50% (Note 1)	50% (Note 1)	50% (Note 1)	50% (Note 1)	50% (Note 1)
Maximum density	1.0 upa	1.5 upa	1.8 upa	1.45 upa	2.2 upa	1.09 upa	1.98 upa	1.45 upa	1.71 upa

*Measured from the edge of the dedicated right-of-way or from access alley easement.

Notes

Table 19.2

- (1) Maximum lot coverage for the purposes of this chapter means the percentage of the lot covered by all structures including primary and any accessory buildings, however lot coverage does not include other impervious surfaces such as driveways, pools, at grade patios or at grade pool decks.

TABLE 19.3
MINIMUM EXTERIOR BUFFER

Adjacent Zoning	Res1	Res 2
Agricultural	60'	60'
Commercial	30'	30'
Industrial	50'	50'
Res1, R1	50'	50'
Res2, R2R, R2, R1R, LR	25'	35'
Res3, Res4, Res6, CR1, CR2, OSR	25'	25'

19-5.2 **Sewage Treatment and Disposal Systems.** A conservation subdivision must be served by Public Sewer.

ARTICLE VI, DESIGN STANDARDS AND GUIDELINES FOR STREETS:

19-6.1 **Introduction.** This article provides standards and guidelines for designing streets serving conservation subdivisions.

- (A) **Location and Alignment.** Designers should avoid crossing wetlands with streets where possible. Existing farm roads should be incorporated into conservation subdivision designs. Roads should follow existing contours with a minimum of cut and fills and disturbance for construction. In cases where agricultural protection or meadow preservation is a primary objective, new roads should be placed along the edge of a field, rather than through the middle, so as to be less intrusive on the open space character of the tract.
- (B) **Lengths and Curves.** The length of roads should be minimized to reduce costs and aesthetic impacts. Long, straight road segments should be avoided. Curvilinear designs are preferred for rural conservation subdivisions. Streets should be curved and aligned to produce vistas of open space elements, where possible. Short, straight, interconnected streets (i.e., grid patterns) are appropriate for clustered home sites within conservation subdivisions.
- (C) **Separate Travel Lanes.** Where necessary, the directional travel lanes should split or curve apart to protect natural features. In cases where travel lanes are split or curve apart, the minimum width of each travel lane should be ten (10) feet in paved width.
- (D) **Right-of-Way and Clearance.** Rights-of-ways should be only wide enough to accommodate the required street width improvement, adequate shoulder bases for utilities, bikeways and/or walkways, and open storm drainage ditches at appropriate bank slope. Drainage easements may be provided in lieu of expanding the right-of-way for drainage ditches if approved by the Director of Engineering. The entire right-of-way may not necessarily have to be cleared if it can be shown to the satisfaction of the Director of Engineering that remaining trees or other features do not pose a traffic safety hazard.
- (E) **Connections.** Streets shall be connected with one another unless doing so involves traversing designated Conservation Areas; preferably streets connect in three-way intersections, so that the number of dead ends are minimized. An exception will be allowed when a street connection would cross conservation areas and break up open space amenities, in which case 19-6.1(F) provisions shall govern. Whenever possible, streets shall be designed to connect with adjoining properties.
- (F) **Cul-de-Sacs.** Traditional cul-de-sacs are discouraged. Cul-de-sacs create large expanse of impervious cover and increase the amount of stormwater runoff. As such, street loops-and/or cul-de-sac with planted centers meet the intent and purpose of Conservation Subdivision districts and are strongly encouraged for non-connecting street ends. Cul-de-sacs with planted centers shall increase in diameter to accommodate the planted center. All plans for cul-de-sacs with planted centers shall be approved by the Department of Engineering.
- (G) **Reverse Curves.** For roads serving less than 2,000 average daily trips and where speed limits are controlled to prevent high-speed traffic, reverse curves (consecutive left and right curves without a straight segment separating them) are considered appropriate and may be encouraged, subject to the approval of the Director of Engineering.
- (H) **Single-Loading Streets.** "Single-loading streets" (i.e., having houses only on one side) are considered appropriate and encouraged, particularly around common or amenity areas.

- (I) **Curbs and Drainage.** Curbs and gutters shall be required and installed in accordance with Forsyth County Construction Standards and Specifications, unless otherwise approved by the Director of Engineering.
- (J) **Street Trees.** Street tree plantings are encouraged, provided that they are located so as not to present a traffic safety hazard, as determined by the Director of Engineering.
- (K) **Sidewalks.** Concrete or asphalt sidewalks may detract from the character of rural conservation subdivisions. The use of pervious materials is strongly encouraged. Safe access for pedestrians and/or bicyclists shall be provided via trails in the open space and where needed along the improved or semi-improved shoulders of roads. No trail located within open space may include impervious materials.

ARTICLE VII. PROCEDURES:

In addition to the application procedures for zoning approval, sketch plat approval, preliminary and final plat approval, as specified in Chapter 18 of this Code, conservation subdivisions shall comply with the following procedures.

19-7.1 **Pre-application Conference.** A pre-application conference with the department is required at least fourteen (14) days prior to the submission of a rezoning or sketch plat application. Once scheduled, county staff shall notify the appropriate district commissioner of the meeting date and time. At the time of a pre-application conference, an Existing Features and Site Analysis Report, as detailed in section 19-7.2, shall be submitted and a site visit, as detailed in section 19-7.3, shall be scheduled. In the event amendments to the Existing Features and Site Analysis Report are necessary as a result of information gathered during the site visit, an updated report shall be submitted in accordance with 19-7.3. Refer to figure 19.2 for guidance on the order of procedures. At the applicant's request, the department shall make available all relevant information about primary and secondary conservation areas, including soil survey, natural resource maps, and geographic information, for which reasonable reproduction costs for this information may be charged. Ideally, the pre-application conference will be preceded by the submittal of a boundary survey of the property to be subdivided with sufficient time for the Department to collect applicable information.

19-7.2 **Existing Features and Site Analysis Report.** The purpose of the existing features and site analysis report is to familiarize County staff with existing site conditions and shall form the basis for the development design as shown on the concept plan. This report shall consist of a map and narrative identifying and describing all important existing site features in accordance with the list below and shall be sealed by a registered engineer or landscape architect to ensure accuracy. The following features shall be included where applicable:

- (A) Significant wildlife habitats, if any. If information on habitats is not available, the wildlife potential of various soil types on the site shall be included with the soil analysis.
- (B) Soils, including analysis of suitability for septic tanks, and erosion potential as shown on the National Cooperative Soil Survey developed by the National Resources Conservation Service.
- (C) Wetlands as shown as shown on the National Wetlands Inventory developed by the United States Fish and Wildlife Service.
- (D) Flood plains. Areas of 100 year flood plain as identified on flood hazard boundary maps or flood insurance rate maps developed by the Federal Emergency Management Agency.
- (E) Steep mountain slopes and steep slopes of thirty-five (35%) percent or greater as defined by this Code.
- (F) Slopes between twenty-five percent (25%) and thirty-five percent (35%).
- (G) Historic, archaeological, and cultural features. Applicant shall refer to the Forsyth County Historic Resources Survey and data from the State Archeologist (Historic Preservation Division of the Department of Natural Resources) when developing in areas of suspected cultural and/or historical resources. Photos of such features, if existing, shall be required.
- (H) Tree cover, existing forests including acreage, and/or specimen tree stands with critical root zone identified per the Forsyth County Tree Ordinance.
- (I) Orchards.
- (J) Open meadows and/or pastures including acreage.
- (K) Views into and out from the site, and any scenic qualities. Photos and/or illustrations shall be required.
- (L) Aquifer recharge areas as shown on Hydrogeologic Atlas 18 developed by the Georgia Department of Natural Resources.

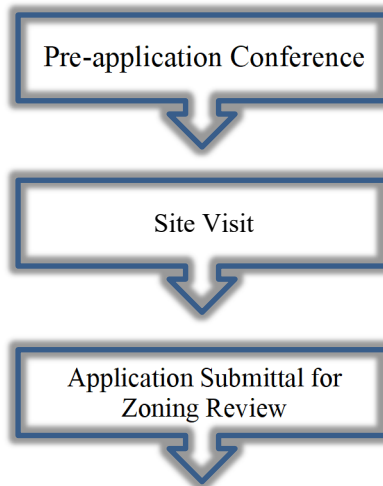
19-7.3 **Site Visit.** The purpose of the site visit is to familiarize staff with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of the designated open space areas and potential locations for proposed

buildings and street alignments. Comments made by staff regarding design shall be interpreted as being only suggestive. It shall be understood by all parties that no formal recommendations will be offered, and no official decisions can be made during the site visit. In the event that staff determines that existing site features have not been fully represented within the Existing Features and Site Analysis Report, the applicant shall amend the report and submit it to accompany other application requirements in accordance with sections 8-5.4 and 8-5.5 of this Code, adhering to required departmental deadlines.

19-7.4 **Yield Plan or Adjusted Tract Acreage Method.** Along with all other required documents and site plan submittals for rezoning and/or sketch plat applications, applicants shall submit one (1) of the following:

- (A) A yield plan that demonstrates the number of lots that would be generated if the site were developed as a conventional subdivision, or
- (B) An adjusted tract acreage calculation detailing the values used to arrive at the maximum number of lots in accordance with section 19-4.1(B).

FIGURE 19.2
PROCEDURES



ARTICLE VIII, EASEMENTS AND OWNERSHIP:

19-8.1 **Conservation Easement Required.** All primary conservation areas and all secondary conservation areas shown on the rezoning application site plan and/or sketch plat that are required to be retained as open space, shall be permanently protected from further subdivision, development, and unauthorized use, by a conservation easement. A conservation easement, as defined by this Code, shall be approved by Forsyth County and 1) co-signed by Forsyth County and donated to a conservation organization or land trust; or 2) co-signed by Forsyth County and donated to a homeowners association; or 3) donated to Forsyth County if accepted by the County. Copies of the draft easements and delineation of primary and secondary conservation areas shall be submitted for review concurrent with the submittal of a land disturbance permit application.

19-8.2 **Guidelines for Drafting Conservation Easements.** The following guidelines are offered for drafting conservation easements and may be required:

- (A) The easement recognizes and describes in a statement of purpose the special qualities of the property subject to the easement. Preferably, conditions within the tract subject to the conservation easement are shown by map and/or photograph.
- (B) The easement clearly identifies the owner of the property subject to the easement, the holder of the easement, and co-signer, and the responsibilities of the property owner, easement holder, and co-signer.
- (C) The easement specifically and clearly identifies the boundaries of the property subject to the easement, preferably by metes and bounds legal description and survey plat.

- (D) The easement contains restrictions as to what the owner may do with the property and specifically delineate what may not be done with the property. Limitations may include but may not be confined to prohibitions against subdivision, earthmoving, dumping, signs, utility lines, construction, changes to existing structures, and uses made of the property.
- (E) The easement provides for the right of the easement holder and co-signer to inspect the property to assure observance of restrictions as well as provides for enforcement procedures.
- (F) The easement provides for the maintenance of property.
- (G) The easement contains provisions governing its amendment, including provisions that the easement shall not be altered except with the express written permission of the easement holder, property owner, and any co-signers.

19-8.3 **Required Ownership of Open Space.** In addition to a conservation easement, the open space shall be permanently protected through ownership either by a homeowners' association or by Forsyth County, if accepted by the County, in accordance with this article.

19-8.4 **Homeowners Association.** If open space is owned and managed in common by a homeowners' association, it shall be subject to the following requirements:

- (A) The developer of the conservation subdivision shall provide a description of the homeowners' association, including bylaws and methods for maintaining open space, to the Planning Director for approval, prior to the approval of a final plat.
- (B) The homeowners' association shall be established by the conservation subdivision developer and endowed with a financial subsidy from the developer prior to the approval of a final plat on the property involving a conservation subdivision.
- (C) Membership of each non-open space lot owner in the conservation subdivision shall be mandatory and automatic.
- (D) The homeowners' association shall be responsible for maintenance, insurance, and taxes on the open space within the conservation subdivision. The association shall be required to assess dues for the maintenance of open space, purchase of insurance, and payment of taxes, unless another income source is proven to be available. Members of the association shall share equitably the costs of open space development and maintenance as indicated in bylaws. The association shall be empowered with the legal ability to place liens on non-open space lot owners for failure to pay association dues.
- (E) Said homeowners' association shall not be dissolved without the consent of the Board of Commissioners. If common ownership of open space by a homeowners' association is proposed and approved, then open space shall be subject to permanent deed and final plat restrictions or covenants on the future use, development, and subdivision of open space, in addition to the requirement of a conservation easement.
- (F) The Board of Commissioners may require that the homeowners' association establish a minimum amount of funds to be initially deposited and maintained in a maintenance account.

19-8.5 **Fee Simple Dedication to Forsyth County.** Dedication in fee-simple ownership to the public for recreational and/or open space use, is a possible mechanism for the permanent retention and maintenance of open space within the conservation subdivision, at the sole discretion of the Board of Commissioners, and subject to the following:

- (A) Dedication to the County shall only be approved if the Board of Commissioners finds that the size, shape, location, type of open space, or cost of development or maintenance of such open space or the availability of open space would make public ownership desirable or necessary.
- (B) The decision to accept open space for fee simple public ownership shall be at the sole discretion of the Board of Commissioners but guided by recommendations of the Planning Director, Planning Commission, the Comprehensive Plan as it pertains to open space acquisition, and the County Parks and Recreation Director.
- (C) The Board of Commissioners generally will require dedication of all open space or park and recreation areas indicated for acquisition in the County's Comprehensive Plan or capital improvement program.
- (D) The Board of Commissioners may require a maintenance bond or other financial security with a duration of twelve (12) months following public acceptance in an amount sufficient to ensure that such lands do not cause unwarranted public expenditures because of faulty conditions or construction. The Board shall have authority to cash said bond in the event substandard conditions or construction are evident. Otherwise, following the one (1) year period following public dedication, with satisfactory performance, the Board shall return the performance bond to the subdivider.

In addition to the required conservation easement, a deed for open space lands in a form acceptable to the County Attorney in favor of Forsyth County shall be signed and recorded prior to the approval of any final plat pertaining to

land within the conservation subdivision.

ARTICLE IX, CRITERIA FOR APPROVAL:

19-9.1 **Evaluation Criteria For Approval.** In addition to the criteria listed in Article V of Chapter 8, evaluation criteria for a rezoning approval or sketch plat for a conservation subdivision shall be based on the extent to which the plan meets the following criteria:

- (A) All primary conservation areas are protected as permanent open space.
- (B) The required amount of secondary conservation areas are protected as permanent open space, and meet the requirements established within section 19-3.1, but also meet the over-all intent of conservation design.
- (C) The configuration of the secondary open space tract is contiguous and undivided.
- (D) The conservation subdivision meets applicable provisions of Chapter 18, subdivisions of this Code, to the extent they are interpreted by the Planning Director to be applicable to a conservation subdivision.

19-9.2 **Grounds for Denial.** In addition to the criteria listed in Section 18-6.2 and Article V of Chapter 8 of this Code, grounds for denial of a rezoning and/or sketch plat application for a conservation subdivision shall include but are not limited to the following:

- (A) The application fails to fully identify primary and secondary conservation areas, or requirements pertaining to secondary conservation areas have not been met.
- (B) The proposed method of sewage treatment is inappropriate for the site or found to be potentially dangerous to public health.
- (C) One (1) or more of the lots within the conservation subdivision are too small to meet the minimum lot size established by this chapter.
- (D) The street configuration does not provide for connectivity, or preserve natural features, or it is found to be inconsistent with the open space character of the subject property and its surroundings.
- (E) The proposed open space network is divided, not functional, inconsistent with open space plans of the County, or does not provide for the protection of the most valuable secondary conservation areas on the site given the natural and scenic properties inherent on the site, as substantiated by photographs or other documentation.
- (F) The proposed open space network fails to maximize the length of the common boundary between conservation areas on site and conservation areas or parkland abutting the conservation subdivision site.
- (G) The rezoning application and/or sketch plat appears to be submitted for the purpose of circumventing improvement requirements that would otherwise be required for conventional subdivisions pursuant to Chapter 18 of this Code.
- (H) The design fails to incorporate standards and guidelines established herein, thus failing to comply with the intention of the chapter, and/or there is indication that the application was submitted for the purpose of increasing lot yield only.

CHAPTER TWENTY

PLANNED UNIT DEVELOPMENT DISTRICT

ARTICLE I, PURPOSE AND INTENT AND APPLICABILITY:

20-1.1 **Purpose and Intent.** The provisions of this Chapter are intended to establish a zoning district that will:

- (A) Encourage and allow the development of tracts of land as planned neighborhoods or communities according to designs that coordinate building forms that are interrelated and architecturally harmonious;
- (B) Encourage and allow unique, flexible, creative, and imaginative arrangements and mixes of land use in site planning and development, consistent with the Comprehensive Plan of Forsyth County;
- (C) Encourage a broader mix of residential housing types, including detached and attached dwellings, than would normally be constructed in conventional subdivisions;
- (D) Preserve the natural amenities of the land through maintenance of conservation areas and open spaces within developments, provide amenities, and provide where needed the civic and semi-public uses (e.g., schools, playgrounds, meeting halls, etc.) that help to make up a community;
- (E) Provide for an efficient use of land resulting in smaller networks of utilities and streets and thereby lower development and housing costs; and
- (F) Provide an environment of stable character compatible with surrounding residential areas;
- (G) Establish application requirements that are more rigorous than the requirements for rezoning to other zoning districts but no more onerous than is necessary to enable thorough analyses;
- (H) Provide for slightly higher gross and net development densities and intensities as an inducement to develop in a manner consistent with the purposes of this chapter.

20-1.2 **Development as a Unit.** The land within an approved Planned Unit Development District is intended to be planned and developed by a single developer or group as a single, entire unit of land. Land within a Planned Unit Development District shall not be subdivided and sold to others prior to completion of the installation of required improvements.

ARTICLE II, USES PERMITTED WITHIN PLANNED UNIT DEVELOPMENT DISTRICTS:

20-2.1 **Generally.** It is the intent of the Planned Unit Development District to provide maximum flexibility with regard to the mixture of land uses. Within a Planned Unit Development District, any land use, may be permitted if such use or uses can be shown to provide an orderly relation and function to other uses in the development and to existing land uses, as well as with due regard to the Comprehensive Plan of Forsyth County. The permitted use or uses of property located in the planned unit development shall be determined at the time the zoning district and development plan is approved, and development within the district shall be limited to those uses specifically requested as part of the application and approved by the Board of Commissioners, unless otherwise specifically noted in the Board's approval of the planned unit development zoning district.

20-2.2 **Recommendations.** The following principles for proposing and mixing land uses are recommended:

- (A) Uses should be predominantly residential in accordance with the use recommendations of the Comprehensive Plan;
- (B) Where appropriate, the planned unit development should provide for more than just one type of dwelling unit, such as townhouses, duplexes, and multi-family dwellings;
- (C) Multi-family dwellings should not comprise more than twenty-five (25) percent of the total dwelling units within the proposed development;
- (D) Sites for places of worship, schools, community or club buildings, and similar civic or semi-public facilities are encouraged to be provided, where appropriate;
- (E) Commercial and offices uses, if proposed, should be located in careful relation to other land uses within and outside of the development; they should be scaled so that they primarily serve the occupants of the planned unit development; they should be designed and oriented to face the interior of the planned unit development rather than oriented toward passer-by traffic exterior to the planned unit development; In residential districts, the amount of land in a planned unit development devoted to commercial and office

uses should not exceed fifteen (15) percent of the unit of land within the planned unit development unless it can be shown that a greater percentage of land devoted to such uses is more conducive to the mix of uses.

- (F) Industrial uses are not typically considered to be appropriate for inclusion within planned unit developments; however, such uses are not prohibited and may be proposed and approved in larger (e.g., twenty acres or more) planned unit developments where living and working areas need to be proximate to one another, subject to separation and screening requirements to avoid nuisances.

ARTICLE III, PERFORMANCE STANDARDS:

20-3.1 **Minimum Acreage.** A planned unit development district must contain a minimum area of twenty (20) contiguous acres.

20-3.2 **Dimensional Requirements.** There shall be no requirements for minimum lot size, minimum lot width, lot coverage and setbacks, or height requirements that apply to planned unit developments. Dimensional requirements shall be as proposed by the applicant of the planned unit development and as approved by the Planning Commission and Board of Commissioners via a letter of intent and detailed site plan approved during the rezoning process, and as may be subsequently shown on the sketch plat approved by the Planning Commission.

20-3.3 **Residential Density.** The maximum number of dwelling units per acre in residential areas of the planned unit development should not exceed 1.2 times the gross density recommended by the future land use map of the Comprehensive Plan for the unit of land unless such density is found the Board of Commissioners to be justified to achieve the goals of the Land Use Plan. For purposes of this section, density shall be interpreted as the number of dwelling units per gross area devoted to residential development, and, in addition to land area and parcels used primarily for residential purposes, all open spaces including private lakes reserved for common usage within the planned unit development. Gross acreage for residential development shall exclude areas of dedicated street rights-of-way existing prior to development, and all lands devoted to non-residential uses.

20-3.4 **Recommendations for Design.**

- (A) Unless topographical or other barriers protect the privacy of existing adjoining uses, structures or buildings located at the perimeter of the planned unit development should be setback a distance of at least one hundred (100) feet to protect the privacy and amenities of adjacent, existing uses.
- (B) Structures or buildings located at the perimeter of the development should be permanently screened in a manner that sufficiently protects the privacy and amenities of the adjacent, existing uses.
- (C) Portions of the development containing commercial and office uses are specifically encouraged to conform to the general site development and design regulations for commercial and office zoning districts as specified in Chapter 12, Article 10 of this Code.
- (D) Planned unit developments of sufficient size are specifically encouraged to conform to the design guidelines for activity centers provided in Chapter 13 of this Code, as may be considered appropriate to the specific land development context.
- (E) Land uses proposed to be a part of a planned unit development that have Code provisions specifically pertaining to such uses, as specified in Chapter 16 of this Code, will typically be expected to comply with the applicable requirements of Chapter 16, unless specific reasons can be show why such requirements should not apply.

ARTICLE IV, APPLICATION REQUIREMENTS AND PROCEDURES:

20-4.1 **Revisions.** Amendments to approved planned unit developments shall be permitted but governed by the modification process established in Article IX of Chapter Eight of this Code.

ARTICLE V, PERMITS AND CERTIFICATES:

20-5.1 **Building Permits.** The department shall issue building permits for buildings and structures in the area covered by the approved sketch plan for a planned unit development if they are in substantial conformity with the approved planned unit development, in accordance with the development schedule, after improvements are installed in accordance with applicable improvement requirements in accordance with approved construction plans for said improvements, and if found to be in conformance with all other applicable regulations.

20-5.2 **Certificate of Occupancy.** The department shall issue a certificate of occupancy for any completed building or structure located in the area covered by the planned unit development if it conforms to the requirements of the approved planned unit development and all other applicable regulations.

20-5.3 **Other Permits or Certificates.** No work, including, but not limited to, grading and other land disturbing activities, which requires permits or certificates, shall be commenced in a planned unit development until all permits or certificates required under other provisions of this Code are obtained.

20-5.4 **Control of Area Following Completion.** After completion of a planned unit development, the use of land and construction, modification or alteration of any buildings or structures within the area covered by the planned unit development shall be regulated by the planned unit development and approved sketch plat and construction plans as well as other applicable provisions of this Code.

CHAPTER TWENTY (B)

SPECIALTY DISTRICTS

ARTICLE I. MASTER PLANNED DISTRICT (MPD):

20B-1.1 **Purpose and Intent.** The Master Planned District is intended to provide for mixed-use development. Uses must complement and be compatible with the orderly development of the project as well as surrounding land uses. The Master Planned District may be developed in distinct pods or can be integrated with a mix of uses being interspersed with one another, including multiple uses within the same structure. The density of residential development and intensity of nonresidential development should be consistent with the recommendations of the Forsyth County Comprehensive Plan.

The provisions of a Master Planned District are intended to establish a zoning district that will:

- (A) Provide a mechanism to incorporate and implement the goals and intent of the Forsyth County Comprehensive Plan in a manner that is not possible in conventional zoning classifications;
- (B) Allow for a mixture of complementary land uses based upon the existing and planned road networks in order to assure safe and efficient transportation patterns;
- (C) Provide for an orderly and creative arrangement of land uses in relation to each other and to the surrounding community;
- (D) Provide for the mobility of all inhabitants by walking, biking, or other means of transportation with diminished emphasis on the automobile;
- (E) Maintain mobility along traffic corridors and state highways;
- (F) Provide transitions between high traffic corridors and low density residential development;
- (G) Create a development of the highest architectural and aesthetic quality by demonstrating such standards via an approval process that is more rigorous than the requirements for rezoning to other zoning districts but no more onerous than is necessary to enable thorough analysis;
- (H) Minimize the environmental impacts of new development;
- (I) Promote the efficient use of land resulting in networks of utilities, streets, and other infrastructure features that maximize the allocation of fiscal and natural resources;
- (J) Stage development of this type in a manner which can be accommodated by the timely provision of public utilities, public facilities, public services, and public road improvements; and
- (K) Encourage the creation of new employment opportunities.

20B-1.2 **Uses Permitted.**

- (A) **General.** Uses shall provide an orderly relation and function to other uses in the development and to existing land uses, as well as with due regard to the Comprehensive Plan of Forsyth County. Development within the district shall be limited to those uses specifically requested as part of the Master Development Handbook and approved by the Board of Commissioners, unless otherwise specifically noted in the approval of the Master Planned District.
- (B) **Commercial and Office Uses.** The amount of commercial and office land use within the Master Planned District shall be determined based on the amount of open space provided as shown in Table 20B.1. Land use calculations shall be calculated by gross floor area for Master Planned Districts that contain a vertical mixture of uses and shall be calculated by total project land area for Master Planned Districts that contain a horizontal mixture of uses.
- (C) **Residential Uses.** The residential density within the Master Planned District shall be determined based on the maximum density as shown in table 20B.1. Land use calculations shall be calculated by gross floor area for Master Planned Districts that contain a vertical mixture of uses and shall be calculated by total project land area for Master Planned Districts that contain a horizontal mixture of uses. For the residential allotment of units for the Master Planned District, the following maximums shall apply:
 - (1) Thirty (30) percent of total residential units for townhomes and/or condominiums.
 - (2) Twenty (20) percent of total residential units for apartments.
- (D) **Open Space.** The Master Planned District shall require that open space be provided based on the percentage of commercial and office uses for the entire Master Plan District area, in accordance with Table 20B.1. For the purposes of this Article, open space shall include areas within the Master Planned District designed and intended for the active and passive recreational needs of the residential and employment based population of the Master Planned District or for the public in general. Open space

shall be owned by a homeowners association or similar body and shall not be part of individual residential lots. Table 20B-1 provides a summary of the percentage requirements

TABLE 20B.1

Land Use and Density Requirements		
Commercial and Office Uses as Percentage of Total Site*	Maximum Residential Density (Units per Acre)**	Minimum Required Open Space as Percentage of Total Site
25.0	6.0	22.0
22.5	5.5	22.0
20.0	5.0	25.0
17.5	4.5	27.5
15.0	4.0	30.0
12.5	3.5	32.0
10.0	3.3	36.0

*Variances may not be requested for commercial and office use percentages for any MPD development located in the Haw Creek community node as depicted on the Forsyth County Comprehensive Plan’s Community Character Map.

**Density allowance may be exceeded if Section 20B-1.7, Enhanced Entitlements, is applicable.

20B-1.3 General Conditions.

- (A) **Code Provisions.** Whenever there is a conflict or difference between the provisions of this Article and those of other chapters of the Unified Development Code, the provisions of this Article shall prevail. Subjects not covered by this Article shall be governed by the respective provisions found elsewhere in the Unified Development Code.
- (B) **Water and Sewer.** Public water shall be required for all Master Planned Districts. Public Sewer or an Existing Private Sewage Treatment Plant with Sufficient Capacity shall be required for all Master Planned Districts.
- (C) **Variance Requests.** Applications requesting rezoning to the Master Planned District must identify all variance requests in the rezoning application and represent such requests in the Master Development Handbook. Variances shall be limited to the requirements of the Unified Development Code and shall follow the requirements of Chapter 8 and as noted in this chapter.

20B-1.4 Procedures.

- (A) **Pre-Application Meeting.** Before submitting an application for rezoning to Master Planned District, the applicant shall confer with the director to determine the feasibility for the proposed plan and its relationship to the Forsyth County Comprehensive Plan and the Unified Development Code.
- (B) **Master Development Handbook.** To enable a thorough analysis of an application for the Master Planned District, the application requirements exceed those of other zoning districts. In addition to the standard requirements, applications for the Master Planned District shall include a Master Development Handbook. To avoid duplication, the information required for the Master Development Handbook can be combined with the standard requirements to amend the official zoning map. The Master Development Handbook shall include:
 - (1) **The Uniform Plan.** A plan of the project showing the location of proposed zones and the general trajectories of the various thoroughfares. At a minimum, the Uniform Plan shall differentiate between the following zones:
 - (a) Residential Zones
 - (b) Shopping, Business, or Trade Zones
 - (c) Civic and Institutional Zones
 - (d) Open Space Zones

(e) Vertical Mixed Use Zones

The applicant may develop more specific zones and or modify the name of the zones to better represent the theme of the proposed Master Planned District. An application is not required to include each of the zones listed above, see 20B-1.2 for requirements related to permitted uses.

- (2) **Land Use Standards.** A matrix of text and or diagrams that regulate the permitted uses and performance standards for each zone identified in the Uniform Plan. Regulations of the Unified Development Code that are not listed in the Land Use Standards shall default to the standards identified in other chapters, which will be determined by the director in any case in which applying the regulations of other chapters would be unclear. At a minimum, the following shall be established for each zone identified in the Uniform Plan:

- (a) Permitted uses
- (b) Minimum lot size
- (c) Minimum lot width
- (d) Minimum setbacks
- (e) Minimum building separation
- (f) Buffers and impervious surface setbacks*
- (g) Maximum height
- (h) Maximum building coverage
- (i) Parking and loading requirements

* Riparian buffers and impervious surface setbacks as set forth in UDC 18-11.2 shall not be modified except via the process in UDC 18-11.3.

- (3) **Community Standards.** The community standards are intended to produce visual compatibility among various building types and, at a minimum, the Community Standards shall address lighting, signage, fences, landscaping, building materials, building colors, and other architectural features. The following shall be submitted to address each of the Community Standards:

- (a) Lighting. A pedestrian scale lighting illustration that demonstrates the relationship of the pedestrian to street light features and types and styles of light fixtures that will be used.
- (b) Signage. Signage plan pertaining to non-residential uses for any proposed sign types. All proposed signage in the signage plan shall conform to the dimensional and numerical requirements of the Forsyth County Sign Ordinance.
- (c) Fences. Fence and wall details for community, residential spaces and non-residential uses that demonstrate a cohesion in material and maintain a relationship with the character of the surrounding land uses and structures.
- (d) Landscaping. A landscape plan that incorporates planting materials to enhance the existing area, particularly as viewed from an adjacent right-of-way, and to mitigate development impacts.
- (e) Building Materials. Building elevations and details pertaining to wall finishes with indication of the wall cladding material.
- (f) Building Colors. Building elevations or renderings demonstrating the permissible colors for materials on walls, roofs, and any accent feature.
- (g) Architectural features. Details pertaining to elements found in the built environment that create community character and visual interest.

- (4) **Additional Requirements.** Text, drawings, and/or diagrams providing the following information:

- (a) A construction phasing schedule and plan for phased projects that shall comply with the following criteria:
 - (i) The developer is required to obtain a certificate of occupancy for a significant component of the non-residential uses prior to completing development of any residential element.
 - (ii) Upon completion of the initial phased development, the proposed future phases shall remain as accessible open space areas, provided the land is undisturbed and not hazardous to the health, safety, and welfare of residents and the public, until such time that the proposed portion will be constructed.
- (b) Method of water and sewer service, including verification of capacity;
- (c) A summary of the anticipated maintenance and ownership of streets and open spaces;
- (d) Proposed amount and general location of open space;
- (e) Proposed maximum number of residential dwelling units by type and minimum lot size. Examples include, but are not limited to: single family detached, single family attached, townhomes, and apartments. Information on lot size shall be classified by the following:

- (i) Lots over 18,000 sq. ft.
- (ii) Lots 12,000 to 18,000 sq. ft.
- (iii) Lots 6,000 to 11,999 sq. ft.
- (iv) Lots under 6,000 sq. ft.
- (v) Any unit not located on a individual lot
- (f) Proposed maximum gross floor area devoted to non-residential uses;
- (g) Typical information on landscape features in relation to streets, parking areas, sidewalks, building footprints, and utilities;
- (h) A plan identifying the existing tree canopy. Information available from the County's GIS data is acceptable for the rezoning stage;
- (i) Existing topography with contour intervals no greater than 4 feet. Information available from the County's GIS data is acceptable for the rezoning stage;
- (j) State waters, wetlands, and floodplains. Information available from the County's GIS data is acceptable for the rezoning stage; and
- (k) A summary of issues related to connectivity. The information should include available information on private and public streets; significant vehicular parking and loading areas; the provision of bicycle parking areas, paths, sidewalks, and other similar features; and interconnections to adjoining property.
- (l) MPD developments located in the Haw Creek community node as depicted on the Forsyth County Comprehensive Plan's Community Character Map shall not be bisected or otherwise divided by any existing, public roads.
- (m) The design of all building facades, including exterior finish materials, architectural elements and other details necessary to clarify exterior features.

20B-1.5 **Criteria for Approval.**

- (A) **Standard Criteria.** In considering and acting upon applications for rezoning to the Master Planned District, the Planning Commission and the Board of Commissioners shall consider and base their recommendation and decision, respectively, on the general considerations and special considerations described in Chapter 8, Article V of this Code; provided, however, that the Planning Commission and Board of Commissioners will additionally consider the extent to which the proposal follows the recommendations and requirements of this Article.
- (B) **Design Criteria.** In addition to the standard criteria, the following design criteria will be used to evaluate the rezoning application's conformity with the purpose and intent of this Article. Appropriate criteria that have not been incorporated into the Master Development Handbook will be utilized to develop recommended zoning conditions as part of the review process.
 - (1) **General Site Design.**
 - (a) The minimum size for a Master Planned District should not be less than forty (40) acres. MPD developments located in the Haw Creek community node as depicted on the Forsyth County Comprehensive Plan's Community Character Map shall not be less than fifty (50) acres.
 - (b) A functional town center, community green, park, or other focal point shall be included to create character and identity.
 - (c) Perimeter setbacks and buffers shall protect the privacy of existing and anticipated uses that adjoin the subject property.
 - (d) A minimum undisturbed buffer of forty (40) feet and setback of fifty (50) feet shall be provided along an exterior property line abutting a residential, OR, A1 or AG-Res district.
 - (e) The Master Planned District should incorporate multi-modal transportation elements in the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large. Such multi-modal elements may include provisions for public transport, carpooling lots, ridesharing service locations, pedestrian and bicycle paths and lanes, bicycle parking areas, and other similar provisions.
 - (f) A grid system of streets is preferred over cul-de-sac designs. Block length should be conducive to pedestrian traffic.
 - (g) Interconnections to adjoining property, whether developed or undeveloped, shall be included and incorporated into the design where appropriate. Proposed parcels should be arranged and designed so as to allow for the opening of future streets and provide access to those areas not presently served by streets.

- (2) **Aesthetic Quality.**
 - (a) When appropriate, streets should terminate at a focal point, which may be a civic building, principal use, place of worship, active community space, bell tower, gazebo, or other similar feature.
 - (b) The location and width of residential garage doors, if present, shall be designed so as to not dominate the streetscape. Standards on garage width and garage setbacks should be used to ensure that garage doors do not dominate the streetscape.
 - (c) Attached housing, if present, shall be designed to reduce the monolithic nature of the structure.
 - (d) Fences, walls, and berms should be designed and maintained in relationship with the character of the surrounding land uses and structures. Retaining walls should be constructed of architectural masonry or faced with rock, brick, and/or constructed to blend with adjacent surroundings.
 - (e) Detention and retention structures are discouraged in areas subject to view from a public street if not used both for aesthetic purposes and designed so as to not require a fenced enclosure.
 - (f) Master Planned Districts are encouraged to utilize creative methods for stormwater management, when such methods provide additional open space opportunities.
 - (g) Service and loading zones shall be located to minimize visibility from public streets and neighboring properties.
- (3) **Site Development.**
 - (a) Transitions at property edges should seem natural for the surrounding terrain.
- (4) **Parking.**
 - (a) Decorative fences or walls, plantings, berms, or other similar features shall be used to screen surface parking lots from public view or soften their visual impact.
 - (b) The location and design of parking structures should minimize their visibility from the street or other public areas.
 - (c) Surface parking lots should be oriented behind or to the side of a building when possible. Surface parking lots should not be located on street corners.
 - (d) The architectural features of a parking deck or structure shall be constructed of similar materials, colors, and detailing to match those used on the rest of the principal structure(s).
- (5) **Pedestrian Scale.**
 - (a) For predominantly areas, activities such as shops, offices or other commercial space should be located along the ground level of street frontage.
 - (b) For nonresidential uses, corner buildings should make a strong tie to the building lines of each street. However, this does not preclude angled or sculpted building corners or an open plaza at the corner. Vertical focal points to visually “anchor” corners are encouraged.
 - (c) Comfortable and attractive street furniture shall be provided in public spaces for public enjoyment, comfort, and convenience. These may include seats and benches, drinking fountains, trash receptacles, information kiosks, directories, or other similar features.
 - (d) Nonresidential building entrances shall be visible from the street, well-lit, and easily accessible. Articulation such as canopies and roof forms should be used to further identify entrances.
 - (e) Nonresidential uses that face a street or pedestrian area shall have transparent windows along each first floor wall.
 - (f) Nonresidential buildings shall have at least one entrance facing every abutting street.
 - (g) Clear pedestrian and visual paths shall be established using a combination of covered arcades, covered walkways, courtyards, landscape patterns, consistent paving materials, minimal interruption of pedestrian paths, and other similar features.
 - (h) Sidewalks shall be present in all residential areas. In nonresidential areas, sidewalks should be present along both sides of all streets.
 - (i) All streets, pedestrian paths and trails within the Master Planned District shall remain un gated for public access.
- (6) **Landscape and Natural Environment.**
 - (a) Specific emphasis should be placed on the preservation or planting of trees between buildings and the street.
 - (b) Existing topography, significant tree cover, state waters and other natural features should be considered and incorporated into the project design whenever possible.
 - (c) Required open space should be distributed throughout the project.

- (d) Landscaping shall provide buffering between non-compatible land uses.
 - (e) Removal of vegetation as identified on the United States Department of Agriculture Georgia List of Exotic and Invasive Plants is permitted provided such removal is minimal and does not occur within undisturbed state and county stream buffers.
- (7) **Built Environment.**
- (a) The height of any structure shall be compatible with the existing buildings in the area, and proposed structures within the project site.
 - (b) Limitations on the height, size, and type of exterior signage shall produce an overall theme that is compatible with proposed buildings and surrounding property.
 - (c) The primary entrance and front façade of individual buildings within a development may be oriented toward streets, private drives or open space, and should not be oriented toward off-street parking lots, garages, or carports.

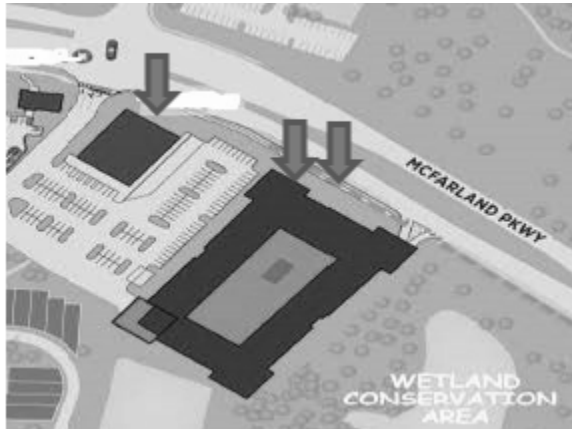
20B-1.6 **Amendments.**

- (A) **Conformance to Approved Master Development Handbook** . All further development of the property shall conform to the approved Master Development Handbook, regardless of any change in ownership, unless the County approves minor or major amendments.
- (B) **Minor Amendments.** The director may approve minor amendments to the approved Master Development Handbook, which are in compliance with the provisions and intent of this Article, and do not depart from the principal concept of the approved Master Development Handbook. Minor amendments are those determined by the director of the department to meet the purpose and intent of the Master Planned District, which would not affect adjacent properties. Minor amendments shall be approved as part of the land disturbance permitting process. The director of the department may require the applicant to provide written justification for the minor amendment if such justification is not evident within the land disturbance permit itself.
- (C) **Major Amendments.** Should the director determine that a requested change or deviation from the approved Master Development Handbook departs from the principles of the Master Development Handbook and would affect adjacent properties, the proposed modification will be classified as a major amendment. The applicant may apply for approval of a major amendment to the Board of Commissioners as an application for modification of conditions of zoning, as established in Chapter 8 Article IX of this Code.

20B-1.7 **Enhanced Entitlements.**

- (A) **Applicability.** Notwithstanding any provisions in 20B-1.1 through 20B-1.6 to the contrary, for Master Planned District developments of no less than 130 acres that were zoned to the Master Planned Development district in or before 2015, that include a contiguous parcel of 0.684 acres that was zoned to the Master Planned District in 2024, and where said development is approved for 690 residential units and between 250,000 to 550,000 square feet of commercial space, such developments shall be entitled to the following additional land use entitlements upon fulfillment of the conditions set forth in this section.
 - (1) **Entitlements and Conditions.**
 - (a) An additional two-hundred sixty-five (265) multi-family dwelling units, subject to the following requirements including those conditions in 20B-1.7(A)(1) (b – d).
 - (i) Construction of the multi-family dwelling units shall only occur upon the retail establishment identified in 20B-1.7(A)(1)(b) commencing vertical construction at the location identified in 20B-1.7(B);
 - (ii) No certificate of occupancy shall be issued for any of the multi-family dwelling units until the retail establishment identified in 20B-1.7(A)(1)(b) is issued its certificate of occupancy;
 - (iii) Multi-family dwelling units shall be limited to studio, 1-, or 2-bedroom floor plans. No 3-bedroom floor plans are allowed;
 - (iv) At least ten (10) multi-family dwelling units shall be provided for rent to County first responders at a 50% discount from the then-current rental rate of an equivalent unit; and,
 - (v) The multi-family dwelling units shall be developed by the entity identified as the Applicant on rezoning application ZA3728, dated February 6, 2015.
 - (b) Development shall contain a high-end retail grocery.
 - (c) Development shall have a commercial off-leash dog park.
 - (d) Development shall remain activated, meaning that the developer shall program the development open spaces with a minimum of two (2) public events per week.

- (2) **No Additional Multi-Family.** Other than the conditional multi-family authorized by 20B-1.7(A)(1)(a), no additional multi-family shall be authorized for any development satisfying the applicability criteria in 20B-1.7(A).
- (B) **Layout of Additional Entitlements.** The additional residential entitlements in 20B-1.7(A)(1)(a) shall be constructed in the general proximity of the double arrows and the high-end retail grocer required by 20B-1.7(A)(1)(b) shall be constructed in the general proximity of the single arrow in the depiction immediately below.



- (C) **Sketch Plat Required.** Notwithstanding any other provision of 20B-1.7, prior to applying for permits for the enhanced entitlements, the developer shall be required to apply for and receive sketch plat approval under UDC 8-5.1.

ARTICLE II, MIXED-USE CENTER DISTRICT (MCD):

20B-2.1 **Purpose and Intent.** The Mixed-Use Center District is intended to provide for a complementary mix of commercial, office, residential, and light industrial uses, but may strictly focus upon an assemblage of non-residential uses as well. Compact development is encouraged to promote economic development, alternative transportation, green infrastructure and close proximity to employment and consumer activities. The provisions of a Mixed-Use Center District are intended to establish a zoning district that will:

- (A) Permit flexible and compatible arrangements of land uses;
- (B) Provide locations for the development of cultural, recreational, educational and health service facilities;
- (C) Promote compatible development, in size and scale, to surrounding residential subdivisions;
- (D) Encourage campus style developments;
- (E) Advance pedestrian oriented, compact design;
- (F) Plan for connectivity of streets and elevate opportunities for alternative modes of travel.

20B-2.2 **Uses Permitted.**

- (A) **General.** Uses shall provide an orderly relation and function to other uses in the development and to existing land uses. Adherence to the Forsyth County Comprehensive Plan in regards to recommended uses and development intensity shall be required. Development within the district shall be limited to those uses specifically requested as part of the Master Development Handbook and approved by the Board of Commissioners, unless otherwise specifically noted in the approval of the Mixed-Use Center District.
- (B) **Uses Permitted.** The Mixed-Use Center District may propose a mix of commercial, office, residential, and light industrial uses or a range of non-residential uses. If a proposal includes residential, this use shall not be predominate within the development.
- (C) **Residential Density.** The maximum residential density for the Mixed-Use Center District shall be six (6) units per acre, if applicable. The maximum residential density may be increased above six (6) units per acre based on the application of incentives pursuant to 20B-2.4, if applicable.
- (D) **Open Space.** The Mixed-Use Center District shall have a minimum open space requirement of twenty (20%) percent of the total site acreage.

20B-2.3 **Design Criteria.** The following design criteria will be used to evaluate conformity with the purpose and intent of this Article. Design elements that are not required, but encouraged, may be utilized to develop recommended zoning conditions as part of the review process if they are omitted from the Master Development Handbook.

(A) **General Site Design.**

- (1) The minimum size for a Mixed-Use Center District shall not be less than thirty (30) acres.
- (2) A functional town center, community green, park, or other focal point shall be included to create character and identity.
- (3) Perimeter setbacks and buffers shall protect the privacy of existing and anticipated uses that adjoin the subject property.
- (4) For a non-residential Mixed-Use Center District, a minimum undisturbed buffer of forty (40) feet and setback of fifty (50) feet shall be provided along an exterior property line abutting a residential, OR, A1 or AG-Res district. For a residential Mixed-Use Center District, a minimum undisturbed buffer of twenty-five (25) feet and setback of fifty (50) feet shall be provided along an exterior property line abutting a residential, OR, A1 or AG-Res district.
- (5) The Mixed-Use Center District should incorporate multi-modal transportation elements in the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large. Such multi-modal elements may include provisions for public transport, carpooling lots, ridesharing service locations, pedestrian and bicycle paths and lanes, bicycle parking areas, and other similar provisions.
- (6) A grid system of streets is preferred over cul-de-sac designs. Block length should be conducive to pedestrian traffic.
- (7) Interconnections to adjoining property, whether developed or undeveloped, shall be included and incorporated into the design where appropriate. Proposed parcels should be arranged and designed so as to allow for the opening of future streets and provide access to those areas not presently served by streets.

(B) **Open Space.** Open space within the context of the Mixed-Use Center District shall be independent of regulations found in other parts of this Code. Open space for the Mixed-Use Center District is intended to create active community spaces and preserve undisturbed land areas. Open space shall meet the minimum standards found in 20B-2.2, 20B-2.3, and shall incorporate the use of active community spaces as defined in Table 20B.2. Notwithstanding anything to the contrary herein, no property that is approved for MCD use pursuant to this Article shall be eligible for impact fee credits for parks.

(1) **General Requirements.**

(a) Easements for utilities shall not count toward the required open space.

(2) **Active Community Spaces.** Active community spaces shall be designed for recreational or leisure purposes and may be constructed of pervious and non-pervious materials. Active community spaces shall comply with the following criteria:

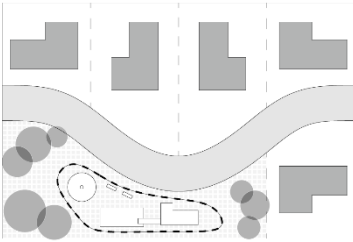
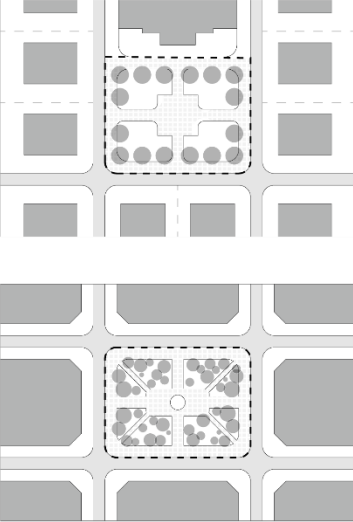
- (a) A minimum of twenty-five (25%) percent of the total open space requirements as identified in 20B-2.2 shall be an active community space.
- (b) Active community space shall be publicly accessible during daylight hours and shall be directly accessible from a public sidewalk as illustrated in Table 20B.2.
- (c) Active community spaces shall provide landscaped areas, which must include a combination of trees, shrubs, herbaceous ornamentals, and vegetative ground cover including grasses.
- (d) Trees used to satisfy minimum active community space requirements shall:
 - (i) Be at least three and one-half inches in caliper size;
 - (ii) Reach a mature height of forty (40) feet; and
 - (iii) Be spaced a minimum twenty-five (25) feet on-center.

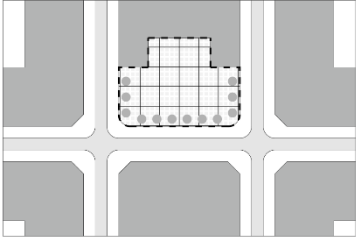
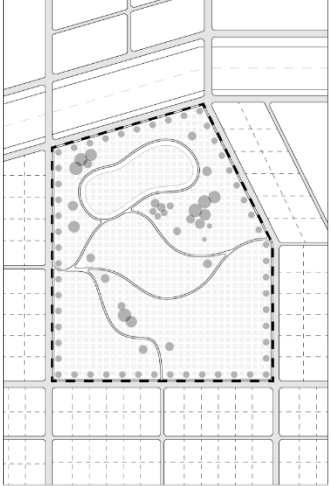
(3) **Undisturbed Land Areas.** Undisturbed land areas shall create open space that conserves natural resources not counting areas otherwise required to be preserved by federal, state or local regulations. Undisturbed land areas shall comply with the following criteria:

- (a) A minimum of twenty-five (25%) percent of the total open space requirements as identified in 20B-2.2 shall be an undisturbed land area.
- (b) Undisturbed land areas used to satisfy the requirements of this Article shall be preserved in a natural state except for the removal of litter and dead, diseased or hazardous trees as approved by a registered forester or certified arborist.

- (c) Removal of vegetation as identified on the United States Department of Agriculture Georgia List of Exotic and Invasive Plants is permitted provided such removal is minimal.
- (4) When a commercial or industrial building as well a residential amenity building adjoins open space, pedestrian access (both ingress and egress) shall be provided.
- (5) Covenants or other legal arrangements shall specify ownership of all open spaces, the method of and responsibility for maintenance, taxes and insurance, compulsory membership and assessment provisions, and shall be incorporated into legal instruments sufficient to ensure that the open space requirements of this article are maintained.

TABLE 20B.2 ACTIVE COMMUNITY SPACE PERFORMANCE STANDARDS

Active Community Space Type	Example Illustration	General Description	Design Requirements
Playground		<p>A Playground provides space for supervised recreation for children within a neighborhood, or as part of a larger neighborhood or community park.</p>	<ul style="list-style-type: none"> • Shall be designed with commercial grade play equipment • Minimum area of two thousand (2,000) square feet with no maximum requirement
Square		<p>A Square provides a means to emphasize important places, intersections, or centers.</p>	<ul style="list-style-type: none"> • Shall be bound by streets on a minimum of three (3) sides or seventy-five (75%) percent • May be bound by front facing lots on one (1) side or twenty-five (25%) percent of their perimeter • No rear facing lots allowed adjacent to a square • Tree planting is encouraged parallel to the street right-of-way • Minimum area of two thousand (2,000) square feet up to a maximum area of two (2) acres

Active Community Space Type	Example Illustration	General Description	Design Requirements
Plaza		<p>A Plaza is an outdoor area for community leisure that is entirely bounded by streets, lanes, or buildings.</p>	<ul style="list-style-type: none"> • Shall maintain an orthogonal shape that is parallel to a bounded street, lane, or building • Shall be level, stepped or gently sloping • Minimum area of four thousand (4,000) square feet up to a maximum area of one (1) acre
Community Park		<p>Community Parks are designed for active and passive recreational use. Community Parks create a central open space that services an entire neighborhood or group of neighborhoods, or incorporates physical features that are an asset to the community.</p>	<ul style="list-style-type: none"> • Trees shall be planted at the edge of community park boundaries • Shall be bounded by streets on a minimum of fifty (50%) percent of their perimeter • Minimum area of twenty thousand (20,000) square feet with no maximum requirement

(C) **Aesthetic Quality.**

- (1) When appropriate, streets should terminate at a focal point, which may be a civic building, principal use, place of worship, active community space, bell tower, gazebo, or other similar feature.
- (2) The location and width of residential garage doors, if present, shall be designed so as to not dominate the streetscape. Standards on garage width and garage setbacks should be used to ensure that garage doors do not dominate the streetscape.
- (3) Attached housing, if present, shall be designed to reduce the monolithic nature of the structure.
- (4) Fences, walls, and berms should be designed and maintained in relationship with the character of the surrounding land uses and structures. Retaining walls should be constructed of architectural masonry or faced with rock, brick, and/or constructed to blend with adjacent surroundings.
- (5) Detention and retention structures are discouraged in areas subject to view from a public street if not used both for aesthetic purposes and designed so as to not require a fenced enclosure.
- (6) Mixed-Use Center Districts are encouraged to utilize creative methods for stormwater management, when such methods provide additional open space opportunities.
- (7) Service and loading zones shall be located to minimize visibility from public streets and neighboring properties.

(D) **Site Development.**

- (1) Transitions at property edges should seem natural for the surrounding terrain.

(E) **Parking.**

- (1) Decorative fences or walls, plantings, berms, or other similar features shall be used to screen surface parking lots from public view or soften their visual impact.

- (2) The location and design of parking structures should minimize their visibility from the street or other public areas.
- (3) Surface parking lots should be oriented behind or to the side of a building when possible. Surface parking lots should not be located on street corners.
- (4) The architectural features of a parking deck or structure shall be constructed of similar materials, colors, and detailing to match those used on the rest of the principal structure(s).

(F) **Pedestrian Scale.**

- (1) For predominantly nonresidential areas, activities such as shops, offices or other commercial space should be located along the ground level of street frontage.
- (2) For nonresidential uses, corner buildings should make a strong tie to the building lines of each street. However, this does not preclude angled or sculpted building corners or an open plaza at the corner. Vertical focal points to visually “anchor” corners are encouraged.
- (3) Comfortable and attractive street furniture shall be provided in public spaces for public enjoyment, comfort, and convenience. These may include seats and benches, drinking fountains, trash receptacles, information kiosks, directories, or other similar features.
- (4) Nonresidential building entrances shall be visible from the street, well-lit, and easily accessible. Articulation such as canopies and roof forms should be used to further identify entrances.
- (5) Nonresidential uses that face a street or pedestrian area shall have transparent windows along each first floor wall.
- (6) Nonresidential buildings shall have at least one entrance facing every abutting street.
- (7) Clear pedestrian and visual paths shall be established using a combination of covered arcades, covered walkways, courtyards, landscape patterns, consistent paving materials, minimal interruption of pedestrian paths, and other similar features.
- (8) Sidewalks shall be present in all residential areas. In nonresidential areas, sidewalks should be present along both sides of all streets.
- (9) All streets, pedestrian paths and trails within the Mixed-Use Center District shall remain ungated for public access.

(G) **Landscape and Natural Environment.**

- (1) Specific emphasis should be placed on the preservation or planting of trees between buildings and the street.
- (2) Existing topography, significant tree cover, state waters and other natural features should be considered and incorporated into the project design whenever possible.
- (3) Required open space should be distributed throughout the project.
- (4) Landscaping shall provide buffering between non-compatible land uses.

(H) **Built Environment.**

- (1) The height of any structure shall be compatible with the existing buildings in the area, and proposed structures within the project site.
- (2) Limitations on the height, size, and type of exterior signage shall produce an overall theme that is compatible with proposed buildings and surrounding property.
- (3) The primary entrance and front façade of individual buildings within a development may be oriented toward streets, private drives or open space, and should not be oriented toward off-street parking lots, garages, or carports.

20B-2.4 **Incentives.** The Mixed-Use Center District offers an incentive to developers to increase their allowable residential density through the redevelopment of properties with deteriorated conditions.

(A) **Redevelopment.** The Mixed-Use Center District encourages developers to redevelop properties through a residential density bonus up to two (2) residential units per acre on areas identified as deteriorated per the criteria listed below.

- (1) All deteriorated areas within properties shall be identified by the applicant and approved by staff.
- (2) Shall redevelop one hundred (100%) percent of the deteriorated conditions acreage found on the development site to qualify for the density incentive.
- (3) Deteriorated conditions shall be determined as follows:
 - (a) Uninhabitable, unsafe, or abandoned structure(s);
 - (b) Structures that are substantively declining in value or usefulness due to observable neglect;
 - (c) A site or portion of a site identified by the federal Environmental Protection Agency as having environmental contamination to an extent that requires remedial investigation or a feasibility study;

- (d) Is in a state or condition that attracts rodents, mosquitoes, or other disease-transmitting animals;
 - (e) Is in a state or condition that attracts or propagates criminal activity on the property or adjacent properties.
- (4) The applicant shall provide the following documents, prepared by a professional architect, engineer, surveyor, landscape architect, and or land planner:
- (a) An inspection report of the property containing written and photo documented evidence of the existing, deteriorated conditions onsite;
 - (b) A scaled map identifying where deteriorated conditions exist on the property and the affected acreage on the development site;
 - (c) A scaled plan and strategy for redevelopment and any rehabilitation of the existing conditions that ensures the safety and welfare of future inhabitants and remediates any environmental impacts.

20B-2.5 **General Conditions.**

- (A) **Code Provisions.** Whenever there is a conflict or difference between the provisions of this article and those of other chapters of the Unified Development Code, the provisions of this article shall prevail. Subjects not covered by this article shall be governed by the respective provisions found elsewhere in the Unified Development Code.
- (B) **Water and Sewer.** Public water with sufficient flow volume and pressure to meet water supply and fire flow needs shall be required for all Mixed-Use Center Districts. Public Sewer or an Existing Private Sewage Treatment Plant with Sufficient treatment and collection system Capacity shall be required for all Mixed-Use Center Districts.
- (C) **Variance Requests.** Applications requesting rezoning to the Mixed-Use Center District must identify all variance requests in the rezoning application and represent such requests in the Master Development Handbook. Variances shall be limited to the requirements of the Unified Development Code and shall follow the requirements of Chapter 8.

20B-2.6 **Procedures.**

- (A) **Pre-Application Meeting.** Before submitting an application for rezoning to Mixed-Use Center District, the applicant shall schedule a pre-application meeting with planning staff and the District Commissioner to determine the feasibility for the proposed plan and its relationship to the Forsyth County Comprehensive Plan and the Unified Development Code. The application can only advance to the Planning Commission with the support of the District Commissioner. Support of the District Commissioner for the application to proceed shall not limit the District Commissioner's discretion in voting on the application.
- (B) **Master Development Handbook.** To enable a thorough analysis of an application for the Mixed-Use Center District, the application requirements exceed those of other zoning districts. In addition to the standard requirements, applications for the Mixed-Use Center District shall include a Master Development Handbook. The handbook shall illustrate design criteria per 20B-2.3 in addition to proposed land use standards listed below. To avoid duplication, the information required for the Master Development Handbook can be combined with the standard requirements to amend the official zoning map. The Master Development Handbook shall include:
 - (1) **The Uniform Plan.** A plan of the project showing the location of proposed zones and the general trajectories of the various thoroughfares. At a minimum, the Uniform Plan shall differentiate between the following zones:
 - (a) Vertical Mixed Use Zones
 - (b) Residential Zones with separate designations for varying housing types
 - (c) Commercial, Office, or Industrial Zones
 - (d) Civic and Institutional Zones
 - (e) Open Space Zones with active community spaces identifiedThe applicant may develop more specific zones and or modify the name of the zones to better represent the theme of the proposed Mixed-Use Center District. An application is not required to include each of the zones listed above, see 20B-2.2 for requirements related to permitted uses.
 - (2) **Land Use Standards.** A matrix of text and or diagrams that regulate the permitted uses and performance standards for each zone identified in the Uniform Plan. Regulations of the Unified Development Code that are not listed in the Land Use Standards shall default to the standards identified in other chapters, which will be determined by the director in any case in which applying

the regulations of other chapters would be unclear. At a minimum, the following land use standards shall be established for each zone identified in the Uniform Plan:

- (a) Permitted uses
- (b) Minimum lot size
- (c) Minimum lot width
- (d) Minimum setbacks
- (e) Minimum building separation
- (f) Buffers and impervious surface setbacks*
- (g) Maximum height
- (h) Maximum building coverage
- (i) Parking and loading requirements

* Riparian buffers and impervious surface setbacks as set forth in UDC 18-11.2 shall not be modified except via the process in UDC 18-11.3.

- (3) **Community Standards.** The community standards are intended to produce visual compatibility among various building types and, at a minimum, the Community Standards shall address lighting, signage, fences, landscaping, building materials, building colors, and other architectural features. The following shall be submitted to address each of the Community Standards:
 - (a) Lighting. A pedestrian scale lighting illustration that demonstrates the relationship of the pedestrian to street light features and types and styles of light fixtures that will be used.
 - (b) Signage. Signage plan pertaining to non-residential use for any proposed sign types. All proposed signage in the signage plan shall conform to the dimensional and numerical requirements of the Forsyth County Sign Ordinance.
 - (c) Fences. Fence and wall details for community, residential spaces and non-residential uses that demonstrate a cohesion in material and maintain a relationship with the character of the surrounding land uses and structures.
 - (d) Landscaping. A landscape plan that incorporates planting materials to enhance the existing area, particularly as viewed from an adjacent right-of-way, and to mitigate development impacts.
 - (e) Building Materials. Building elevations and details pertaining to wall finishes with indication of the wall cladding material.
 - (f) Building Colors. Building elevations or renderings demonstrating the permissible colors for materials on walls, roofs, and any accent feature.
 - (g) Architectural features. Details pertaining to elements found in the built environment that create community character and visual interest.
- (4) **Phasing Standards.** The phasing standards shall consist of a construction phasing schedule and plan for phased projects. Phased projects shall comply with the following criteria:
 - (a) For a Mixed-Use Center District development, the developer is required to obtain a certificate of occupancy for a significant component of the non-residential uses prior to completing development of any residential element, if present.
 - (b) For all Mixed-Use Center District developments, upon completion of the initial phased development, the proposed future phases shall remain as accessible open space areas, provided the land is undisturbed and not hazardous to the health, safety, and welfare of residents and the public, until such time that the proposed portion will be constructed.
- (5) **Additional Requirements.** Text, drawings, and/or diagrams providing the following information:
 - (a) Method of water and sewer service, including verification of capacity;
 - (b) A summary of the anticipated maintenance and ownership of streets and open spaces;
 - (c) Proposed maximum number of residential dwelling units by type and minimum lot size, if applicable;
 - (d) Proposed maximum gross floor area devoted to non-residential uses;
 - (e) A plan identifying the existing tree canopy. Information available from the County's GIS data is acceptable for the rezoning stage;
 - (f) Existing topography with contour intervals no greater than four (4') feet. Information available from the County's GIS data is acceptable for the rezoning stage;
 - (g) State waters, wetlands, and floodplains. Information available from the County's GIS data is acceptable for the rezoning stage; and
 - (h) A summary of issues related to connectivity. The information should include available information on private and public streets; significant vehicular parking and loading areas; the

provision of bicycle parking areas, paths, sidewalks, and other similar features; and interconnections to adjoining property.

- (i) The design of all building facades, including exterior finish materials, architectural elements and other details necessary to clarify exterior features.

20B-2.7 **Amendments.**

- (A) **Conformance to Approved Master Development Handbook.** All further development of the property shall conform to the approved Master Development Handbook, regardless of any change in ownership, unless the County approves minor or major amendments.
- (B) **Minor Amendments.** The director may approve minor amendments to the approved Master Development Handbook, which are in compliance with the provisions and intent of this article, and do not depart from the principal concept of the approved Master Development Handbook. Minor amendments are those determined by the director to meet the purpose and intent of the Mixed-Use Center District, which would not affect adjacent properties. Minor amendments shall be approved as part of the land disturbance permitting process. The director may require the applicant to provide written justification for the minor amendment if such justification is not evident within the land disturbance permit itself.
- (C) **Major Amendments.** Should the director determine that a requested change or deviation from the approved Master Development Handbook departs from the principles of the Master Development Handbook and would affect adjacent properties, the proposed modification will be classified as a major amendment. The applicant may apply for approval of a major amendment to the Board of Commissioners as an application for modification of conditions of zoning, as established in Chapter 8 Article IX of this Code.

ARTICLE III, MIXED RESIDENTIAL DISTRICT (MRD):

20B-3.1 **Purpose and Intent.** The Mixed Residential District is intended to provide for residential development, which may contain a variety of housing types to accommodate diverse housing preferences. The Mixed Residential District encourages creative, residential planning and development within the county that will preserve unique environmental features and be consistent with the Forsyth County Comprehensive Plan.

The provisions of a Mixed Residential District are intended to establish a zoning district that will:

- (A) Provide a variety of housing options that may include single-family detached, single-family attached and multi-family housing products;
- (B) Offer flexibility in design and product types while protecting the integrity and quality of surrounding neighborhoods;
- (C) Maintain harmony of scale, intensity, and design across varying housing options;
- (D) Encourage a sense of community through design that promotes a sense of place through quality craftsmanship;
- (E) Promote the health and well-being of residents through the development of pedestrian and bicycle accommodations;
- (F) Create a development of high architectural and aesthetic quality by demonstrating such standards via an approval process that is more rigorous than the requirements for rezoning to other zoning districts, but is no more onerous than is necessary to enable a thorough analysis.

20B-3.2 **Uses Permitted.**

- (A) **General.** Uses shall provide an orderly relation and function to other uses in the development and to existing land uses. Adherence to the Forsyth County Comprehensive Plan in regards to recommended uses shall be required. Development within the district shall be limited to those uses specifically requested as part of the Master Development Handbook and approved by the Board of Commissioners, unless otherwise specifically noted in the approval of the Mixed Residential District.
- (B) **Uses Permitted.** The Mixed Residential District encompasses an exclusively residential development, which may contain a variety of housing types.
- (C) **Residential Density.** The maximum residential density for the Mixed Residential District shall be six (6) units per acre.
- (D) **Open Space.** The Mixed Residential District shall have a minimum open space requirement of twenty (20%) percent of the total site acreage.

20B-3.3 **Design Criteria.** The following design criteria will be used to evaluate conformity with the purpose and intent of this Article. Design elements that are not required, but encouraged, may be utilized to develop

recommended zoning conditions as part of the review process if they are omitted from the Master Development Handbook.

(A) **General Site Design**

- (1) The minimum size for a Mixed Residential District shall not be less than thirty (30) acres.
- (2) A functional town center, community green, park, or other focal point shall be included to create character and identity.
- (3) Perimeter setbacks and buffers shall protect the privacy of existing and anticipated uses that adjoin the subject property.
- (4) A minimum undisturbed buffer of twenty-five (25) feet and setback of fifty (50) feet shall be provided along an exterior property line abutting a residential, OR, A1 or AG-Res district.
- (5) The Mixed Residential District should incorporate multi-modal transportation elements in the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large. Such multi-modal elements may include provisions for public transport, carpooling lots, ridesharing service locations, pedestrian and bicycle paths and lanes, bicycle parking areas, and other similar provisions.
- (6) Interconnections to adjoining property, whether developed or undeveloped, shall be included and incorporated into the design where appropriate. Proposed parcels should be arranged and designed so as to allow for the opening of future streets and provide access to those areas not presently served by streets.

(B) **Open Space.** Open space within the context of the Mixed Residential District shall be independent of regulations found in other parts of this Code. Open space for the Mixed Residential District is intended to create active community spaces and preserve undisturbed land areas. Open space shall meet the minimum standards found in 20B-3.2, 20B-3.3, and shall incorporate the use of active community spaces as defined in Table 20B.3. Notwithstanding anything to the contrary herein, no property that is approved for MRD use pursuant to this Article shall be eligible for impact fee credits for parks.

(1) **General Requirements.**

- (a) Easements for utilities shall not count toward the required open space.
- (b) Structural stormwater control practices shall not count toward the required open space.
- (c) Requirements pertaining to low-impact stormwater design within Chapter 18, Article 13 shall not apply.

(2) **Active Community Spaces.** Active community spaces shall be designed for recreational or leisure purposes and may be constructed of pervious and non-pervious materials. Active community spaces shall comply with the following criteria:

- (a) A minimum of twenty-five (25%) percent of the total open space requirements as identified in 20B-3.2 shall be an active community space.
- (b) Active community spaces shall provide landscaped areas, which must include a combination of trees, shrubs, herbaceous ornamentals, and vegetative ground cover including grasses.
- (c) Trees used to satisfy minimum active community space requirements shall:
 - (i) Be at least three and one-half inches in caliper size;
 - (ii) Reach a mature height of forty (40) feet; and
 - (iii) Be spaced a minimum twenty-five (25) feet on-center.

(3) **Undisturbed Land Areas.** Undisturbed land areas shall create open space that conserves natural resources not counting areas otherwise required to be preserved by federal, state or local regulations. Undisturbed land areas shall comply with the following criteria:

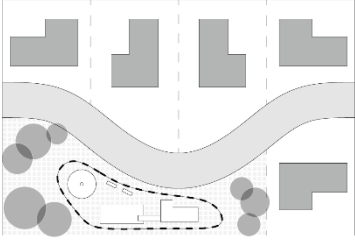
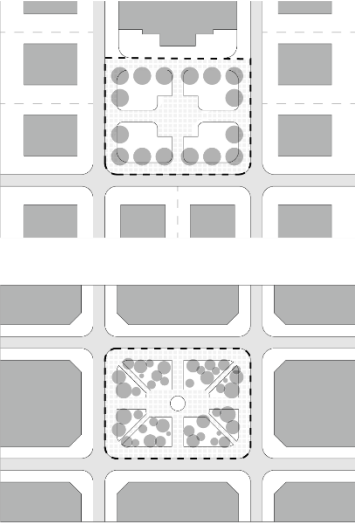
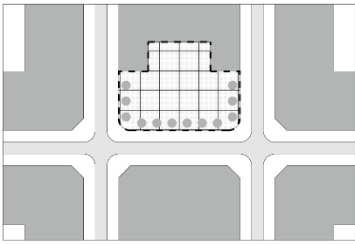
- (a) A minimum of twenty-five (25%) percent of the total open space requirements as identified in Article II shall be an undisturbed land area.
- (b) Undisturbed land areas used to satisfy the requirements of this Article shall be preserved in a natural state except for the removal of litter and dead, diseased or hazardous trees as approved by a registered forester or certified arborist.
- (c) Removal of vegetation as identified on the United States Department of Agriculture Georgia List of Exotic and Invasive Plants is permitted provided such removal is minimal.

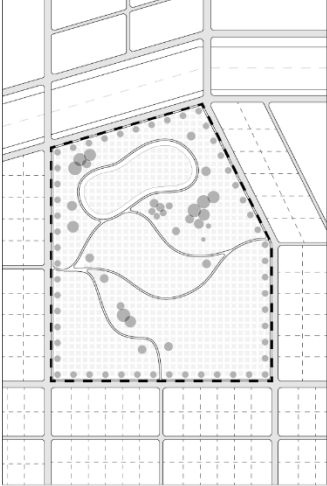
(4) When a community amenity building adjoins open space, pedestrian access (both ingress and egress) shall be provided.

(5) Covenants or other legal arrangements shall specify ownership of all open spaces, the method of and responsibility for maintenance, taxes and insurance, compulsory membership and assessment

provisions, and shall be incorporated into legal instruments sufficient to ensure that the open space requirements of 20B-3.3 are maintained.

TABLE 20B.3 ACTIVE COMMUNITY SPACE PERFORMANCE STANDARDS

Active Community Space Type	Example Illustration	General Description	Design Requirements
Playground		<p>A Playground provides space for supervised recreation for children within a neighborhood, or as part of a larger neighborhood or community park.</p>	<ul style="list-style-type: none"> • Shall be designed with commercial grade play equipment • Minimum area of two thousand (2,000) square feet with no maximum requirement
Square		<p>A Square provides a means to emphasize important places, intersections, or centers.</p>	<ul style="list-style-type: none"> • Shall be bound by streets on a minimum of three (3) sides or seventy-five (75%) percent • May be bound by front facing lots on one (1) side or twenty-five (25%) percent of their perimeter • No rear facing lots allowed adjacent to a square • Tree planting is encouraged parallel to the street right-of-way • Minimum area of two thousand (2,000) square feet up to a maximum area of two (2) acres
Plaza		<p>A Plaza is an outdoor area for community leisure that is entirely bounded by streets, lanes, or buildings.</p>	<ul style="list-style-type: none"> • Shall maintain an orthogonal shape that is parallel to a bounded street, lane, or building • Shall be level, stepped or gently sloping • Minimum area of four thousand (4,000) square feet up to a maximum area of one (1) acre

Active Community Space Type	Example Illustration	General Description	Design Requirements
Community Park		<p>Community Parks are designed for active and passive recreational use. Community Parks create a central open space that services an entire neighborhood or group of neighborhoods or incorporates physical features that are an asset to the community.</p>	<ul style="list-style-type: none"> • Trees shall be planted at the edge of community park boundaries • Shall be bounded by streets on a minimum of fifty (50%) percent of their perimeter • Minimum area of twenty thousand (20,000) square feet with no maximum requirement

(C) **Aesthetic Quality**

- (1) When appropriate, streets should terminate at a focal point, which may be a community park, bell tower, permanent art installation, or other similar feature.
- (2) The location and width of residential garage doors shall be designed so as to not dominate the streetscape. Standards on garage width and garage setbacks should be used to ensure that garage doors do not dominate the streetscape.
- (3) Attached housing shall be designed to reduce the monolithic nature of the structure.
- (4) Fences, walls, and berms should be designed and maintained in relationship with the character of the surrounding land uses and structures. Retaining walls should be constructed of architectural masonry or faced with rock, brick, and/or constructed to blend with adjacent surroundings.
- (5) Detention and retention structures are discouraged in areas subject to view from a public street if not used both for aesthetic purposes and designed so as to not require a fenced enclosure.
- (6) Mixed Residential Districts are encouraged to utilize creative methods for stormwater management, when such methods provide additional open space opportunities.
- (7) Service and loading zones shall be located to minimize visibility from public streets and neighboring properties.

(D) **Site Development**

- (1) Transitions at property edges should seem natural for the surrounding terrain.

(E) **Parking**

- (1) Decorative fences or walls, plantings, berms, or other similar features shall be used to screen surface parking lots from public view or soften their visual impact.
- (2) The location and design of parking structures should minimize their visibility from the street or other public areas.
- (3) Surface parking lots should be oriented behind or to the side of a building when possible. Surface parking lots should not be located on street corners.
- (4) The architectural features of a parking deck or structure shall be constructed of similar materials, colors, and detailing to match those used on the rest of the principal structure(s).

(F) **Pedestrian Scale**

- (1) Comfortable and attractive street furniture shall be provided in active community spaces for public enjoyment, comfort, and convenience. These may include seats and benches, drinking fountains, trash receptacles, information kiosks, directories, or other similar features.

- (2) Clear pedestrian and visual paths shall be established using a combination of covered arcades, covered walkways, courtyards, landscape patterns, consistent paving materials, minimal interruption of pedestrian paths, and other similar features.
- (3) Sidewalks shall be present in all residential areas.
- (4) All streets, pedestrian paths and trails within the Mixed Residential District shall remain ungated for public access.

(G) **Landscape and Natural Environment**

- (1) Specific emphasis should be placed on the preservation or planting of trees between buildings and the street.
- (2) Existing topography, significant tree cover, state waters and other natural features should be considered and incorporated into the project design whenever possible.
- (3) Required open space should be distributed throughout the project.
- (4) Landscaping shall provide buffering between non-compatible land uses.

(H) **Built Environment**

- (1) Residential developments shall avoid large box-like forms with continuous unrelieved surfaces. Building articulation shall be included on attached residential facades which can be in the form of horizontal and vertical stepbacks, changes in roof form and height, and major full-height recesses along the length of the building that break the building into discrete smaller masses.

20B-3.4 **General Conditions.**

- (A) **Code Provisions.** Whenever there is a conflict or difference between the provisions of this article and those of other chapters of the Unified Development Code, the provisions of this article shall prevail. Subjects not covered by this article shall be governed by the respective provisions found elsewhere in the Unified Development Code.
- (B) **Water and Sewer.** Public water with sufficient flow volume and pressure to meet water supply and fire flow needs shall be required for all Mixed Residential Districts. Public Sewer or an Existing Private Sewage Treatment Plant with Sufficient treatment and collection system Capacity shall be required for all Mixed Residential Districts.
- (C) **Variance Requests.** Applications requesting rezoning to the Mixed Residential District must identify all variance requests in the rezoning application and represent such requests in the Master Development Handbook. Variances shall be limited to the requirements of the Unified Development Code and shall follow the requirements of Chapter 8.

20B-3.5 **Procedures.**

- (A) **Pre-Application Meeting.** Before submitting an application for rezoning to Mixed Residential District, the applicant shall schedule a pre-application meeting with planning staff and the District Commissioner to determine the feasibility for the proposed plan and its relationship to the Forsyth County Comprehensive Plan and the Unified Development Code. The application can only advance to the Planning Commission with the support of the District Commissioner. Support of the District Commissioner for the application to proceed shall not limit the District Commissioner's discretion in voting on the application.
- (B) **Master Development Handbook.** To enable a thorough analysis of an application for the Mixed Residential District, the application requirements exceed those of other zoning districts. In addition to the standard requirements, applications for the Mixed Residential District shall include a Master Development Handbook. The handbook shall illustrate design criteria per 20B-3.3 in addition to proposed land use standards listed below. To avoid duplication, the information required for the Master Development Handbook can be combined with the standard requirements to amend the official zoning map. The Master Development Handbook shall include:
 - (1) **The Uniform Plan.** A plan of the project showing the location of proposed zones and the general trajectories of the various thoroughfares. The Uniform Plan shall differentiate between the following zones:
 - (a) Residential Zones with separate designations for varying housing types
 - (b) Open Space Zones with active community spaces identifiedThe applicant may develop more specific zones and or modify the name of the zones to better represent the theme of the proposed Mixed Residential District. See 20B-3.2 for requirements related to permitted uses.
 - (2) **Land Use Standards.** A matrix of text and or diagrams that regulate the permitted uses and performance standards for each zone identified in the Uniform Plan. Regulations of the Unified

Development Code that are not listed in the Land Use Standards shall default to the standards identified in other chapters, which will be determined by the director in any case in which applying the regulations of other chapters would be unclear. At a minimum, the following land use standards shall be established for each zone identified in the Uniform Plan:

- (a) Permitted uses
- (b) Minimum lot size
- (c) Minimum lot width
- (d) Minimum setbacks
- (e) Minimum building separation
- (f) Buffers and impervious surface setbacks*
- (g) Maximum height
- (h) Maximum building coverage
- (i) Parking and loading requirements

* Riparian buffers and impervious surface setbacks as set forth in UDC 18-11.2 shall not be modified except via the process in UDC 18-11.3.

- (3) **Community Standards.** The community standards are intended to produce visual compatibility among various building types and, at a minimum, the Community Standards shall address lighting, signage, fences, landscaping, building materials, building colors, and other architectural features. The following shall be submitted to address each of the Community Standards:
 - (a) Lighting. A pedestrian scale lighting illustration that demonstrates the relationship of the pedestrian to street light features and types and styles of light fixtures that will be used.
 - (b) Fences. Fence and wall details that demonstrate a cohesion in material and maintain a relationship with the character of the surrounding land uses and structures.
 - (c) Landscaping. A landscape plan that incorporates planting materials to enhance the existing area, particularly as viewed from an adjacent right-of-way, and to mitigate development impacts.
 - (d) Building Materials. Building elevations and details pertaining to wall finishes with indication of the wall cladding material.
 - (e) Building Colors. Building elevations or renderings demonstrating the permissible colors for materials on walls, roofs, and any accent feature.
 - (f) Architectural features. Details pertaining to elements found in the built environment that create community character and visual interest.
- (4) **Phasing Standards.** The phasing standards shall consist of a construction phasing schedule and plan for phased projects. Phased projects shall comply with the following criteria:
 - (a) For all Mixed Residential District developments, upon completion of the initial phased development, the proposed future phases shall remain as accessible open space areas, provided the land is undisturbed and not hazardous to the health, safety, and welfare of residents and the public, until such time that the proposed portion will be constructed.
- (5) **Additional Requirements.** Text, drawings, and/or diagrams providing the following information:
 - (a) Method of water and sewer service, including verification of capacity;
 - (b) A summary of the anticipated maintenance and ownership of streets and open spaces;
 - (c) Proposed maximum number of residential dwelling units by type and minimum lot size.
 - (d) A plan identifying the existing tree canopy. Information available from the County's GIS data is acceptable for the rezoning stage;
 - (e) Existing topography with contour intervals no greater than four (4') feet. Information available from the County's GIS data is acceptable for the rezoning stage;
 - (f) State waters, wetlands, and floodplains. Information available from the County's GIS data is acceptable for the rezoning stage; and
 - (g) A summary of issues related to connectivity. The information should include available information on private and public streets; significant vehicular parking and loading areas; the provision of bicycle parking areas, paths, sidewalks, and other similar features; and interconnections to adjoining property.
 - (h) The design of all building facades, including exterior finish materials, architectural elements and other details necessary to clarify exterior features.

20B-3.6 **Amendments**

- (A) **Conformance to Approved Master Development Handbook.** All further development of the property shall conform to the approved Master Development Handbook, regardless of any change in ownership, unless the County approves minor or major amendments.
- (B) **Minor Amendments.** The director may approve minor amendments to the approved Master Development Handbook, which are in compliance with the provisions and intent of this article, and do not depart from the principal concept of the approved Master Development Handbook. Minor amendments are those determined by the director to meet the purpose and intent of the Mixed Residential District, which would not affect adjacent properties. Minor amendments shall be approved as part of the land disturbance permitting process. The director may require the applicant to provide written justification for the minor amendment if such justification is not evident within the land disturbance permit itself.
- (C) **Major Amendments.** Should the director determine that a requested change or deviation from the approved Master Development Handbook departs from the principles of the Master Development Handbook and would affect adjacent properties, the proposed modification will be classified as a major amendment. The applicant may apply for approval of a major amendment to the Board of Commissioners as an application for modification of conditions of zoning, as established in Chapter 8 Article IX of this Code.

CHAPTER TWENTY-ONE

OVERLAY DISTRICTS

ARTICLE I, GENERAL PROVISIONS:

21-1.1 **Purpose.** The purpose of overlay districts established by Chapter Nine, Article I of this Code is to conserve natural resources or realize development objectives without unduly disturbing the expectations for development allowed by the existing zoning district provisions applicable to particular properties. The existing zoning district provisions may properly regulate the relevant district, in general, but more specific and targeted provisions contained in an overlay district are needed to accomplish pressing land use objectives.

21-1.2 **Applicability.** The provisions of this Chapter are applicable to those parcels within unincorporated Forsyth County that have particular development constraints:

- (A) The protected water supply watershed overlays as designated in Chapter 9 of this Code consist of the land areas that drain to the public water supply intake or water supply reservoir. The boundaries of these overlays are defined by the ridge lines of the respective watersheds and the boundary of a radius of seven (7) miles upstream of the respective public water supply intakes.
- (B) The protected groundwater recharge area overlay district, as designated in Chapter 9, consist of all lands within the jurisdiction of Forsyth County, Georgia that are mapped as significant recharge areas by the Georgia Department of Natural Resources in Hydrologic Atlas 18, 1989 edition.
- (C) The Etowah River Corridor Protection District overlay district, as designated in Chapter 9, consist of all areas within one hundred (100) feet horizontally on both sides of the Etowah River, in Forsyth County.
- (D) Wetland Protection District overlay districts, as designated in Chapter 9, consist of all wetlands within the jurisdiction of Forsyth County.

ARTICLE II, PROTECTED WATER SUPPLY WATERSHED OVERLAY DISTRICT:

21-2.1 **Minimum Criteria for the Big Creek Small Water Supply Watershed.**

- (A) Permitted Uses for Perennial Stream Corridors within a Seven Mile Radius Upstream of a Governmentally Owned Public Drinking Water Supply Intake. All uses allowed in the underlying zoning districts as established by this Code except for those listed in prohibited uses below are permitted in the Water Supply Watershed Protection Overlay District, subject to the following conditions and standards:
- (1) A buffer shall be maintained for a distance of 100 feet on both sides of the stream as measure from the stream banks.
 - (2) No impervious surface shall be constructed within a 150 foot setback area on both sides of the stream as measured from the stream banks.
 - (3) Septic tanks and septic tanks drainfields are prohibited in the setback areas of (b) above.
- (B) Permitted Uses for Perennial Stream Corridors outside a Seven Mile Radius Upstream of a Governmentally Owned Public Drinking Water Supply Intake. All uses allowed in the underlying zoning districts as established by this Code except for those listed in prohibited uses below are permitted in the Water Supply Watershed Protection Overlay District, subject to the following conditions and standards:
- (1) A buffer shall be maintained for a distance of fifty (50) feet on both sides of the stream as measure from the stream banks.
 - (2) No impervious surface shall be constructed within a seventy-five (75) foot setback area on both sides of the stream as measured from the stream banks.
 - (3) Septic tanks and septic tanks drainfields are prohibited in the setback areas of (b) above.
- (C) General Criteria for the Big Creek Small Water Supply Watershed: The following criteria apply to all locations in a small water supply watershed:
- (1) New sanitary landfills are allowed only if they have synthetic liners and leachate collection systems.
 - (2) New hazardous waste treatment or disposal facilities are prohibited.
 - (3) The impervious surface area, including all public and private structures, utilities, or facilities, for that portion of the water supply watershed within unincorporated Forsyth County shall be limited to twenty-five (25) percent, or existing use, whichever is greater. The impervious surface area requirement shall be calculated based upon that portion of the water supply watershed within unincorporated Forsyth County; discrete parcels or projects will not be required to independently satisfy the impervious surface area limitations set forth above.
 - (a) Alternative criteria that provides equal or better protection of the water supply watershed shall also be acceptable if approved by Georgia Environmental Protection Division (EPD).
 - (4) New facilities which handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks), and amounts of 10,000 pounds on any one day or more, shall perform their operations on impervious surfaces in conformance with any applicable federal spill prevention requirements or the requirements of the Standard Fire Prevention Code.
- (D) Exemptions.
- (1) Land uses established prior to the promulgation of the Water Supply Watershed Protection Plan.
 - (2) Mining activities permitted by the Department of Natural Resources under the Surface Mining Act.
 - (3) Utilities are exempt from the stream corridor buffer and setback area provisions of the Water Supply Watershed Protection Plan if the utilities to be located in the buffer or setback areas cannot feasibly be located outside these areas;
 - (a) The utilities shall be located as far from the stream bank as reasonably possible.
 - (b) The installation and maintenance of the utilities shall be such to protect the integrity of the buffer and setback areas as best as reasonably possible.
 - (c) The utilities shall not impair the quality of the drinking water stream.
 - (4) Forestry and agricultural activities are exempt from the stream corridor buffer and setback area provisions of Water Supply Watershed Protection Plans in accordance with the following conditions:
 - (a) The activity shall be consistent with best management practices established by the Georgia Forestry Commission or the Georgia Department of Agriculture.
 - (b) The activity shall not impair the quality of the drinking water stream.

21-2.2 **Minimum Criteria for the Etowah and Upper Chattahoochee Large Water Supply Watersheds.**

- (A) A large water supply watershed has 100 square miles or more of land within the drainage basin upstream of a governmentally owned public drinking water supply intake.
- (B) The corridors of all perennial streams in a large water supply watershed tributary to a water supply reservoir within a seven (7) mile radius of the reservoir boundary are protected by the following criteria:
 - (1) A buffer shall be maintained for a distance of 100 feet on both sides of the stream as measured from the stream banks.
 - (2) No impervious surface shall be constructed within a 150-foot setback area on both sides of the stream as measured from the stream banks.
 - (3) Septic tanks and septic tank drainfields are prohibited in the setback area of ii. above.
- (C) New facilities, located within seven (7) miles of a water supply intake or water supply reservoir, which handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and amounts of 10,000 pounds on any one day or more, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements or the requirements of the Standard Fire Prevention Code.
- (D) New facilities located outside the seven-mile radius that handle hazardous materials shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by the Department of Natural Resources.

ARTICLE III, PROTECTED GROUNDWATER RECHARGE AREA DISTRICT:

21-3.1 **Permitted Uses.** All uses allowed in the underlying zoning districts as established by this Code except for those listed in prohibited uses below are permitted in a Protected Groundwater Recharge Area Overlay District subject to the following conditions and standards:

- (A) The Department of Natural Resources shall not issue any permits for new sanitary landfills not having synthetic liners and leachate collection systems.
- (B) The Department of Natural Resources shall not issue any new permits for the land disposal of hazardous wastes.
- (C) The Department of Natural Resources shall require all new facilities permitted or to be permitted to treat, store, or dispose of hazardous waste to perform such operations on an impermeable pad having a spill and leak collection system.
- (D) New above-ground chemical or petroleum storage tanks, having a minimum volume of 660 gallons, shall have secondary containment for 110 percent of the volume of such tanks or 110 percent of the volume of the largest tank in a cluster of tanks. (Note: These figures are consistent with US EPA rules for oil pollution prevention, 40 CFR 112.1.) Such tanks used for agricultural purposes are exempt, provided they comply with all Federal requirements.
- (E) New agricultural waste impoundment sites shall be lined if they are within:
 - (1) A high pollution susceptibility area;
 - (2) A medium pollution susceptibility area and exceed 15 acre-feet;
 - (3) A low pollution susceptibility area and exceed 50 acre-feet.

As a minimum, the liner shall be constructed of compacted clay having a thickness of one-foot and a vertical hydraulic conductivity of less than 5×10^{-7} cm/sec or other criteria established by the U.S. Soil Conservation Service; the Georgia Department of Natural Resources, Environmental Protection Division; and/or Forsyth County. (The average size of existing agricultural waste impoundments in Georgia is about 15 acre-feet; sheeps-foot rollers or pans with heavy rubber tires, which are normal equipment for most Georgia earth moving contractors, should be able to compact clay to the recommended vertical hydraulic conductivity.)

- (F) New homes served by septic tank/drain field systems shall be on lots having the following minimum size limitations as identified on Table MT-1 of the Department of Human Resources' Manual for On-Site Sewage Management Systems (hereinafter "DHR Table MT-1"):
 - (1) 150% of the subdivision minimum lot size of DHR Table MT-1 if they are within a high pollution susceptibility area; and
 - (2) 125% of the subdivision minimum lot size of DHR Table MT-1 if they are within a medium pollution susceptibility area; and
 - (3) 110% of the subdivision minimum lot size of DHR Table MT-1 if they are within a low pollution susceptibility area.
- (G) New manufactured/mobile home parks served by septic tank/drain field systems shall have lots or spaces having the following size limitation as identified on Table MT-2 of the Department of Human Resources' Manual for On-Site Sewage Management Systems (hereinafter "DHR Table MT-2"):
 - (1) 150% of the subdivision minimum lot or space size of DHR Table MT-2 if they are within a high pollution susceptibility area; and
 - (2) 125% of the subdivision minimum lot or space size of DHR Table MT-2 if they are within a medium pollution susceptibility area, and
 - (3) 110% of the subdivision minimum lot or space size of DHR Table MT-2 if they are within a low pollution susceptibility area.
- (H) If Forsyth County requires a larger lot size than that required by (F) above for homes or by (G) above for manufactured/mobile homes, the larger lot size shall be used.
- (I) No construction may proceed on a building or manufactured/mobile home to be served by a septic tank unless the Forsyth County Health Department first approves the proposed septic tank installation as meeting the requirements of the DHR Manual and (F), (G), and (H) above.
- (J) New facilities which handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks), in amounts of 10,000 pounds on any one day or more, shall perform their operations on impervious surfaces in conformance with any applicable federal spill prevention requirements or the requirements of the Standard Fire Prevention Code.

- (K) The Department of Natural Resources shall require conservative design in any new permits for the spray irrigation of waste waters or the land spreading of waste water sludge in areas having high pollution susceptibility. This shall be accomplished by comparing the Department's CRITERIA FOR SLOW RATE LAND TREATMENT (February, 1986 or latest edition) with amendments and other technical publications to site specific information submitted by a registered professional engineer for each project.
- (L) Permanent storm water infiltration basins shall not be constructed in areas having high pollution susceptibility.
- (M) Exclusive of mining settling basins, new waste water treatment basins shall have an impermeable liner in areas having high pollution susceptibility.

21-3.2 **Exemptions.** Any lot of record on or before February 14, 2000 is exempt from the lot requirements of Section 21-3.1 (F) and (G) above.

ARTICLE IV, THE ETOWAH RIVER CORRIDOR PROTECTION DISTRICT:

21-4.1 **Permitted Uses.** All uses allowed in the underlying zoning districts as established by this Code except for those listed in Prohibited Uses below are permitted in the Etowah River Corridor Protection District Overlay, subject to the following conditions and standards:

- (A) Standards and requirements established in the Metropolitan River Protection Act and the Erosion and Sedimentation Act are not superseded by the Etowah River Corridor Protection District standards.
- (B) Protection criteria:
 - (1) The Etowah River Corridor Protection District shall provide for the maintenance of a natural vegetative buffer except as otherwise provided herein.
 - (2) The Etowah River Corridor Protection District shall not prohibit the building of single family dwellings, including the usual appurtenances, within the buffer area, subject to the following conditions
 - (a) The dwelling shall be in compliance with all Forsyth County zoning regulations.
 - (b) The dwelling shall be located on a tract of land containing at least two acres. For the purpose of these standards, the size of the tract of land shall not include any area that lies within the protected river (that is, for tracts of land that include portions of a protected river, the area between the river banks cannot be counted towards the two acre minimum size).
 - (c) There shall be only one such dwelling on each two-acre or larger tract of land.
 - (d) A septic tank or tanks serving such a dwelling may be located within the buffer area.
 - (e) Septic tank drainfields shall not be located within the buffer area.
- (C) Within the Etowah River Corridor Protection District, industrial and commercial land uses existing prior to the promulgation of the Etowah River Corridor Protection District are exempt from these criteria provided that:
 - (1) Industrial and commercial uses of river corridors shall not impair the drinking quality of the river; and
 - (2) Industrial and commercial activity within the river corridor shall meet all state and federal environmental rules and regulations.
- (D) Except as expressly provided for under section (20A-4.1) (b) of these criteria (dealing with single family dwellings within the Etowah River Corridor Protection District), septic tanks and septic tank drainfields are prohibited within river corridors.
- (E) The Etowah River Protection District shall provide for the construction of road crossings and utility crossings of river corridors, provided that construction of such road and utility crossings shall meet all requirements of the Erosion and Sedimentation Control Act of 1975, and the Forsyth County Soil Erosion and Sedimentation Control Ordinance (Ordinance No. 73) and any other applicable local ordinances on soil erosion and sedimentation control.
- (F) The Etowah River Protection District shall provide the following acceptable uses of river corridors, provided that such uses do not impair the long-term functions of the protected river or the river corridor and are consistent with applicable Federal, Georgia and Forsyth County regulations:
 - (1) Timber production and harvesting, subject to the following conditions:
 - (a) Forestry activity shall be consistent with best management practices established by the Georgia Forestry Commission, and
 - (b) Forestry activity shall not impair the drinking quality of the river water as defined by the federal Clean Water Act, as amended.
 - (2) Wildlife and fisheries management activities consistent with the purposes of O.C.G.A. 12-2.8.
 - (3) Wastewater treatment.
 - (4) Recreational usage consistent either with the maintenance of a natural vegetative buffer or with river-dependent recreation. For example, a boat ramp would be consistent with this criterion but a hard surface tennis court would not. Parking lots are not consistent with this criterion. Paths and walkways within the river corridor are consistent with this criterion.
 - (5) Natural water quality treatment or purification.
 - (6) Agricultural production and management, subject to the following conditions:
 - (a) Agricultural activity shall be consistent with best management practices established by the Georgia Soil and Water Conservation Commission;
 - (b) Agricultural activity shall not impair the drinking quality of the river water as defined by the federal Clean Water Act, as amended; and

- (c) Agricultural activity shall be consistent with all state and federal laws, and all regulations promulgated by the Georgia Department of Agriculture.
- (7) Other uses permitted by the Department of Natural Resources or under Section 404 of the Clean Water Act.
- (G) Handling areas for the receiving and storage of hazardous waste are prohibited within river corridors.
- (H) Hazardous waste or solid waste landfills are prohibited within river corridors.
- (I) The natural vegetative buffer shall be restored as quickly as possible following any land-disturbing activity within the river corridor.
- (J) Except as noted above, all construction within the buffer area shall be prohibited.

21-4.2 **Exemptions.**

- (A) Land uses existing prior to the promulgation of the Etowah River Corridor Protection District.
- (B) Mining activities, if permitted by the Department of Natural Resources pursuant to the Georgia Surface Mining Act of 1968, as amended.
- (C) Utilities, (except as discussed above in Section 21-4.1 (E)), if such utilities cannot feasibly be located outside the buffer area (feasibility shall be decided conservatively by the local government), provided that:
 - (1) The utilities shall be located as far from the river bank as reasonably possible;
 - (2) Installation and maintenance of the utilities shall be such as to protect the integrity of the buffer; and
 - (3) Utilities shall not impair the drinking quality of the river water.
- (D) Specific forestry and agricultural activities except as discussed above in Sections 21-4.1 (F) 1 and 21-4.1 (F) 6.

ARTICLE V, WETLAND PROTECTION DISTRICT:

21-5.1 **Permitted Uses.** All uses allowed in the underlying zoning districts as established by this Code, except for those listed in prohibited uses below, are permitted in the Wetland Protection Overlay District, subject to the following conditions and standards:

- (A) No development permit will issue on a project that appears to contain wetlands until a determination has been made by the Corps of Engineers on whether jurisdictional wetlands exist on the site. If there are jurisdictional wetlands on the site that will be disturbed by the proposed development, the applicant must obtain a wetlands alteration Section 404 Permit from the U.S. Army Corps of Engineers.
- (B) If a project appears to contain wetlands, the following note must be printed in bold-face type on all development plans:
This site contains wetlands. The applicant will first obtain a wetland alteration Section 404 Permit from the Corps of Engineers prior to disturbing any jurisdictional wetlands.
- (C) Prohibited uses of wetland areas include:
 - (1) Receiving areas for toxic or hazardous waste or other contaminants;
 - (2) Hazardous or sanitary waste landfills.
- (D) Use of wetland areas without long term impairment is permitted. Acceptable uses may include:
 - (1) Timber production and harvesting;
 - (2) Wildlife and fisheries management;
 - (3) Wastewater treatment;
 - (4) Recreation;
 - (5) Natural water quality treatment or purification;
 - (6) Other uses permitted under Section 404 of the Clean Water Act.

ARTICLE VI, ATLANTA HIGHWAY-MCFARLAND PARKWAY-MULLINAX ROAD OVERLAY DISTRICT:

21-6.1 **Purpose.** The purpose of this overlay district is to establish minimum standards for development, exterior architectural design, parking, fencing and landscaping that contribute to the district's recruitment and retention of businesses. This is accomplished through the enhancement of business and industrial development and redevelopment through the creation of visual interest and design flexibility. Architectural design standards are intended to promote architectural continuity and consistency, corridor landscaping for aesthetic benefit, and flexible parking design to minimize impediments to development. It is the intent of this overlay to allow for flexibility in responding to unique characteristics and constraints inherent with different businesses, specific parcels, and related neighborhood areas.

21-6.2 **District delineation.** The Atlanta-McFarland Commerce Overlay District shall consist of those parcels within the boundary identified on the Official Overlay District Map of Forsyth County. Regulations apply to parcels or portions of parcels that fall within 1,000 feet of the centerline of Atlanta Highway; and parcels or portions of parcels that fall within 500 feet of the centerline of McFarland Parkway; and parcels or portions of parcels that fall within 500 feet of the centerline of Mullinax Road. Where land is classified as within the overlay district, the regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying base zoning district. In the event of an express conflict between the standards governing a base zoning district and those governing an overlay district, the standards governing the overlay district shall control.

21-6.3 **Permitted uses.** All uses allowed in the underlying zoning districts as established by this Code, except for those listed below, are permitted in the Atlanta Highway-McFarland Parkway-Mullinax Road Overlay District:

(A) Tattoo parlors.

21-6.4 **Design Plan Administrative Review.** Plan review shall be performed by county staff. Site development plans, architectural elevations, exterior finish plans, and landscape plans must be submitted to the department at the time of application for a land disturbance permit. Lighting plans must be submitted prior to the issuance of a building permit. Submitted plans shall address and conform to all provisions set forth under chapter 21, article VI. Any numerical nonconformance to the standards contained within this Article shall require the submittal of a variance application in accordance with section 8-6.4 of this Code. Should a design not meet all of the non-numerical standards contained within this Article, then the proposed design must be submitted, for public hearing, to the Forsyth County Board of Commissioners for review and approval as an Alternate Design. In considering whether to approve such Alternate Design, the Board of Commissioners shall consider the Special Considerations set forth in section 8-5.5(F)(2)(b) of this Code.

Exemptions. Development shall be exempted from Chapter 12, Article XI, additional requirements for large scale retail establishments forty thousand (40,000) square feet or greater, also known as the big box ordinance, with the exception of the requirement of a traffic study.

21-6.5 **Site Design Standards.**

(A) **Landscaping.** The following is in addition to the Tree Protection and Replacement Ordinance. Landscape strips along rights-of-way.

- (1) For all properties, a minimum twenty (20) foot wide landscape strip paralleling the road frontage shall be provided along the proposed future rights-of-way of Atlanta Highway (State Route 9), McFarland Parkway, and Mullinax Road. Plantings within twenty (20) foot wide landscape areas are required. A minimum of ten (10) feet of the required twenty (20) foot landscape strip shall be located outside of utility easements to accommodate the required trees and shrubs.
- (2) Landscape strips along the side and rear lot or lease lines. In commercial and industrial districts, landscape strips shall be required along all side and rear lot or lease lines. Each required landscape strip shall meet an average width of ten (10) feet with no portion of the landscape strip less than six (6) feet in width.
- (3) Minimum buffer and minimum building setback performance standard, as provided in Table 12.2 for properties along a residential, Office Residential, or Agricultural districts.
- (4) Minimum buffer and minimum building setback performance standard, as provided in Table 14.2, for properties abutting a residential, Office Residential, or Agricultural district.
- (5) All landscape strips and landscape areas are required to contain a variety of overstory trees with an understory of shrubs and herbaceous materials. Trees shall count towards the tree density requirements of the Tree Protection and Replacement Ordinance. All landscape strips shall contain a minimum of one overstory tree and four shrubs per forty (40) linear feet of strip length. All

- proposed shrubs shall be a minimum of three-gallon container size and two (2) feet in height at time of planting. All proposed overstory trees shall be a minimum three-inch caliper at time of planting. Trees and shrubs may be grouped or staggered and need not be evenly spaced within the strips.
- (6) All landscape design shall incorporate a minimum of forty (40) percent evergreen plantings.
 - (7) Creation of a multifunctional landscape, incorporating detention, retention, and infiltration is recommended.
 - (8) The required fences shall be incorporated into the design of the frontage landscape strip and shown on the landscape plan.
- (B) **Board Fences.** Board fences shall be installed along Atlanta Highway (State Route 9), McFarland Parkway and Mullinax Road.
- (1) For all properties, four board style black fences shall consist of a minimum of 1-inch thick, 4-inch wide fence board affixed to 4-inch posts spaced a maximum of ten (10) feet apart. The board fences shall be a minimum of four (4) feet and a maximum of six (6) feet in height. Natural stone or brick masonry columns may be used in the fence design.
 - (2) Fence materials shall be comprised of treated lumber, fiber cement, vinyl or steel.
 - (3) Chain link or coated chain link fencing is prohibited along the road frontage.
 - (4) Individual lots of record within residential or agricultural districts are exempt from this requirement.
- (C) **Architectural Building Materials.** The following design standards are established to create architectural consistency throughout the overlay district.
- (1) Exterior building materials on all commercial and industrial development visible from the right-of-way shall consist of a minimum of seventy (70) percent per vertical wall plane of brick, natural or pre-cast stone, stucco, pre-finished colored architectural masonry with a rough-hewn texture, and glass. If multiple establishments are designed for location within one contiguous structure, the minimum percentage requirements may be satisfied with reference to the entire facade rather than individual facade fronts.
 - (2) Accent wall materials on all commercial development shall not exceed thirty (30) percent per vertical wall plane. Accent building materials include, but are not limited to, stucco, thin brick, and durable and painted dimension wood. If multiple establishments are designed for location within one contiguous structure, the percentage pertains to the entire facade rather than individual facade fronts. Smooth faced or painted concrete masonry units, efis, aluminum siding, vinyl siding, and corrugated steel are prohibited.
 - (3) Metal coping and metal framing for windows and doors is acceptable.
 - (4) Retaining walls must be faced with stone or brick.
 - (5) For the Atlanta Highway-McFarland Parkway-Mullinax Road Overlay District Warehouse Facade Zone as identified on Exhibit B: Official Overlay District Map of Forsyth County, the following architectural design requirements shall also apply to non-residential buildings within all commercial zoning districts and Restricted Industrial District (M1). Exemption to these requirements shall only be permitted for any remodel of or addition to an existing structure. In the event of a conflict between design requirements noted in (a) and (b) below and other architectural regulations noted within this Code, this section shall control:
 - (a) All building sides are to be faced with tumbled brick or brick that is installed according to German smear or weep mortar joint construction techniques.
 - (b) Metal entry doors, awnings, canopies, gutters, gooseneck exterior lighting and other decorative elements that are non-structural, architectural details attached to a building facade shall be dark in color with a minimum of three such elements incorporated for every building. Metallic tones of silver, gold, light bronze, bright copper and painted effects that result in a non-muted or lightened appearance shall be prohibited.

Table 21.6 PERFORMANCE STANDARDS

Minimum landscaped open space	25%
Minimum front yard landscape strip paralleling road frontage	15 feet
Minimum front building setback/ front yard from dedicated right-of-way	40 feet
Minimum rear setback	25 feet
Minimum side setback	10 feet

Performance standards found in Table 21.6 replace the performance standards contained in UDC chapters 12 and 14 for landscape open space, landscaping and building setbacks.

(D) **Parking Area Requirements.** Parking lot areas shall be designed to ensure a safe flow of traffic in the business, safe travel of pedestrians, bicyclists and delivery vehicles. The landscape design of the parking area shall maximize natural areas to optimize natural infiltration.

(1) Number of Parking spaces. Spaces are to be provided in the following amounts per 1000 square foot (sf) of Gross Floor Area (GFA):

Parking Area Requirements		
LAND USE	Maximum	Minimum
Automotive and Vehicle Sales & Service	4	2
Bank	4	2
Big Box Discount, Mercantile Retail (40k+)	4	2
Convenience Market/Store	4	3
Drive –Through Restaurant	8	2
Free Standing retail	3	2
General Office Building	3	2
Gymnasiums, Physical Fitness, Health Spas, Dance Studio	8	3
Hotels, Motels and Extended Stay Hotels or Motels	1.5 per guest room	1.2 per guest room
Industrial: factory, manufacturing, processing, assembling	2	1
Medical Clinic/Office	6	3
Personal Service/Salon	3	2
Places of Worship	8	3
Restaurant, full service (sit-down)	9	5
Shopping Center	5	3
Warehouse, Storage	1	1
Many uses and mixed-use projects have a large variability in parking demand. At the option and expense of the applicant a parking generation study may be presented to county staff to validate the parking demand.	To be determined by the director, based on a parking generation study by an engineering firm.	1

- (2) Shared Parking on adjacent property. Flexible parking design, to include shared parking arrangements, are encouraged. See chapter 17 of this Code.
- (3) Pervious Parking. Gravel parking surfaces may be permitted for uses which require parking an average of less than three days per week during a month; places of worship (not schools); and outdoor recreational facilities with low parking demand. Pervious parking pavers are permitted for all uses. The use of pervious pavers must be approved by the County Engineer. Any conversion from pervious parking to impervious parking surfaces requires the approval of the county engineer and may require additional modifications.
- (4) Automobile Screening. All parking areas shall be screened from public view with evergreen shrubs. Shrubs shall be no less than three (3) feet in height as measured from the top of curb of the parking area.
- (5) Accessory uses of parking lots and loading areas. Parking and loading areas shall not be used for the sale, storage or repair or dismantling of any equipment, materials or supplies. Semi-tractor trailers may not be used for on-site sales.
- (6) Accessible parking spaces. Accessible parking spaces shall comply with all requirements of the State of Georgia.
- (7) Parking space and aisle specifications. Parking space and aisle specifications shall comply with chapter 17-2.8, with the exception that the percentage of compact auto parking spaces, may equal up to thirty (30) percent of the entire parking area.
- (E) **Service, refuse collection and dumpsters.** Service areas, storage areas, and refuse enclosures shall be oriented away from view from the right-of-way and screened from public areas. Service areas and loading areas shall be separated from the primary vehicular and pedestrian circulation areas. All refuse enclosures shall be enclosed on three sides by a brick, masonry, or cementitious wall. Chain link fencing is prohibited.
- (F) **Off-Street Loading areas.** Loading and unloading areas shall be located and designed so that delivery vehicles can maneuver safely to and from the public right-of-way without obstructing or interfering public right-of-way or any parking space or parking lot aisle.
 - (1) No area allocated to loading facilities may be utilized to satisfy requirements for off-street parking, nor shall any portion of any off street parking area be used to satisfy the area requirements for loading.

TABLE 21-6.A Loading Area Requirements

Gross leasable Area of Building	Number of Spaces
5,000 – 19,999	1
20,000 – 39,999	2
40,000 -129,999	3
130,000 +	4

- (2) Loading area minimum dimensions shall be twelve (12) feet x fifty-five (55) feet, with fourteen (14) feet of height clearance.
- (G) **Bicycle Parking Facilities.** All commercial and public uses shall provide one bicycle parking space for every fifty (50) vehicle parking spaces provided; with a minimum of two stalls (a rack) per business address, where the structure is larger than 5000 square feet.
- (H) **Mechanical Systems.** HVAC, utility cabinets, and other mechanical systems must be screened in a manner that is architecturally comparable to the building. Parapet heights should remain in proportion to the overall height of the building.
- (I) **Architectural and Landscape lighting.** In addition to article 16-4.26 Outdoor Lighting, architectural lighting may be used to highlight special features and to enhance ground level pedestrian areas. Lighting an entire building façade or major portion thereof is prohibited.

(J) **Motor Vehicle Stacking.**

(1) Table 21-6.B Stacking Capacity Requirements

Use	Minimum Vehicle Stacking Capacity per drive-through lane
Car Wash – self-service or staffed	4 vehicle spaces
Food Service	4 vehicle spaces
All other uses	3 vehicle spaces

(2) Each stacking space shall be a minimum of nine (9) feet in width and eighteen (18) feet in length.

(3) Stacking lanes must be striped and marked.

(4) All drive-throughs shall be provided with a by-pass lane a minimum width of nine (9) feet.

(5) Drive-through window(s) are prohibited on the side of a building facing a residential district.

(K) **Screening of Open Storage Yards.** All areas devoted to outside storage of vehicles, merchandise or equipment shall be screened from view from the right-of-way. Screening may be accomplished by vegetation, a masonry wall, fence or combination of fencing and vegetation. Fences or walls may not exceed eight (8) feet in height. Chain link fencing is prohibited.

(L) **Outdoor display of vehicles, equipment, and merchandise.** Open storage or display of vehicles, equipment, and merchandise to be rented, leased or sold shall not be visible along no more than fifty (50) percent of the frontage of the property abutting the right-of-way, excluding approved driveways.

(M) **Canopies.** A variety of business offer patrons the safety and convenience of canopies.

(1) The overall height of canopies should not exceed twenty (20) feet.

(2) All elements of canopies that are not operational should be architecturally integrated by use of color, material, and architectural detailing.

(3) Lighting under canopies shall not exceed thirty (30) foot-candles.

(N) **Setback Reduction.** The front yard building setback requirements (Table 21.6) may be reduced without requiring a variance in cases where one or more existing building located wholly or partially within five hundred (500) feet on either side of the proposed building, fronting on the same street of such block, is less than the minimum required front yard building setback as shown on a survey provided by the applicant. In such cases, the setback on such lots may be less than the required setback, but not less than the average of the existing setbacks on the aforementioned lots, or a distance of fifteen (15) feet from the closest edge of the future right-of-way line, whichever is greater.

(O) **Signage.** Electronic message boards (EMBs) are prohibited.

(P) **Color.** The use of muted, subdued, or earth tone colors are required for all buildings and associated structures. Vending and ice machines, lock boxes, and other dispensing equipment visible from the public right-of-way shall use only earth tone and/or neutral colors. Fuel dispensing units visible from the public right-of-way shall feature earth tone and/or neutral colors in their overall design. Notwithstanding the foregoing requirement, small functional parts of the fuel dispensing units and reasonable safety features may utilize additional colors for enhanced visibility and safety purposes, subject to the discretion of the director. In addition, any wall or fence shall use only earth tone and/or neutral colors. Earth tone colors refer to browns, umbers, sienna, or terracotta and brick tones. Neutral colors refer to blacks, whites, beiges, or grays.

ARTICLE VII, CASTLEBERRY-BETHELVIEW CROSSROADS OVERLAY ZONING DISTRICT:

21-7.1 **Purpose.** The purpose of this overlay district is to establish minimum standards for site development, exterior architectural design, landscaping, and signage of buildings that contribute to the district's overall character within a phased development approach to commercial and residential expansion. This is accomplished through the protection and preservation of the district's rural qualities, enhancement of commercial growth through unity of design and quality architecture, and the creation of visual interest through landscape and architectural features scaled for pedestrian use. Design standards are intended to ensure coordinated design of building exteriors in order to promote architectural congruence, positively impact adjacent properties, and produce buildings that augment the character and appearance of the area. It is the goal of this overlay to promote freedom in design while establishing a baseline for design compatibility. This goal is in accordance with the County's objective to encourage landscaping, signage, building design, and other development regulations that enhance the image of the County and create value as stated in the economic development section of the Comprehensive Plan's implementation program. In addition, the overlay district complies with the respective subarea visions which state that commercial development will take the form of nodes and will adopt appropriate design standards to promote quality development throughout the subarea. The subarea visions also maintain that residential communities will have close proximity to jobs and commercial areas while preserving rural character.

21-7.2 **Delineation of District.** The Castleberry-Bethelview Crossroads Overlay District shall consist of those parcels within the circular boundary identified on the Official Overlay District Map of Forsyth County. Where land is classified as an overlay district, the regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying base zoning district. In the event of an express conflict between the standards governing a base zoning district and those governing an overlay district, the standards governing the overlay district shall control.

21-7.3 **Permitted Uses.** All uses allowed in the underlying zoning districts as established by this Code, except for those listed below, are permitted in the Castleberry-Bethelview Crossroads Overlay District:

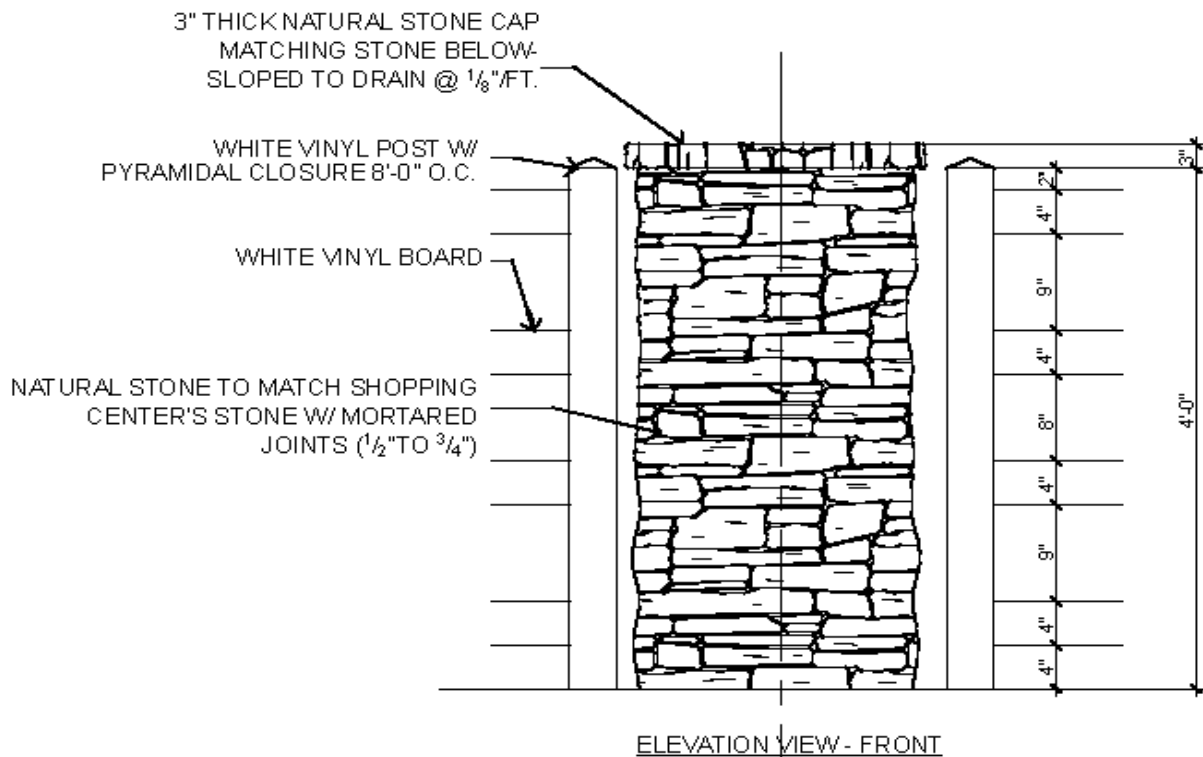
- (A) Theaters
- (B) Electronic game playing centers
- (C) Adult entertainment centers
- (D) Adult novelty stores
- (E) Pawn shops
- (F) Pool halls
- (G) Tattoo parlors

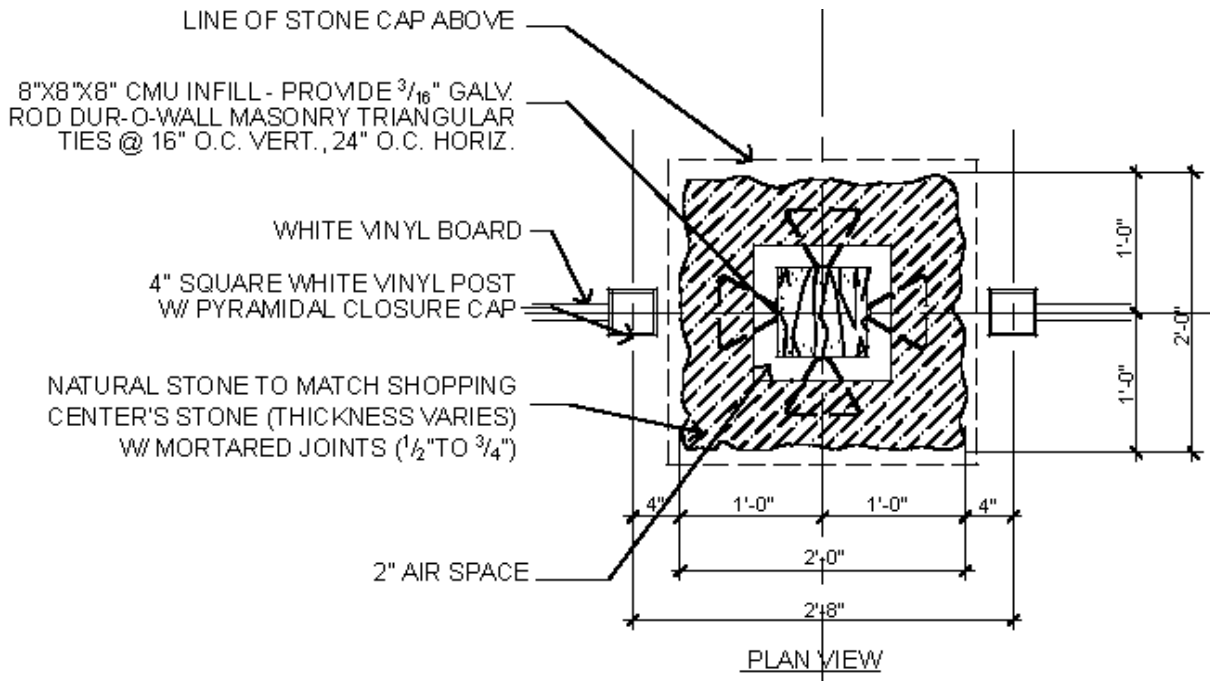
21-7.4 **Design Plan Administrative Review.** Design review shall be performed by County staff. All plans shall address and conform to all provisions set forth under Chapter 21, Article VII. Any numerical nonconformance to the standards contained within this Article shall require the submittal of a variance application in accordance with section 8-6.4 of this Code. Should a design not meet all of the non-numerical standards contained within this Article, then the proposed design must be submitted, for public hearing, to the Forsyth County Board of Commissioners for review and approval as an Alternate Design. In considering whether to approve such Alternate Design, the Board of Commissioners shall consider the Special Considerations set forth in section 8-5.5(F)(2)(b) of this Code. Architectural elevations, exterior finish schedules, and landscape plans must be submitted to the department at the time of application for a land disturbance permit. Lighting plans must be submitted prior to the issuance of a building permit. See Chapter 7 and Chapter 18 for land disturbance and building permit procedures.

21-7.5 **Site Design Standards**

- (A) **Landscaping.** The intent of this section is to require the integration of all landscape improvements with the overall project site requirements. All plant materials shall be used to enhance the existing area, particularly as viewed from an adjacent right-of-way, and to mitigate development impacts. Landscape plans shall be submitted at the time of application for a land disturbance permit to the department for design review. The following is in addition to Ordinance No. 98 (Tree Protection and Replacement Ordinance) and shall be implemented:
 - (1) Plant materials shall be selected to blend in form, texture, and scale with the design scheme proposed for the site.
 - (2) Plant materials shall be used as accent elements at roadside entryways to provide a definite sense of arrival to both commercial and residential properties. These materials shall be clustered while maintaining adequate sight distance to and from the entryway. Entryway plantings shall be compatible with landscape strip species and provide a cohesive transition between landscape plantings.

- (3) All landscape design shall incorporate a minimum of 40% evergreen plantings (trees, shrubs, and groundcovers). All landscape design shall also incorporate a minimum of 50% native plant material. Such plant material must be indigenous to the Southeastern U. S. and be approved by the County arborist.
- (4) Landscape Strips. Continuous plantings within 15 foot wide landscape strips along the entire property fronting a public street are required.
- (5) Commercial building facades shall be landscaped with trees and tree grate protection devices or other suitable tree protection measures; method of tree protection shall be indicated on plans. Tree placement may be grouped and staggered rather than following a regulated line along the façade. Minimum installation requires 3.0 caliper inches per 50 linear feet for buildings fewer than 40,000 square feet. See 12-11.5 for installation requirements if structure is 40,000 square feet or greater.
- (6) All landscape strips and landscape areas are required to contain a combination of at least two of the following elements to provide a minimum of three levels of scale: vegetative ground cover, herbaceous ornamentals, and low to mid-level shrubs in addition to large canopy trees. Trees shall count towards the tree density requirements as outlined in Ordinance No. 98 (Tree Protection and Replacement Ordinance).
- (7) All parking areas shall be screened from view with evergreen shrubs. Shrubs shall be no less than three (3) feet in height as measured from the top of curb of the parking areas.
- (8) Retaining walls, if necessary, must be faced with stone or brick.
- (9) Equestrian-style fencing composed of vinyl and stone masonry columns shall be installed along Castleberry Road and Bethelview Road. Fence design shall conform to construction detail shown below. Stone masonry columns shall be placed fifty (50) feet on center.





(B) **Pedestrian and Bicycle Circulation.** Pedestrian connections and walkways shall be provided throughout commercial and mixed use developments.

- (1) Commercial buildings shall provide organized circulation for pedestrians with a clear walkway, no less than 5 feet in width, from the public sidewalk or right-of-way to main entrances of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, street crossings, transit stops, building and store entry points.
- (2) All internal pedestrian walkways shall be distinguished from driving surfaces through the use of color and durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
- (3) Sidewalks, no less than five (5) feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least six (6) feet from the facade of the building to allow for landscaping.
- (4) Commercial establishments shall design drive-throughs to minimize vehicular/pedestrian conflicts.
- (5) Commercial establishments shall provide bike racks, benches and/or other street furniture to encourage alternative transportation use.

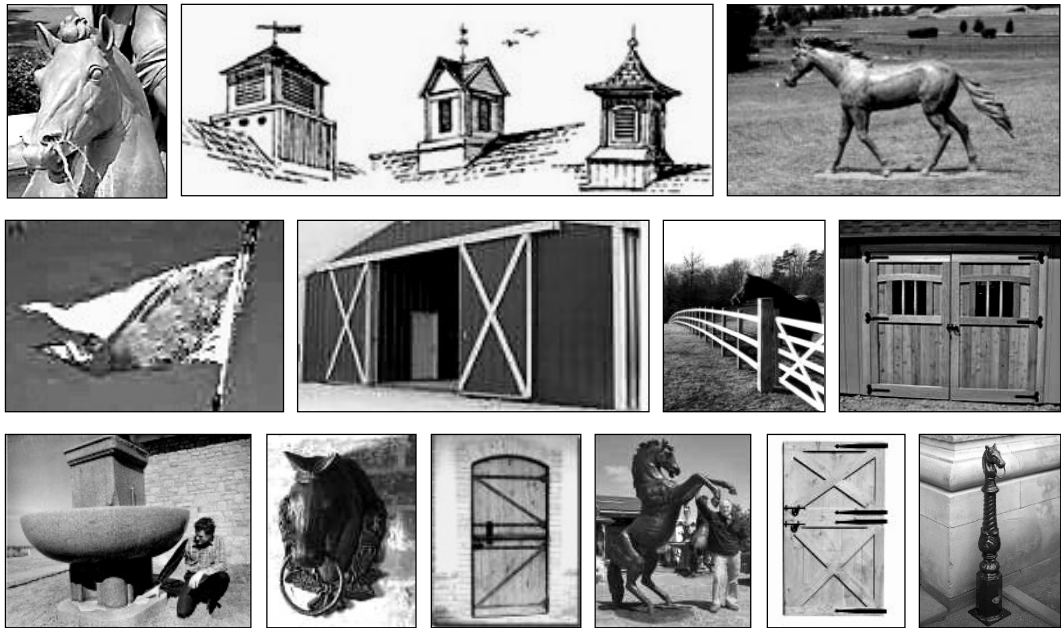
21-7.6 **Architectural Design Standards.** The architectural design standards established herein apply to all development requiring a land disturbance permit. They are intended to achieve a base level of quality for architectural and landscape design that is responsive to its context and contributes to the overall character of the overlay district. The architectural criteria listed below establish minimum design standards within the overlay district in order to reduce the impacts of development on adjacent properties. The highest quality of architectural design and innovation is encouraged. These standards are in addition to the design criteria contained in Chapters 11 and 12:

(A) **Building Materials and Architectural Treatments.** The following design standards, guidelines, and enhancements are established to create a sense of architectural consistency throughout the overlay district, ensure high quality architectural design, and maintain a sense of rural character.

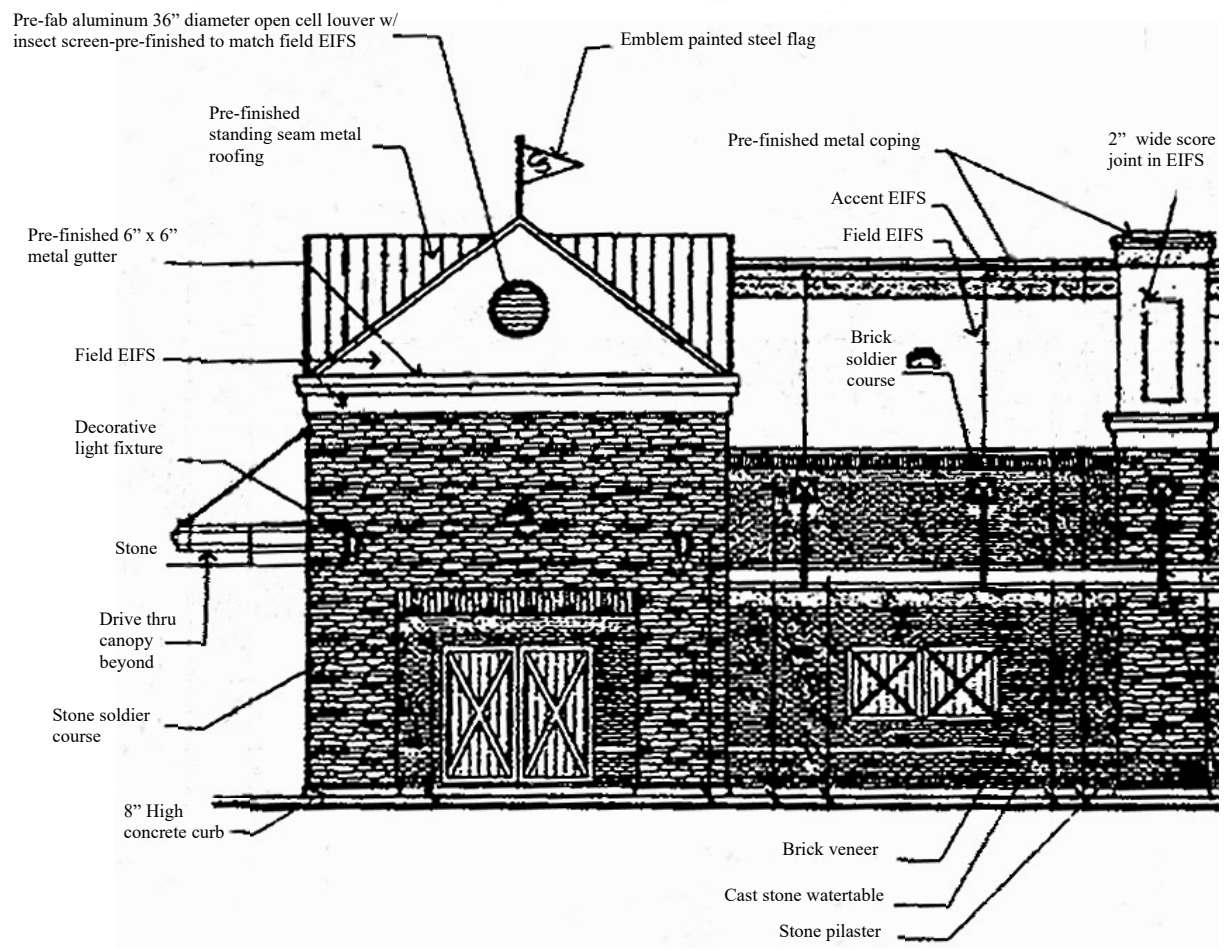
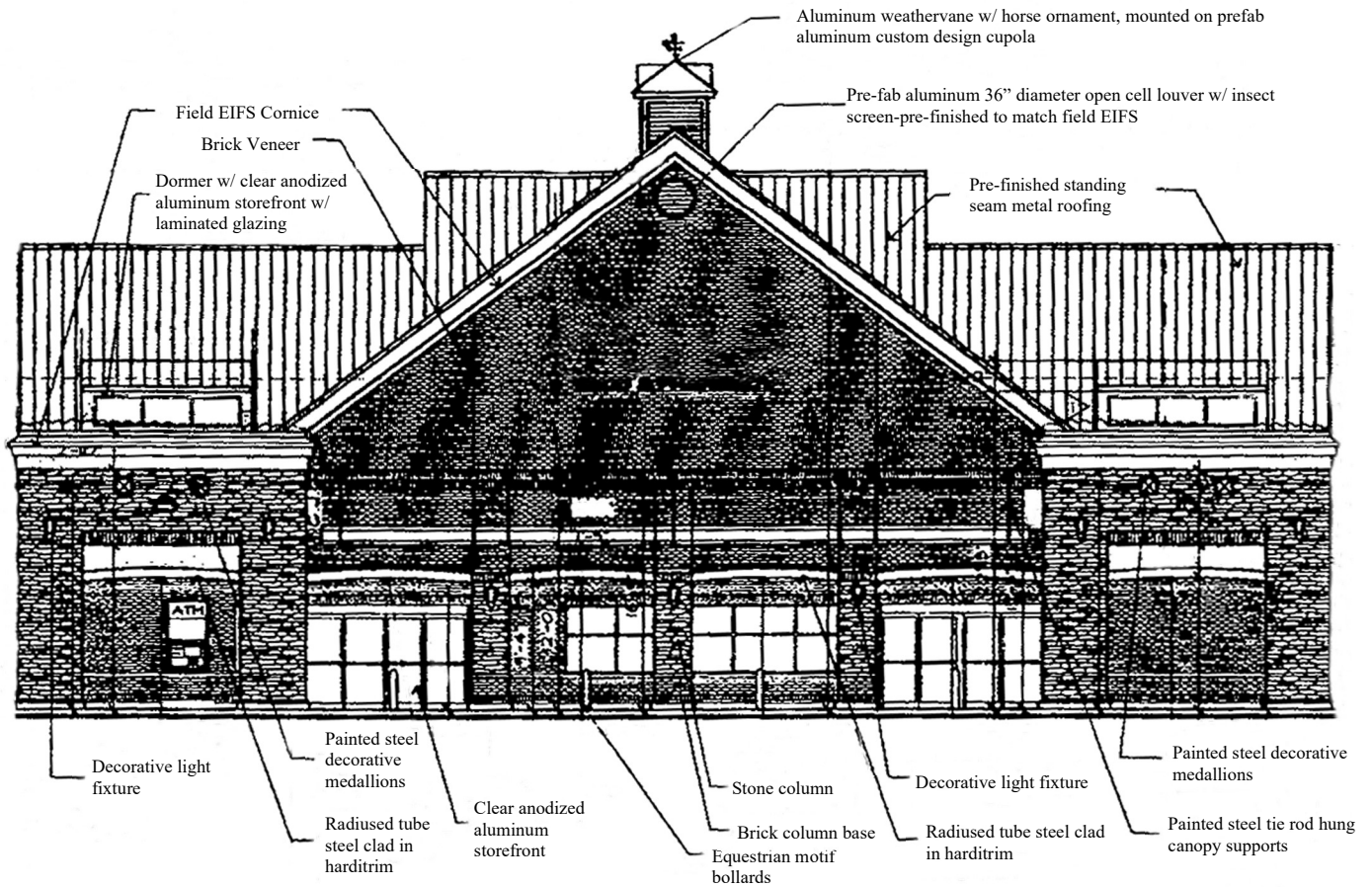
- (1) Commercial development shall adhere to an equestrian design theme through the incorporation of at least two of the following design elements: roofline features (gable vents, cupolas, weathervanes, metal pennant flags), façade details (faux or functional barn motif window and door treatments, equestrian designed wall mounts), and landscape (equestrian bollards, water feature, outdoor art installation in addition to required equestrian fencing). Design possibilities include, but are not limited to, those indicated in the photographs below and those listed in Table 21.1.

TABLE 21.1

Examples of Equestrian Architectural and Landscape Elements	
Weathervane	Aluminum/copper/wrought iron with horse ornament
Cupola	Prefabricated aluminum
Decorative Bollards	Barley twist horse head hitching post in cast aluminum
Steel Pennant Flag	To be located on apex of roof gables
Window/Door Treatments	Faux façade treatments using painted James Hardie cedarmill vertical siding and rustic trim with pre-finished black decorative barn door hinges and decorative ring latches
Wall Mounts	Cast iron horse hitch mount
Fence	Rail board equestrian fence required
Art Installation	Equestrian theme water fountains and/or sculpture
Gable Vents	Prefabricated aluminum open cell louvers with insect screens



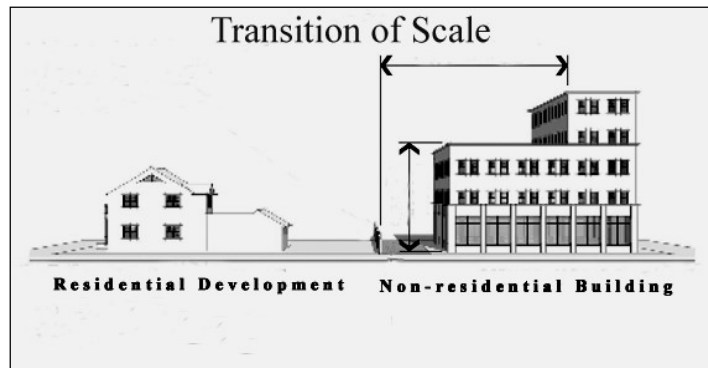
- (2) Commercial development shall incorporate design elements of the surrounding architecture, including roof forms, window fenestration patterns, finishes, and materials and colors, thereby maintaining the common equestrian design theme. See Table 21.2 for an approved exterior finish schedule. Alternative schedules require the submission of a materials sample panel which must be approved by staff.



**TABLE 21.2
 PRE-APPROVED COMMERCIAL EXTERIOR FINISH SCHEDULE**

Material Description	Manufacturer Number	Color
Brick	Triangle Brick	Northhampton (modular)
Stone	Natural Stone	Tennessee Crab Orchard
Mortar	Coosa	Tan
Field EIFS	Dryvit #112 Quarzputz	Sandlewood Beige
Accent EIFS	Dryvit #108 Sandpebble	Manor White
DEFS		To match field EIFS
Painted J. Hardie Vertical Siding	Sherwin Williams	#2822 Downing Sand
Painted J. Hardie Harditrim	Sherwin Williams	#2847 Roycroft Bottle Green
Prefinished metal coping, gutter	Pac-Clad	Forest Green
Water Table and Sills	Rock Cast	Buff
Standing Seam Metal Roof	Pac-Clad	Forest Green
Field Paver	Pine Hall: Old Paver Series	Old Sanibel
Accent Paver	Pine Hall: English Edge Series	English Edge Ironspot

- (3) Any new proposed commercial buildings shall achieve an orderly transition in scale to existing buildings on adjacent properties and in the immediate area. Building heights for non-residential developments, when adjacent to a residential use or along a street, shall have an appropriate transition or step-down of building scale to reduce and mitigate any potential adverse impacts.



- (4) Commercial buildings shall be composed of brick, stone and glass with a maximum of 15% of accent material which may include stucco, exterior insulating finish system (EIFS), painted dimensioned wood or cement based material, such as Hardiplank. Exterior building material, except rear facades that do not face a public right-of-way, shall not be of pre-cast concrete, concrete masonry units, aluminum or vinyl siding, job site tilt up panels, or corrugated steel. An exterior finish schedule identifying building materials used for all building faces shall be submitted for approval with building elevations prior to design review. In addition, elevations should clearly show the location and calculate the amount/percentages of all building materials per façade.
- (5) Front facades of commercial buildings shall include pedestrian-scaled architectural elements or details at the first floor level. Examples include, but are not limited to, the following:
- First story delineation through change of materials, colors, or fenestration; blank wall areas cannot exceed five vertical feet without delineation.
 - canopies/awnings/trellises
 - outdoor dining areas for restaurant establishments
 - outdoor benches/seating area(s) for commercial retail
 - soldier coursing or stonework integrated into the building face

- (6) Commercial buildings shall include articulation of the primary entry area which shall feature no fewer than two of the following elements:
 - (a) Overhangs
 - (b) Canopies
 - (c) recesses/projections
 - (d) arcades
 - (e) corniced parapets over the door
 - (f) peaked roof forms
 - (g) arches
 - (h) display windows
 - (i) integral planters or wing walls that incorporate landscaped areas and/or places for sitting
- (7) Exterior facades of a free standing building located on an outparcel of a larger commercial development and/or accessory commercial structures shall be considered primary facades and shall employ architectural, site, and landscaping design elements which are integrated with and common to those used on the primary structure on the site. However, such guidelines do not apply to any façade(s) facing service courts or other areas generally not visible to the public. Common design elements shall include colors, architectural details and materials associated with the main structure or structures on the larger development.
- (8) **Roof features.** Rooflines on commercial buildings shall incorporate roof features (extensions, and/or projections such as gable, hip, parapet, dormers or others) that achieve visual interest through variation along one third of the entire horizontal length of roofline. These features shall conform to the following specifications where applicable:
 - (a) Roof features shall not exceed the average height of the supporting walls.
 - (b) The average height of parapets shall not exceed 15% of the height of the supporting wall and shall not at any point exceed one-third of the height of the supporting wall. Parapets shall feature three dimensional cornice treatments.
 - (c) The roof pitch of sloped roofs shall be a minimum of 4:12.
 - (d) Roof styles for multi-building complexes shall be compatible and consistent with roof designs for the entire complex.
 - (e) Appropriately sized and designed gable vents, cupolas and/or weathervanes in keeping with an equestrian motif, shall be incorporated into the roofline. Illustrative examples are shown in the following photographs:



- (9) Material and/or color changes on commercial buildings generally shall occur at a change of plane. Piecemeal embellishment and frequent changes in material shall be avoided.
 - (10) New residential development shall use a variety of techniques to avoid the monotonous appearance of identical homes. Such techniques may employ among others, the use of differing front elevations, architectural styles, building exteriors or other techniques to provide a more pleasing appearance to the subdivision. No vinyl or aluminum siding shall be allowed.
 - (11) New residential development shall respect the scale and character of adjacent residential neighborhoods through attention to views, building scale and orientation, proximity to adjacent uses, location of driveways, noise, lighting and landscape.
- (B) **Exterior Lighting.** All lighting shall be designed to integrate with the overall development character. A lighting plan is required to be submitted at the time of application for a building permit that addresses and conforms to all provisions set forth in this section. The lighting plan shall address fixture design and location. In addition to 16-4.26, the following shall apply:
- (1) Lighting shall be architecturally integrated with the style, material, and color of on-site structures.

- (2) Mounting heights and shielding shall be utilized to effectively control glare and light trespass. Light fixtures over 14' in height shall be full cutoff fixtures. Pedestrian light fixtures 14' in height or less may be cutoff or semi-cutoff fixtures. See 16-4.26 for light spillage and height regulations.
 - (3) Lighting shall not blink, flash, or oscillate.
 - (4) All outside illumination of any building and/or surrounding landscape, except for security purposes, is prohibited after 11:00 P. M. or when the business closes, whichever is later.
 - (5) All lighting fixtures on a project site shall be from the same family of fixtures with respect to design, materials, finish, color, and color of light and shall complement the architectural theme and materials established by the primary buildings. Compatibility of fixture styles shall be approved by staff.
 - (6) Architectural lighting of building facades: Building illumination and architectural lighting shall be indirect in character and shall respect and reinforce the architectural treatment of the building.
 - (a) Upward aimed building façade lighting shall not exceed 900 lumens and shall not require shields. All upward aimed lights shall be fully confined from projecting into the sky by eaves, roofs, or overhangs.
 - (b) Building façade lighting exceeding 900 lumens shall be shielded, aimed downward, and shall be mounted as flush to a wall as possible.
 - (c) All lighting shall be fully contained within the vertical surface of the wall being illuminated.
 - (d) Highly polished surfaces such as glass, marble, glazed tile, glazed brick, porcelain Enamel, and highly reflective metals shall not be lighted directly to minimize reflective glare.
 - (7) Swivel-mounted luminaries and wall packs are prohibited.
 - (8) Landscape lighting shall only be utilized to accent landscaping, be pointed away from the property line, and fixtures shall contain extension shields to minimize glare and light source visibility.
- (C) **Screening.** In addition to regulations set for in Chapter 12, the following standards shall apply to commercial development:
- (1) All ground mounted mechanical, HVAC, electric and communications transformers and like systems shall be screened from view from any public right-of-way and any residential use by one of the following: placement behind the building, 100% opaque fencing, an earthen berm, and/or a vegetative screen planted according to County buffer standards.
 - (2) Flat roofs, roof mounted equipment and other accessories shall be screened from public view by a parapet, gable roof, roof screen, or architectural feature. Roof equipment and roof screens shall be finished to match the roof or parapet wall.
 - (3) Loading areas shall be screened from the public right-of-way and any residential use by placement behind the main building, an earthen berm and/or vegetative screen planted according to County buffer standards.
 - (4) Drive-throughs and stacking lanes, when contiguous to any public right-of-way, residential use, or pedestrian gathering area shall be obscured from view by placement behind the building, an earthen berm and/or vegetative screen planted according to County buffer standards.
 - (5) All parking areas shall be screened from view with evergreen shrubs. Shrub height shall be no less than three (3) feet as measured from the top of curb of the parking areas.
 - (6) Outside storage is prohibited, except for seasonal sales of holiday trees, nursery supplies, and pumpkins. In no instance shall outdoor display obstruct sidewalks or otherwise impede pedestrian movement to the establishment's entrance.
 - (7) Storage of shopping carts shall be indoors and/or located adjacent to the building where the carts are utilized. Storage/enclosure shall be made out of masonry to match the exterior building materials. Parking lot corrals are allowed.
 - (8) Chain link or coated chain link fence is prohibited along road frontage for Castleberry Road and Bethelview Road. If fences are not located along road frontage, but are visible from the right-of-way, fences must be screened by vegetation for their full length and height.
- (D) **Color.** Color shades shall be used to unify and integrate the overall development project.
- (1) Vending and ice machines, lock boxes, and other dispensing equipment visible from the public right-of-way shall use only earth tone and/or neutral colors. Fuel dispensing units visible from

the public right-of-way shall feature earth tone and/or neutral colors in their overall design. Notwithstanding the foregoing requirement, small functional parts of the fuel dispensing units and reasonable safety features may utilize additional colors for enhanced visibility and safety purposes, subject to the discretion of the director. In addition, any wall or fence shall use only earth tone and/or neutral colors. Earth tone colors refer to browns, umbers, sienna, or terracotta and brick tones. Neutral colors refer to blacks, whites, beiges, or grays.

- (2) See Table 21.2 for a pre-approved color palette for commercial buildings. Building trim may feature accent colors satisfying the intent of this subsection, subject to approval by staff. If natural brick is used, it shall not be painted.

21-7.7 **Signage.** This section establishes minimum standards to promote and ensure a cohesive and unified identification program within the overlay district. A detailed signage plan is required to be submitted that addresses and conforms to all provisions set forth in this section. The signage plan shall address sign dimensions, color scheme, lighting, location of each sign on the building and on the ground, materials, and height. In addition to Ordinance No. 74 (Sign Ordinance), the following shall apply:

- (A) All sign designs shall conform to established color guidelines and complement the architecture of the building and site plan in terms of size, shape, color, texture, and lighting.
- (B) The architectural color standards of the district apply only to the sign structure not to the sign face.
- (C) The size and shape of a sign shall be proportionate with the scale of the structure.
- (D) Wall signs shall be flush against the wall, not cover architectural features or details, and not extend beyond the roof line or outer edges of the building.
- (E) Where there is more than one sign on a site, signs shall be complementary to each other in shape and have related components and type of construction materials.
- (F) Monument signs shall match the principal building material(s).
- (G) Any exterior light source shall be completely shielded and directed solely on the sign and not upon any other object or adjacent properties.
- (H) Signage shall not have illuminating devices that have a changing light intensity, brightness, or color.
- (I) Electronic message boards (EMBs) are prohibited.

21-7.8 **Miscellaneous Provisions**

- (A) No commercial use shall be designated or operated so as to expose residents to offensive odors, dust, electrical interference, and/or vibration.
- (B) Outdoor seating areas play equipment, and perimeter fencing shall be of compatible and attractive design that is integrated with the main building architecture.
- (C) Amenities such as kiosks, water fountains, and public telephones are encouraged. Outdoor art installations may also be provided in the open spaces, plazas, and along streetscapes to provide visual interest and diversity. The following are illustrative examples of equestrian art and fountain installations that could be adapted for the overlay district:



ARTICLE VIII, PEACHTREE PARKWAY-BETHELVIEW ROAD OVERLAY DISTRICT:

21-8.1 **Purpose.** The purpose of this overlay district is to establish minimum standards for non-residential site development, exterior architectural design, landscaping, lighting and signage that contribute to the district's overall character. This is accomplished through enhancement of commercial growth through unity of design and quality architecture and the creation of visual interest through landscape and architectural features. Design standards are intended to ensure coordinated design of building exteriors in order to promote visual congruence, positively impact adjacent properties, and produce buildings that augment the character and appearance of the area. It is the goal of this ordinance to promote freedom in design while establishing a baseline for design compatibility. This goal is in accordance with the County's objective to encourage landscaping, signage, building design, and other development regulations that enhance the image of the County and create value as stated in the implementation program of the Comprehensive Plan. In addition, the overlay district complies with the respective subarea visions which state that the vicinity will be the site of quality development and business opportunities. The subarea visions also maintain that the area will be known to have grown in a responsible manner, offering residents a high quality of life as well as opportunities for employment, shopping, and recreation.

21-8.2 **Delineation of District.** The Peachtree Parkway/Bethelview Road Overlay District applies to all properties indicated on the Official Overlay District Map of Forsyth County. Regulations pertain to parcels or portions of parcels that fall within 1,000 feet of the centerline of Peachtree Parkway/Highway 141/Bethelview Road (from Highway 141) to the intersection with Kelly Mill Road with the exception of parcels within the Castleberry-Bethelview Crossroads Overlay District. If a portion of a parcel extends beyond the boundary of the overlay district, overlay regulations may extend to the remaining portion of the parcel(s) at the option of the property owner. Where land is classified as an overlay district, the regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying base zoning district. In the event of an express conflict between the standards governing a base zoning district and those governing an overlay district, the standards governing the overlay district shall control.

21-8.3 **Permitted Uses.** All uses allowed in the underlying zoning districts as established by this Code, except for those listed below, are permitted in the Peachtree Parkway/Bethelview Road Overlay District. Commercial zoning districts and uses are strongly encouraged south of Highway 9 based on the designation of Peachtree Parkway as a commercial corridor within the Forsyth County Comprehensive Plan. The designation of this portion of the highway corridor as a commercially focused area shall be considered as rezoning proposals are submitted for properties located within the overlay district boundary.

- (A) Senior housing developments, and
- (B) Tattoo parlors.

21-8.4 **Design Plan Administrative Review.** Design review shall be performed by staff. All plans shall address and conform to all provisions set forth under Chapter 21, Article VIII. Any numerical nonconformance to the standards contained within this Article shall require the submittal of a variance application in accordance with section 8-6.4 of this Code. Should a design not meet all of the non-numerical standards contained within this Article, then the proposed design must be submitted, for public hearing, to the Forsyth County Board of Commissioners for review and approval as an Alternate Design. In considering whether to approve such Alternate Design, the Board of Commissioners shall consider the Special Considerations set forth in section 8-5.5(F)(2)(b) of this Code. Architectural elevations, exterior finish schedules, landscape, and signage plans must be submitted to the department at the time of application for a land disturbance permit. Lighting plans must be submitted prior to the issuance of a building permit. See Chapter 7 and Chapter 18 for land disturbance and building permit procedures.

21-8.5 **Site Design Standards.**

- (A) Parking for commercial establishments shall be distributed along not less than two sides of the building exterior. Parking that fronts the main building entrance(s) shall not exceed sixty (60) percent of parking total or three hundred (300) parking spaces, whichever is less.
- (B) New commercial developments and substantial improvements to existing commercial developments shall provide for pedestrian and automobile access connections between adjacent commercial properties.
- (C) Speed bumps are prohibited within commercial developments. Speed tables are permitted.
- (D) **Landscaping.** The intent of this section is to require the integration of all landscape improvements with the overall project site requirements. All plant materials shall be used to enhance the existing area, particularly as viewed from an adjacent right-of-way, and to mitigate development impacts. Landscape plans shall be submitted to the department for design review. The following is in addition to Ordinance No. 98 (Tree Protection and Replacement Ordinance) and shall be implemented:

- (1) Plant materials shall be used as accent elements at roadside entryways to provide a definite sense of arrival to commercial properties. Plant materials shall consist of ground cover, herbaceous ornamentals, shrubs, understory, and/or overstory trees adjacent to the establishment's monument sign(s). These materials shall be clustered while maintaining adequate sight distance to and from the entryway. Entryway plantings shall be compatible with adjacent landscape areas in species selection and provide a cohesive transition between landscape plantings.
- (2) All landscape areas shall provide a design of appropriate character and shall incorporate a minimum of forty (40%) percent evergreen trees and shrubs. All landscape areas shall also incorporate a minimum of twenty-five (25%) percent native plant material. Such plant material must be indigenous to the Southeastern U. S. and be approved by the County arborist.
- (3) A minimum twenty-five (25) foot wide landscape strip shall be provided along the proposed future rights-of-way and reservation lines of Georgia Highway 141/Peachtree Parkway/Bethelview Road.
- (4) All landscape strips are required to contain a combination of at least two (2) of the following elements to provide a minimum of three levels of scale: vegetative ground cover, herbaceous ornamentals, and low to mid-level shrubs in addition to a combination of large canopy trees. All proposed shrubs should be a minimum of three (3) gallon size and two (2) feet high at time of planting spaced every five (5) feet on center. Strips must also include large canopy trees with total caliper measurements equivalent to a minimum of six (6) caliper inches per fifty (50) linear feet with a minimum two (2) inch caliper and eight (8) foot height required at time of installation for each tree. Tree placement may be grouped and staggered rather than following a regulated line along the road frontage. Trees shall count towards the tree density requirements as outlined in Ordinance 98 (Tree Protection and Replacement Ordinance).
- (5) A minimum of ten (10) feet of the required twenty-five (25) foot landscape strip shall be located behind utility easements so plant material will not be disturbed after installment.
- (6) All parking areas shall be screened from view with evergreen shrubs. Shrubs shall be no less than three (3) feet in height as measured from the top of curb of the parking areas. Exemption to this requirement may be requested when the site is significantly below road grade level.
- (7) **Landscape Installment and Maintenance.** Certification by a registered landscape architect verifying that landscaping meets the standards of this code and the approved plans must be submitted. In addition, the contractor responsible for landscape installation must certify that all plant material has been installed per the approved plans. These certifications must be submitted prior to the approval of the as-built and/or final plat.
- (8) All dead and damaged plant material within landscaped areas must be replaced with a similar species within one month. If weather conditions are not appropriate for replanting, the property owner may postpone replacement for up to six (6) months. Replacement trees and shrubs shall be of similar size to trees or shrubs being replaced.
- (9) **Performance Security.** When planting stock availability is low or weather conditions are not appropriate for planting new trees, shrubs, and/or perennials, the property owner may postpone planting for up to six (6) months, provided that performance security is posted with Forsyth County in accordance with the following criteria:
 - (a) Security shall be in an approved form submitted to the department with appropriate documentation of stock availability and weather conditions.
 - (b) Security shall be in an amount equal to 110 percent of the cost of materials, installation, and guarantee, as demonstrated by a signed contract between the owner and a landscape contractor. An inspection shall be made of all plantings to assure compliance with plan requirements prior to release of performance security. Forsyth County will use the performance security at the time of expiration if the planting requirements have not been fulfilled, or if the owner has not requested an extension. Funds received from the performance security will be used to bring the project into compliance. One six (6) month extension is permitted with documented justification. Any inspections performed after the final inspection for project release are subject to re-inspection fee schedules, which shall be maintained on file at the department.
- (10) Retaining walls, if necessary, must be faced with brick, stone, cast stone or split face modular block if visible from the right-of-way.

21-8.6 **Architectural Design Standards.** The architectural design standards established herein apply to all commercial development requiring a land disturbance permit. They are intended to achieve a base level of quality for architectural and landscape design that is responsive to its context and contributes to the overall character of the

overlay district. The architectural criteria listed below establish minimum design standards within the overlay district in order to reduce the impacts of commercial development on adjacent properties. The highest quality of architectural design and innovation is encouraged. These standards are in addition to the design criteria contained in Chapters 11 and 12.

- (A) **Building Materials and Architectural Treatments.** The following design standards, guidelines, and enhancements are established to create a sense of architectural consistency throughout the overlay district and to ensure high quality architectural design.
- (1) Exterior building materials on all commercial development shall consist of a minimum of seventy-five (75) percent per vertical wall plane of brick, natural or pre-cast stone, and/or glass. If multiple establishments are contained within one contiguous structure, the percentage pertains to the entire façade rather than individual façade fronts.
 - (2) Accent wall materials on all commercial development shall not exceed twenty-five (25) percent per vertical wall plane. Accent building materials include, but are not limited to, exterior finish insulation systems, stucco, and painted dimension wood. If multiple establishments are contained within one contiguous structure, the percentage pertains to the entire façade rather than individual façade fronts. Smooth, split face and/or rib faced concrete masonry units, aluminum siding, vinyl siding, and corrugated steel are prohibited.
 - (3) The principal entry area of a building, or if in a shopping center the largest tenant or a central location of a group of buildings, shall be articulated and should express greater architectural detail than other portions of the building. Entries shall include at least one of the following or similar architectural elements:
 - (a) Overhangs
 - (b) Canopies
 - (c) recesses/projections
 - (d) columns
 - (e) arcades
 - (f) corniced parapets over the door
 - (g) peaked roof forms
 - (h) arches
 - (i) display windows
 - (j) integral planters or wing walls that incorporate landscaped areas and/or places for sitting
 - (4) Freestanding accessory structures shall have architectural detailing and design elements consistent with the primary buildings of the development complex to provide a cohesive design.
 - (5) **Roof features.** Rooflines on commercial buildings shall incorporate roof features (extensions, and/or projections such as gable, hip, parapet, dormers or others) that achieve visual interest through variation along one third of the entire horizontal length of roofline. These features shall conform to the following specifications where applicable:
 - (a) The roof pitch of sloped roofs shall be a minimum of 4:12.
 - (b) Roof styles for multi-building complexes shall be compatible and consistent with roof designs for the entire complex.
 - (6) Burglar bars, fiberglass awnings, and steel-roll down curtains are prohibited except at the structure's rear. Burglar bars are prohibited on the rear if visible from a public street. Burglar bars are also prohibited on the rear of an outparcel building if visible from the main structure.
- (B) **Color.** The use of muted, subdued, or earth tone colors are required for all buildings and associated structures. Vending and ice machines, lock boxes, and other dispensing equipment visible from the public right-of-way shall use only earth tone and/or neutral colors. Fuel dispensing units visible from the public right-of-way shall feature earth tone and/or neutral colors in their overall design. Notwithstanding the foregoing requirement, small functional parts of the fuel dispensing units and reasonable safety features may utilize additional colors for enhanced visibility and safety purposes, subject to the discretion of the director. In addition, any wall or fence shall use only earth tone and/or neutral colors. Earth tone colors refer to browns, umbers, sienna, or terracotta and brick tones. Neutral colors refer to blacks, whites, beiges, or grays. Fluorescent colors and those bright in intensity are prohibited. Glass, unpainted metal, natural stones, and sign faces are excluded from the color requirements.
- (C) **Exterior Lighting.** All lighting for commercial development shall be designed to integrate with the overall development character.
- (1) Lighting shall be architecturally integrated with the style, material, and color of on-site structures.

- (2) Lighting shall be unobtrusive and refrain from adverse impact of adjacent properties and public right-of-ways. See 16-4.26 for fixture type, light spillage, and height regulations.
 - (3) Exposed neon and fluorescent lighting is not permitted except for open and closed signs.
 - (4) For drive-under canopies and fuel dispensing units, the luminaries shall be recessed into the canopy ceiling so that the bottom of the luminaries does not extend below the ceiling.
 - (5) Promotional beacons, search lights, laser source lights, strobe lights or any similar light when projected above the horizon, and lighting used for causing sky glow to attract attention in excess of the lighting used to provide safety, security and utility are prohibited. Projects that want to integrate lines or rows of lights within a defined pedestrian plaza may seek administrative approval upon submission of lighting specifications. Such lights shall not be placed permanently on building exteriors.
 - (6) Pedestrian street lights, not to exceed fourteen (14) feet in height, shall be installed along SR 141/Peachtree Parkway from Majors Road to SR 9/Atlanta Highway per GDOT approved lighting plan.
- (D) **Screening.** In addition to regulations set forth in Chapter 12, the following standards shall apply:
- (1) Accessory site features including, but not limited to, meters, meter boxes, electrical transformers, and other equipment located on the ground shall be screened from view from public rights-of-way, residential uses, or any residential or agricultural zoning category by placement behind the main building, 100% opaque fencing, berm and/or a vegetative screen planted according to County buffer standards.
 - (2) Flat roofs, roof mounted equipment and other accessories shall be screened from view from the public rights-of-way, residential uses or any residential or agricultural zoning category by a parapet, gable roof, roof screen, or other architectural feature. Roof equipment and roof screens shall be finished to match the roof or parapet wall. When the relationship between building roofs and adjoining public streets and/or residential developments make screening of roof equipment impossible (e.g. road higher than roof), a parapet of no less than four feet in height shall be installed.
 - (3) Loading areas shall be screened from the public rights-of-way, residential uses, or any residential or agricultural zoning category by placement behind the main building or appropriately scaled wall, the use of earthen berms that are no less than 5 feet in height and/or a vegetative screen planted according to County buffer standards.
 - (4) Drive-throughs and stacking lanes, when contiguous to any public right-of-way, residential use, or pedestrian gathering area shall be obscured from view by an earthen berm and/or a vegetative screen planted according to County buffer standards.
 - (5) Storage of shopping carts shall be located adjacent to the building where the carts are utilized. Storage/enclosure shall be made out of masonry to match the exterior building materials. Parking lot corrals are allowed.
 - (6) Walls or fences, required or otherwise, when visible from the right-of-way shall complement the exterior materials of the primary structure on site. Tarps and banner signs shall not be attached to fencing material.
 - (7) Chain link fencing is prohibited on SR 141/Peachtree Parkway/Bethelview Road frontage. Chain link fencing may be allowed along the sides and rear of property fronting SR 141/Peachtree Parkway/Bethelview Road if it is screened with evergreen trees, shrubs, and/or decorative fencing for the full length and height of the fence.

21-8.7 **Signage.** This section establishes minimum standards to promote and ensure a cohesive and unified identification program within the overlay district. A detailed signage plan is required to be submitted that addresses and conforms to all provisions set forth in this section. The signage plan shall address sign dimensions, materials, height, color scheme, lighting, and location of each sign on the building and on the ground. In addition to Ordinance 74 (Sign Ordinance), the following shall apply:

- (A) Freestanding sign structure/base materials shall match the principal building material.
- (B) Wall signs shall not cover architectural features or details, and not extend beyond the roof line or outer edges of the building.
- (C) Where there is more than one sign on a site; signs shall be complementary to each other in shape and related components and type of construction materials.
- (D) Any exterior light source shall be completely shielded and directed solely on the sign and not upon any other object or adjacent properties.
- (E) Wall mounted raceways shall be painted to match the adjoining wall surface.

ARTICLE IX, RONALD REAGAN/UNION HILL OVERLAY DISTRICT

21-9.1 **Purpose.** The purpose and intent of the Forsyth County Board of Commissioners (the “Commission”) in establishing this overlay district is as follows:

- (A) To support flexibility and innovation for regional mixed-use developments encompassing more than 150 acres of land through the complementary integration of office, retail, restaurants, commercial, entertainment, hotel, residential and recreational land uses.
- (B) To encourage pedestrian circulation, integrate open space, and create a regional retail and mixed-use development.
- (C) To enhance the long term economic viability of the southern portion of Forsyth County by encouraging regional retail and mixed-use development that increases the tax base and generates a substantial employment base;
- (D) To foster a more balanced relationship between commercial and residential growth to ensure a stable and healthy tax base in Forsyth County, and
- (E) To encourage an efficient and sustainable community development plan.

21-9.2 **Boundaries and Description of Area.** The boundaries of the approximate 164-acre Ronald Reagan/Union Hill Overlay District (the “Overlay”) shall be as shown on the Official Overlay District Map of Forsyth County, as established and adopted pursuant to Section 9-1.4 of the Forsyth County Unified Development Code (the “UDC”). All property within the Overlay shall be developed simultaneously or in phases in accordance with this Article and generally in accordance with the master development plan for the Overlay attached hereto and incorporated herein by reference (the “Plan”). The Plan is intended to provide a conceptual context in which property within the Overlay may be developed in accordance with this Article. The reassignment of land uses for buildings depicted on the Plan shall not require a formal plan amendment unless such land use reassignment constitutes a major plan amendment, as set forth in Section 21-9.10 of this Article. Approval of a sketch plat, as set forth in Chapter 8, Article V of the UDC, or any other similar site plan approval shall not be required for new development within the Overlay.

21-9.3 **Relationship to Underlying Zoning and Other Regulations.** The provisions of this Article are supplemental to the zoning district in which the property is located. All properties within the boundaries of the Overlay shall meet the development requirements of the underlying CBD zoning district, or other zoning district if the CBD zoning district is changed for the property, or zoning conditions specific to the property or as such may be amended, and in addition shall meet all of the provisions of this Article. The provisions of this Article shall be the only overlay provisions applicable within the boundaries of the Overlay. In the event of a conflict or inconsistency between the provisions of this Article and any other provision of the UDC, applicable conditional use permits, the Forsyth County Tree Protection and Replacement Ordinance (the “Tree Ordinance”), the Forsyth County Sign Ordinance (the “Sign Ordinance”) or applicable site-specific zoning conditions, this Article shall govern the development of the property within the boundaries of the Overlay.

21-9.4 **Sub-Area 1 (Regional Mixed-Use).** This sub-area is intended to provide a high density, regionally-marketed retail and mixed-use development as identified on the Plan.

(A) **Permitted Uses**

- (1) All uses permitted under CBD (Commercial Business District) zoning, subject to Section 21-9.8(O) of this Article.
- (2) Multi-family dwelling units, not to exceed 400 units, subject to the aggregate residential density restrictions set forth in section 21-9.8 of this Article. Each unit shall contain a minimum heated floor space of 900 square feet, except the one-bedroom units shall contain a minimum heated floor space of 600 square feet.
- (3) Ground level retail trade establishments in multi-story buildings otherwise occupied by residential or office uses.

(B) **Building Height Limits**

- (1) Buildings containing office, hotel and/or residential uses may also include parking uses and shall be limited to a maximum of twelve (12) occupiable stories, not to exceed a maximum height of 180 feet.
- (2) Parking decks shall be limited to a maximum height of eight (8) levels.

(C) **Buffers and Setbacks**

- (1) **Setback and Visual Buffer from Georgia Highway 400.** A minimum setback of sixty (60) feet from the right-of-way from Georgia Highway 400 must be maintained with the first forty (40) feet being a visual buffer. Grading, drainage, and tree plantings may be performed within the visual buffer as long as the disturbed area is replanted to Forsyth County Buffer Standards.

- (2) Minimum landscape strips and frontage planting strips required by the UDC shall not be required along or adjacent to property lines or lease lines. Landscape strips and frontage planting strips shall not be required along any property line or lease line where existing or proposed buildings are, or will be, constructed directly abutting both sides of a common property line or lease line. The purpose of this provision is to allow for a continuous building façade across property lines that would otherwise be interrupted by a landscape strip.
- (3) Minimum setbacks required by the UDC shall not be required along or adjacent to property lines or lease lines. Setbacks shall not be required along any property line or lease line where existing or proposed buildings are, or will be, constructed directly abutting both sides of a common property line or lease line. The purpose of this provision is to allow for a continuous building façade across property lines that would otherwise be interrupted by a setback.

21-9.5 **Sub-Area 2 (Village Commercial and Mixed-Use).** This sub-area is intended to provide for a mix of community scale uses that may include office, hotel, commercial, retail, drug store, bank, restaurant, residential, and recreational land uses as identified on the Plan.

(A) **Permitted Uses**

- (1) All uses permitted under CBD (Commercial Business District) zoning, subject to Section 21-9.8(O) of this Article.
- (2) Ground level retail trade establishments in multi-story buildings otherwise occupied by residential or office uses.
- (3) Multi-family dwelling units, not to exceed 300 units, subject to the aggregate residential density restrictions set forth in section 21-9.8 of this Article. Each unit shall contain a minimum heated floor space of 900 square feet, except the one-bedroom units shall contain a minimum heated floor space of 600 square feet.

(B) **Building Height Limits**

- (1) Hotels on parcels located within 600 feet of Union Hill Road shall be limited to a maximum height of eight (8) occupiable stories, not to exceed a maximum height of 130 feet. All other buildings may include parking facilities and shall be limited to a maximum of six (6) occupiable stories, not to exceed a maximum height above grade of 90 feet, exclusive of any integrated parking levels.
- (2) Parking decks shall be limited to a maximum height of four (4) levels.

21-9.6 **Sub-Area 3 (Residential with Limited Commercial).** This sub-area is intended to maximize the diversity of housing choices within the Overlay by providing a more traditional multi-family residential community node with limited commercial to include retail, bank, drug store, restaurant, and/or office uses, as identified on the Plan.

(A) **Permitted Uses**

- (1) All uses permitted under CBD (Commercial Business District) zoning, subject to Section 21-9.8(O) of this Article.
- (2) Multi-family dwelling units, not to exceed 375 units, subject to the aggregate residential density restrictions set forth in section 21-9.8 of this Article. Each unit shall contain a minimum heated floor space of 900 square feet, except the one-bedroom units shall contain a minimum heated floor space of 600 square feet.

21-9.7 **Architectural Design Standards.** The architectural design standards established herein apply to all commercial development requiring a land disturbance permit. They are intended to achieve a base level of quality for architectural and landscape design that is responsive to its context and contributes to the overall character of the overlay district. The architectural criteria listed below establish minimum design standards for buildings within the overlay district in order to reduce the impacts of commercial development on adjacent properties. The highest quality of architectural design and innovation is encouraged. These standards replace the design criteria contained in UDC Chapters 11 and 12.

(A) **Facades and Exterior Walls.**

- (1) Front facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least two (2) percent of the length of the facade. No uninterrupted length of any facade shall exceed two hundred (200) horizontal feet.
- (2) **Minimum Wall Articulation.** Front facade design shall provide varying wall offsets and other architectural features to create horizontal (wall) and vertical building articulation. Along with the wall plane requirements in (1) above, at least one of the following treatments shall be incorporated:
 - (a) Change in texture or color.
 - (b) Change in pattern or material.

- (c) An equivalent element that subdivides the wall into pedestrian scale proportions.
- (B) **Building Materials and Architectural Treatments.** The following design standards, guidelines, and enhancements are established to create a sense of architectural consistency throughout the overlay district and to ensure high quality architectural design.
- (1) Exterior building materials on all commercial development shall consist of a minimum of twenty-five (25) percent per vertical wall plane of brick, natural or a decorative masonry unit pre-cast stone, and/or glass. If multiple establishments are contained within one contiguous structure, the percentage pertains to the entire facade rather than individual facade fronts.
 - (2) Accent wall materials on all commercial development shall not exceed seventy-five (75) percent per vertical wall plane. Accent building materials include, but are not limited to, exterior finish insulation systems, stucco, and painted dimension wood. If multiple establishments are contained within one contiguous structure, the percentage pertains to the entire facade rather than individual facade fronts. Smooth and/or rib faced concrete masonry units, aluminum siding, vinyl siding, and corrugated steel are prohibited.
 - (3) The principal entry area of a building, or if in a shopping center the mall entrances, shall be articulated and should express greater architectural detail than other portions of the building. Entries shall include at least one of the following or similar architectural elements:
 - (a) Overhangs
 - (b) Canopies
 - (c) Recesses/projections
 - (d) Columns
 - (e) Arcades
 - (f) Corniced parapets over the door
 - (g) Peaked roof forms
 - (h) Arches
 - (i) Glass entry
 - (j) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting
 - (4) Freestanding accessory structures shall have architectural detailing and design elements consistent with the primary buildings of the development complex to provide a cohesive design.
 - (5) Burglar bars, fiberglass awnings, and steel-roll down curtains are prohibited except at the structure's rear. Burglar bars are prohibited on the rear if visible from a public street. Burglar bars are also prohibited on the rear of an outparcel building if visible from the main structure.
- (C) **Color.** The use of muted, subdued, or earth tone colors are required for all buildings and associated structures. Vending and ice machines, lock boxes, and other dispensing equipment visible from the public right-of-way shall use only earth tone and/or neutral colors. Fuel dispensing units visible from the public right-of-way shall feature earth tone and/or neutral colors in their overall design. Notwithstanding the foregoing requirement, small functional parts of the fuel dispensing units and reasonable safety features may utilize additional colors for enhanced visibility and safety purposes, subject to the discretion of the director. In addition, any wall or fence shall use only earth tone and/or neutral colors. Earth tone colors refer to browns, umbers, sienna, or terracotta and brick tones. Neutral colors refer to blacks, whites, beiges, or grays. Fluorescent colors and those bright in intensity are prohibited. Glass, unpainted metal, natural stones, and sign faces are excluded from the color requirements.
- (D) **Exterior Lighting.** All lighting for commercial development shall be designed to integrate with the overall development character. Parking lot lighting shall be no more than thirty-five (35) feet in height.
- (1) Lighting shall be architecturally integrated with neutral or earth tone colors.
 - (2) Lighting shall be unobtrusive and refrain from adverse impact of adjacent properties outside of the overlay district and public right-of-ways. See UDC 16-4.26 for fixture type and light spillage.
 - (3) Exposed neon and fluorescent lighting is not permitted except for open and closed signs.
 - (4) For drive-under canopies, the luminaries shall be recessed into the canopy ceiling so that the bottom of the luminaries does not extend below the ceiling.
 - (5) Promotional beacons, search lights, laser source lights, strobe lights or any similar light when projected above the horizon, and lighting used for causing sky glow to attract attention in excess of the lighting used to provide safety, security and utility are prohibited. Projects that want to integrate lines or rows of lights within a defined pedestrian plaza may seek administrative approval upon submission of lighting specifications. Such lights shall not be placed permanently on building exteriors.

- (E) **Screening.** The following standards shall apply:
- (1) Accessory site features including, but not limited to, meters, meter boxes, electrical transformers, and other equipment located on the ground shall be screened from view from public rights-of-way or residential uses by placement behind the main building, 60% opaque fencing, berm and/or a vegetative screen planted according to County buffer standards.
 - (2) Flat roofs, roof mounted equipment and other accessories shall be screened from view from the public rights-of-way or residential uses by a parapet, gable roof, roof screen, or other architectural feature. Roof equipment and roof screens shall be finished to match the roof or parapet wall. When the relationship between building roofs and adjoining public streets and/or residential developments make screening of roof equipment impossible (e.g. road higher than roof), a parapet of no less than four feet in height shall be installed.
 - (3) Loading areas shall be screened from the public rights-of-way or residential uses by placement behind the main building or appropriately scaled wall or the use of landscape buffer that is no less than 5 feet in height.
 - (4) Walls or fences, required or otherwise, when visible from the public right-of-way shall complement the exterior materials of the primary structure on site. Tarps and banner signs shall not be attached to fencing material.
 - (5) Chain link fencing is prohibited on Ronald Reagan Boulevard and Union Hill Road frontage. Chain link fencing may be allowed along the sides and rear of property fronting Ronald Reagan Boulevard if it is screened with evergreen trees, shrubs, and/or decorative fencing for the full length and height of the fence.
- (F) **Exemptions.** The director may exempt all or parts of the design standards in this section for commissioned buildings by an architect for a site when the design constitutes a unique, one of a kind building that meets or exceeds the intent of these design standards, as demonstrated by architectural elevations.

21-9.8 **General Regulations**

- (A) At least fifteen percent (15%) of the area within the Overlay, exclusive of public roads, public rights-of-way, and inter-parcel access easements, shall be set aside as open space.
- (B) The following elements may be included in the calculations of open space within the Overlay:
- (1) Any combination of primary and secondary conservation areas that together form a permanent, undivided or relatively undivided, undeveloped area.
 - (2) All buffers, setbacks and other areas not containing any buildings or pavements.
 - (3) Plazas, fountains, squares and other similar pedestrian amenities.
 - (4) Wetlands, creeks, streams and tributaries, drainage areas, detention ponds, and floodplain.
 - (5) Areas within multi-family residential developments designed and intended for the use and enjoyment of all residents or the use and enjoyment of the public.
- (C) **Calculation of Minimum Parking and Loading Spaces**
- (1) All minimum parking and loading requirements for retail uses based on building floor area shall be calculated using Gross Leasable Area, as hereinafter defined.
 - (2) One off-street loading space shall be provided for the first 5,000 square feet of Gross Leasable Area or fractional part thereof for retail uses for which a loading space is required. One additional space shall be required for each additional 75,000 square feet of Gross Leasable Area or fractional part thereof for retail uses.
 - (3) All minimum parking and loading requirements for office uses based on building floor area shall be calculated using Gross Building Area, as hereinafter defined.
 - (4) One off-street loading space shall be provided for the first 5,000 square feet of Gross Building Area or fractional part thereof for office uses for which a loading space is required. One additional space shall be required for each additional 100,000 square feet of Gross Building Area or fractional part thereof for office uses.
 - (5) Unless otherwise approved by the director, loading spaces shall be a minimum of ten (10) feet wide, thirty (30) feet long, with fourteen (14) feet of height clearance.
 - (6) Shared parking may be provided at 3.5 spaces per 1,000 square feet of Gross Leasable Area or Gross Building Area, for retail or office uses, respectfully, as hereinafter defined, for any combination of different office and retail land uses within the Overlay (or any sub-area thereof) when such parking arrangement is supported by:

- (a) Documentation from an acceptable industry publication (e.g., Institute of Transportation Engineers, Urban Land Institute, American Planning Association, etc.); or
- (b) A study prepared by a traffic engineering firm that documents parking requirements and supports the use of shared parking.

(D) Surface Parking Standards

- (1) Any parking area exceeding twenty-five (25) spaces shall provide a minimum of ten percent (10%) of the total parking area as landscape islands. Landscape strips located between a parking area and a private street, driveway or public road shall count toward meeting this requirement
- (2) At minimum, landscape islands shall be located at the end of every other Parking Bay and, on average, every 150 linear feet of continuous parking space width.
- (3) Landscape islands for single parking bays shall contain a minimum of 150 square feet. Landscape islands for double parking bays shall require a minimum of 150-square-foot islands on each side or one continuous landscape island of 300 square feet on one side.
- (4) Each parking landscape area shall contain turf grasses, shrubs, trees, or other landscape material in any combination, but must consist of at least two plant types. Landscape islands shall be located to effectively avoid large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic.
- (5) All trees planted in landscape islands and landscape areas shall be a minimum of three and one-half inches in caliper measured 36 inches above ground, shall be a minimum of ten feet in height, and shall be drought tolerant

(E) Physical Relationships Between Buildings and Uses.

- (1) Buffers shall not be required between non-residential uses (including multi-family residential uses) and single-family or multi-family residential uses internal or external to the Overlay.
- (2) Minimum setbacks or other spatial separations required by the UDC shall not be required between buildings within the boundaries of the Overlay.
- (3) Minimum setbacks shall be 10 feet from a public road.
- (4) Minimum setbacks shall be 10 feet from common property lines shared with abutting properties that are zoned for residential development, which are outside of the boundaries of the Overlay with the exception of Sub-Area 3 in which the minimum building setbacks shall be 20 feet.
- (5) Setbacks shall not be required from private streets or driveways.
- (6) Condominium developments and townhouse developments may be located on public roads or private streets. The developer shall build private streets to Forsyth County standards. Private streets built to county standards may be dedicated to the public at the developer's option.

(F) Residential Density

- (1) Residential density within the Overlay shall not be calculated on a per acre basis. Notwithstanding any other provisions within this Article, residential development within the Overlay shall not exceed an aggregate total of 875 dwelling units.
- (2) Buildings containing condominiums or apartments may include more than six (6) residential units.

(G) Tree Replacement

- (1) To be consistent with section 2.11 of the Tree Ordinance, because the Plan exceeds the floor area threshold for Developments of Regional Impact:
 - (a) Eighteen (18) tree units per acre shall be provided within the Overlay;
 - (b) Developers shall not be required to replace Specimen Trees (as defined in the Tree Ordinance) that are removed during the initial development of a parcel within the Overlay.
- (2) Calculations of tree units provided per acre shall include Specimen Trees, and non-specimen trees with a diameter at breast height of at least 18 inches, that are planted or preserved within the Overlay, including those within required buffers or open spaces.
- (3) In order to provide sufficient growing area for planted trees, a minimum of 300 square feet of pervious root zone shall be provided for every large tree.

(H) Stream Buffers

- (1) Unless a stream buffer encroachment is approved by the State of Georgia Environmental Protection Division and Forsyth County, a natural vegetative buffer shall be maintained for 50 feet, measured horizontally, on both banks (as applicable) of State waters as measured from the top of bank. With the exception of new tree plantings, this 50-foot vegetative buffer shall remain undisturbed.

- (2) Unless a stream buffer encroachment is approved by the State of Georgia Environmental Protection Division and Forsyth County, an additional setback shall be maintained for an average of 30 feet, measured horizontally, beyond the undisturbed natural vegetative buffer. Land disturbance activities, including but not limited to grading, drainage, retaining walls, utilities, pervious trails, tree planting and landscaping shall be allowed within this additional setback so long as any disturbed area is stabilized. Stormwater shall not be discharged across any portion of the additional stream buffer setback with a width of less than 25 feet.
- (I) A 10-foot vegetative buffer shall be maintained adjacent to wetlands within the Overlay. Land disturbance activities, including but not limited to grading and tree planting, shall be Allowed within required wetland buffers so long as any disturbed area is replanted to Forsyth County Buffer Standards.
- (J) Specialized UDC Requirements for Large Retail Developments Requirements set forth in Chapter 12 and Chapter 18, Articles of the UDC specifically for individual retail establishments encompassing 40,000 square feet of floor area or greater, or encompassing 75,000 square feet or greater, shall not apply within the Overlay.
- (K) **Maintenance Requirements**
 - (1) During any time a retail building exceeding 40,000 square feet is vacant after its initial opening (a “Vacant Retail Building”) for a period of at least 90 days (“Vacancy Period”), the owner of the building shall:
 - (a) Maintain all on-site parking areas and landscaping in the same condition as they had been maintained prior to the vacancy;
 - (b) Operate all lighting in the parking lot and other external areas, exclusive of identification signs, in the same manner as they had been prior to the vacancy period;
 - (c) Remove all outdoor identification signs from the site;
 - (d) Keep the building free of graffiti and repair all other acts of vandalism; and
 - (e) Provide security patrols on the site to deter vandalism or other illegal activities.
 - (2) The owner of a retail building exceeding 40,000 square feet, regardless of the building’s occupancy status, shall be responsible for:
 - (a) Maintaining cleanliness of entire site by removing any trash, rubbish, or other debris from the premises;
 - (b) Maintaining landscaping and replacing dead or damaged plants; and
 - (c) Repair or replace building elements that are damaged, dilapidated or in disrepair (such as but not limited to broken windows).
 - (3) Should the owner of a Vacant Retail Building fail to maintain the building and premises during the Vacancy Period in accordance with the requirements of this Article, the owner shall be subject to citation by the appropriate County Code Enforcement Office and shall be subject to the maximum fine permitted for ordinance violations for each such violation.
- (L) **Adaptive Reuse.**
 - (1) If an individual retail establishment 75,000 square feet or greater (“Establishment”) is vacated, the owner and/or lessee (the “Owner”) shall submit a written adaptive reuse and marketing plan (a “Reuse Plan”) to the Director no later than the end of the 25th consecutive month of vacancy, unless events or circumstances beyond the Owner’s control prevents the submittal of the Reuse Plan.
 - (2) The Reuse Plan shall include the reason(s) for the continued vacancy, potential use types for the vacant Retail Establishment, a marketing plan to be executed for the facility and a schedule for the implementation of the marketing plan (a “Schedule”). The Owner shall execute the Reuse Plan in accordance with the Schedule, unless events or circumstances beyond the Owner’s control prevent adherence to the Schedule.
 - (3) If the Establishment remains vacant for 12 consecutive months after the Reuse Plan’s submittal date, the Owner shall provide the Director with annual written status reports regarding its plans to redevelop and/or reuse the property and the reason(s) for the property’s continuing vacancy.
- (M) **Calculation of Area for Retail and Office Uses**
 - (1) The area of retail uses within the Overlay shall be calculated using “Gross Leasable Area”, which shall mean the sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls and from the center line of joint partitions and walls separating two (2) or more buildings. The term Gross Leasable Area shall exclude all outdoor dining areas, outdoor display areas that are accessory to enclosed retail stores, areas designed for permanent accessory uses such as public toilets, utility closets, mall food courts, mall management

and security offices, mail distribution or delivery facilities, truck tunnels, enclosed parking areas, meter rooms, mall concourses, corridors not open to the public, rooftop mechanical structures, mechanical and equipment rooms and facilities, public and fire corridors, stairwells, elevators and escalators.

- (2) The area of office uses within the Overlay shall be calculated using net rentable area in accordance with the "Standard Method of Measuring Floor Areas in Office Buildings ANSI/BOMA Z65.1 – 1996", as adopted by The Building Owners and Managers Association (BOMA) International.

(N) **Signage.**

- (1) A comprehensive signage plan setting forth details relative to sign types, numbers, materials, construction, lighting, heights, and areas shall be submitted to the director for review and approval prior to the issuance of sign permits for each development within the Overlay (or each phase thereof).

(2) **Commercial Signs.**

(a) **Wall Signs.**

(i) Department store anchors over 80,000 square feet shall be allowed 3 signs (one per facade) up to 5% of the overall facade or a maximum of 600 square feet per sign.

(ii) The retail building connecting the department store anchors shall be allowed up to 8 signs up to 200 square feet per sign.

(iii) Office and hotel buildings over 5 stories are allowed 4 signs (one per facade) up to 5% of the overall facade area or a maximum of 600 square feet per sign, whichever is greater.

(b) **Marquee Signs.** Signs within the Overlay are allowed a maximum projection of 12 feet from the building wall.

(c) **Monument Signs (fronting freeways and arterial/collector streets).** No more than 2 signs may be located per entrance to a public street. Maximum sign area shall be limited to 300 square feet per side, not including wing walls. Signs shall be limited to a maximum height of 12 feet.

(d) **Monument Signs (fronting local roads and private streets).** No more than 12 signs may be permitted within the Overlay. Maximum sign area shall be limited to 72 square feet per side. Signs shall be limited to a maximum height of 10 feet.

(e) **Pole Directional Signage.** No more than 24 signs may be located within the Overlay. Maximum sign area shall be limited to 60 square feet per side. Signs shall be limited to a maximum height of 10 feet.

(f) **Light Pole Graphics.** Four-sided signs may be located on poles to serve as directional aids. Maximum sign area shall be limited to 15 square feet per side. Signs shall be limited to a maximum height of 12 feet.

(g) **Georgia 400 Corridor Signage.** A single pylon sign may be located along GA400. Maximum sign area shall be limited to 400 square feet. The sign shall be limited to a maximum height of 50 feet.

(3) **Residential.** All residential development within the Overlay shall be allowed separate signage as permitted per the Residential Zoning Standards of the Sign Ordinance.

(4) Notwithstanding any other provisions within this Article, the Office Residential Zoning Districts Performance Standards and Commercial or Industrial Zoning Districts in the Sign Ordinance shall not apply to the Overlay.

(O) **Prohibited Uses.** The following uses shall be prohibited within the Overlay.

(a) Convenience stores, with or without fuel dispensing units.

(b) Fuel stations.

(c) Adult novelty stores.

(d) Adult entertainment centers.

(e) Pawn shops.

(f) Tattoo parlors

21-9.9 **Applicability.** All properties within the boundaries of the Overlay shall be subject to the requirements of the UDC, the Sign Ordinance and the Tree Ordinance. Properties within Sub-Area 2 and Sub-Area 3 of the Overlay shall be subject to all requirements of this Article and the Plan. Sub-Area 1 may be developed in accordance with the Article and this Plan. The following provisions of this Article shall not apply to Sub-Area 1 of the Overlay if Sub-Area 1 does not conform to the Plan: Sections 21-9.4(A)(2), 21-9.4(B), 21-9.4(C)(2), 21-9.8(C)(6), 21-9.8(D)(1), 21-9.8(D)(2), 21-9.8(D)(3), 21-9.8(D)(4), 21-9.8(E)(1), 21-9.8(E)(3), 21-9.8(E)(4), 21-9.8(E)(5), 21-

9.8(E)(6), 21-9.8(F), 21-9.8(N), 21-9.10(A), 21-9.10(B) and 21-9.10(C). Section 21-9.8(F)(1) shall not apply to Sub-Area 1 if Sub-Area 1 does not conform to the Plan; and the maximum residential density on the balance of the Overlay shall be reduced to 675 units. The requirements of the UDC, this Article and the Tree Ordinance shall apply cumulatively to all properties within the Overlay so that each requirement is interpreted against the overall Plan, not any individual parcel or property.

21-9.10 **Administrative Interpretations.**

- (A) The director is hereby authorized to administratively grant minor Plan amendments for individual parcels within the Overlay. A minor Plan amendment shall be effective only for the parcel(s) for which the amendment was requested and shall not affect any other parcel within the Overlay.
- (B) Minor Plan amendments shall include, but are not limited to, adjusting lot lines and lease lines, reducing the size of individual uses, removing approved uses, modifying the layout of internal roads, relocating open space, reconfiguring building footprints and relocating buildings depicted on the Plan. Any proposed amendment to the Plan that is determined by the director to constitute a public interest that decreases the public open space by ten (10) percent or more, increases the density by ten (10) percent or more, or changes the Overlay boundaries shall be deemed a major amendment. The addition of proposed uses or the relocation of active amenities to a location closer to the Overlay boundaries than as shown on the Plan shall constitute major amendments. For all amendments to the Plan that are determined to be major amendments, the Board of Commissioners shall be required to hold a public hearing, but such hearing shall be limited specifically to testimony regarding whether the proposed amendment should or should not be approved.
- (C) The director may approve requests for minor plan amendments based on the following considerations:
 - (1) Whether the amendment conforms to the policy and intent of the Forsyth County Comprehensive Plan;
 - (2) Whether the amendment would be suitable in view of the use and development of adjacent and nearby properties;
 - (3) Whether the amendment would have an adverse effect on the usability of adjacent and nearby Property;
 - (4) Whether the amendment would impose an excessive burden on streets, transportation facilities or utilities;
 - (5) Whether there are existing or changing conditions affecting the use and development of the property that support the approval of the amendment.
- (D) The director is not authorized to grant variances from the provisions of the underlying CBD zoning district. Deviations from the underlying CBD zoning district shall require the issuance of a variance pursuant to Article V and Article VI of the UDC.
- (E) In the event of a conflict or inconsistency between this Overlay, as interpreted by the director, and (1) any other provision of the UDC, (2) the Sign Ordinance, or (3) the Tree Ordinance, this Article shall govern the development within the Overlay.

TABLE 21.3
PERFORMANCE STANDARDS SUMMARY

Performance Standard	Sub-Area 1	Sub-Area 2	Sub-Area 3
Minimum dwelling unit size	600 sf. (1 bedroom) 900 sf. (all other units)	600 sf. (1 bedroom) 900 sf. (all other units)	600 sf. (1 bedroom) 900 sf. (all other units)
Maximum building height	12 stories or 180 ft.	6 stories or 90 ft. (office/res) 8 stories or 130 ft. (hotels)	As set forth in UDC.
Maximum parking deck height	8 levels	4 levels	As set forth in UDC.
Max. Residential density. (Note 1)	400 units	300 units	375 units
GA 400 buffer	60 feet (includes 40-foot visual buffer)	n/a	n/a
Loading Spaces (retail)	1 space for first 5,000 sf. 1 space for each additional 75,000 sf.	1 space for first 5,000 sf. 1 space for each additional 75,000 sf.	1 space for first 5,000 sf. 1 space for each additional 75,000 sf.

Performance Standard	Sub-Area 1	Sub-Area 2	Sub-Area 3
Loading Spaces (office)	1 space for first 5,000 sf. 1 space for each additional 100,000 sf.	1 space for first 5,000 sf. 1 space for each additional 100,000 sf.	1 space for first 5,000 sf. 1 space for each additional 100,000 sf.
Loading Space Size	10 ft x 30 ft. Min. 14-foot clearance	10 ft x 30 ft. Min. 14-foot clearance	10 ft x 30 ft. Min. 14-foot clearance
Pervious Root Zone (Large Trees)	300 sf.	300 sf.	300 sf.
Min. Landscape Island size (Single Bay)	150 sf.	150 sf.	150 sf.
Min. Landscape Island size (Double Bay)	300 sf.	300 sf.	300 sf.
Landscape Island Location	Every other parking bay and avg. every 150 linear feet of parking width	Every other parking bay and avg. every 150 linear feet of parking width	Every other parking bay and avg. every 150 linear feet of parking width
Setbacks (Note 3)	10 feet from public road and residential development outside Overlay	10 feet from public road and residential development outside Overlay	10 feet from public road and residential development outside Overlay
Stream Buffer	50-ft vegetative buffer Avg. 30-ft additional setback	50-ft vegetative buffer Avg. 30-ft additional setback	50-ft vegetative buffer Avg. 30-ft additional setback
Wetland Buffer	10 feet	10 feet	10 feet
Shared Parking for Mixed-Uses of Retail and Office	3.5 spaces per 1,000 sf.	3.5 spaces per 1,000 sf.	3.5 spaces per 1,000 sf.

Note 1 – Residential density within the Overlay shall not exceed a total of 875 units.

Note 2 – Setbacks and buffers do not apply to private streets, driveways, or lease lines/property lines within the Overlay.

Note 3 – The applicability of standards summarized in this table are subject to the provisions of section 21-9.10 of the Ronald Reagan/Union Hill Overlay District regulations.

**ARTICLE X, CAMPGROUND-CASTLEBERRY-KELLY MILL-PITTMAN-POST-SHILOH ROAD
OVERLAY DISTRICT:**

21-10.1 **Purpose.** The purpose of this overlay district is to establish minimum standards for roadway fencing and landscaping that contribute to the district's recruitment and retention of businesses and enhancement of residential communities.

21-10.2 **District delineation.** The Overlay District shall consist of those parcels within the boundary identified on the Official Overlay District Map of Forsyth County. Regulations apply to parcels or portions of parcels that fall within 100 feet of the centerline of Campground Road, Castleberry Road, Kelly Mill Road, Post Road, Pittman Road and Shiloh Road.

21-10.3 **Permitted Uses.** All uses allowed in the underlying zoning districts as established by this Code, except for those listed below, are permitted in the Campground-Castleberry-Kelly Mill-Pittman-Post-Shiloh Road Overlay District:

(A) Tattoo parlors.

21-10.4 **Board Fences along Roadways.** Board fences shall be installed along Post Road, Castleberry Road, Shiloh Road and Pittman Road.

(A) For all properties, four board style black fences shall consist of a minimum 1-inch thick, four (4) inch wide fence board affixed to four (4) inch posts spaced a maximum of ten (10) feet apart. The Board fences shall be a minimum of four (4) feet and a maximum of six (6) feet in height. Natural stone or brick masonry columns may be used in the fence design. Fences shall be constructed using high quality materials to ensure low repair and maintenance cost.

(B) Fence materials shall be comprised of treated lumber, fiber cement, vinyl or steel.

(C) Chain link or coated chain link fencing is prohibited along the road frontage.

(D) Individual lots of record within residential or agricultural districts are exempt from this requirement.

21-10.5 **Landscaping along Roadways.** For all properties, a minimum fifteen (15) foot wide landscape strip shall be provided along the proposed future right-of-way of Post Road, Castleberry Road, Shiloh Road and Pittman Road.

(A) Three rows of plantings, with one of these rows in front of the fencing are required. Three levels of scale shall include herbaceous perennials, shrubs and trees.

(B) All landscape strips shall contain a minimum of one overstory tree and four shrubs per fifty (50) linear feet of strip length. All proposed shrubs shall be a minimum of three-gallon container size and two (2) feet in height at time of planting. All proposed overstory trees shall be a minimum three-inch caliper at time of planting. Trees and shrubs may be grouped or staggered and need not be evenly spaced within the strips

(C) Landscape strips shall be located outside utility easements.

(D) Required fences shall be incorporated into the design of the frontage landscape strip and shown on the landscape plan.

21-10.6 **Signage.** Electronic message boards (EMBs) are prohibited.

21-10.7 **Design Plan Administrative Review.** Plan review shall be performed by county staff. Site development plans, and landscape plans must be submitted to the department at the time of application for a land disturbance permit. Submitted plans shall address and conform to all provisions set forth under chapter 21, article X. Any numerical nonconformance to the standards contained within this Article shall require the submittal of a variance application in accordance with section 8-6.4 of this Code. Should a design not meet all of the non-numerical standards contained within this Article, then the proposed design must be submitted, for public hearing, to the Forsyth County Board of Commissioners for review and approval as an Alternate Design. In considering whether to approve such Alternate Design, the Board of Commissioners shall consider the Special Considerations set forth in section 8-5.5(F)(2)(b) of this Code.

ARTICLE XI, BUFORD HIGHWAY OVERLAY DISTRICT:

21-11.1 **Purpose.** The purpose of this overlay district is to establish minimum standards for any site development, exterior architectural design, landscaping, lighting and signage that contribute to the district's overall character. This is accomplished through enhancement of commercial growth through unity of design and quality architecture and the creation of visual interest through landscape and architectural features. Design standards are intended to ensure coordinated design of building exteriors in order to promote visual congruence, positively impact adjacent properties, and produce buildings that augment the character and appearance of the area. It is the goal of this ordinance to promote freedom in design while establishing a baseline for design compatibility. This goal is in accordance with the County's objective to encourage landscaping, signage, building design, and other development regulations that enhance the image of the County and create value as stated in the implementation program of the Comprehensive Plan. In addition, this overlay is intended to increase design functionality of vehicle related establishments and to mitigate impacts of commercial uses on residential areas through additional site design considerations. Buford Highway is a major arterial roadway that handles significant volumes of traffic and is therefore highly visible to the traveling public. The enhancement of this well-traveled corridor through a unification of its visual context by way of appropriate design measures offers benefits such as the protection of land values through improved appearance and utility that may foster business attraction.

21-11.2 **Delineation of District.** The Buford Highway Overlay District applies to all properties indicated on the Official Overlay District Map of Forsyth County. Where land is located in the Buford Highway Overlay District, the regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying base zoning district. In the event of an express conflict between the standards governing a base zoning district and those governing this overlay district, the standards governing the overlay district shall control. The Overlay regulations apply to any parcel that falls wholly or partially within 1,000 feet of the centerline of Buford Highway/Canton Highway.

21-11.3 **Permitted Uses.** All uses allowed in the underlying zoning districts as established by this Code, except for those listed below, are permitted in the Buford Highway Overlay District. Commercial zoning districts and uses are strongly encouraged east of the City of Cumming based on the designation of Buford Highway as a commercial corridor within the Forsyth County Comprehensive Plan. The designation of this portion of the highway corridor as a commercially focused area shall be considered as rezoning proposals are submitted for properties located within the overlay district boundary.

- (A) Theaters, except if otherwise located within a planned commercial or mixed use development.
- (B) Electronic game playing centers
- (C) Adult entertainment centers
- (D) Adult novelty stores
- (E) Pawn shops
- (F) Pool halls
- (G) Tattoo parlors
- (H) Massage parlors, except massage establishments that provide massage services as well as facials, chemical peels, muscle stretch and therapy services, aromatherapy and foot treatments.
- (I) Landfills
- (J) Transfer stations
- (K) Trailer parks
- (L) Temporary buildings except construction trailers in commercial and industrial districts
- (M) Electronic message boards/Changeable copy signs, with the exception of fuel stations, including any upgrades to preexisting signs regardless of general allowance of such upgrades in the Forsyth County Sign Ordinance and this Code.
- (N) Chemical storage facilities
- (O) Panhandling
- (P) Self-service car washes
- (Q) Building supply yards
- (R) Fuel tank lease and sales establishments
- (S) Large scale retail, as defined in section 21-6.4(A) on any parcel of less than seven (7) acres between Nuckolls Road and Echols Road and on parcels of any size between Echols Road and the county line bordering Gwinnett County.
- (T) Vehicle rental establishments, vehicle sales dealerships and parking decks on any parcel of less than seven (7) acres between Nuckolls Road and Echols Road and vehicle rental establishments, vehicle sales

dealerships and fuel stations on parcels of any size between Echols Road and the county line bordering Gwinnett County.

- (U) Smoke shops and vape/e-cigarette stores
- (V) Marijuana or THC dispensaries excluding licensed pharmacies
- (W) Open storage as a primary use, west of the City of Cumming.
- (X) Senior housing developments.

21-11.4 **Design Plan Administrative Review.** Design review shall be performed by department staff. Architectural elevations, exterior finish schedules, landscape and signage plans must be submitted to the department at the time of application for a land disturbance permit. Lighting plans must be submitted prior to the issuance of a building permit. See Chapter 7 and Chapter 18 of this Code for land disturbance and building permit procedures. All plans shall address and conform to all provisions set forth under Chapter 21, Article XI. Any numerical nonconformance to the standards contained within this Article shall require the submittal of a variance application in accordance with section 8-6.4 of this Code. Should a design not meet all of the non-numerical standards contained within this Article, then the proposed design must be submitted, for public hearing, to the Forsyth County Board of Commissioners for review and approval as an Alternate Design. In considering whether to approve such Alternate Design, the Board of Commissioners shall consider the Special Considerations set forth in section 8-5.5(F)(2)(b) of this Code.

21-11.5 **Site Design Standards.**

- (A) Any new development, building expansion, expansion of open storage, outdoor display, or parking areas will trigger conformance of the entire property to current site design standards, including but not limited to landscape strips, parking islands, and any applicable screening.
- (B) Parking for commercial establishments shall be distributed along not less than two sides of the building exterior. Parking that fronts the main building entrance(s) shall have no more than sixty (60%) percent of the total number of parking spaces or 300 parking spaces, whichever is less.
- (C) New commercial developments and substantial improvements to existing commercial developments shall provide for pedestrian and automobile access connections between adjacent properties when feasible.
- (D) Sidewalks shall connect the rights-of-way with all non-residential main building entrance(s). Sidewalks shall be no less than five (5) feet in width. Sidewalks may be permitted within required landscape strips on a case-by-case basis upon thorough review of the landscape plan in order to still meet the intent of this Code and protect the public health, safety, and welfare.
- (E) Where pedestrian crossings cross parking areas and drives, decorative paving material (i.e., pavers, stamped or textured concrete, or color concrete) shall be used to delineate the pedestrian crossing.
- (F) Speed bumps are prohibited within commercial developments. Speed tables are permitted.
- (G) Retaining walls shall be faced with stone and brick when visible from the right-of-way.
- (H) **Landscaping.** The intent of this section is to require the integration of all landscape improvements with the overall project requirements. All plant materials shall be used to enhance the existing area, particularly as viewed from an adjacent right-of-way, and to mitigate development impacts. Landscape plans shall be submitted to the department for design review. The following is in addition to Ordinance No. 98 (Tree Protection and Replacement Ordinance) and shall be implemented:
 - (1) Plant materials shall be used as accent elements at roadside entryways to provide a definite sense of arrival to commercial properties. Plant materials shall consist of ground cover, herbaceous ornamentals, shrubs, understory, and/or overstory trees adjacent to the establishment's monument sign(s). These materials shall be clustered while maintaining adequate sight distance to and from the entryway. Entryway plantings shall be compatible with adjacent landscape areas in species selection and provide a cohesive transition between landscape plantings. All landscape areas shall incorporate a minimum of forty (40%) percent evergreen trees and shrubs within each area.
 - (2) All landscape areas shall incorporate a minimum of forty (40%) percent evergreen trees and shrubs within each area. All landscape areas shall also incorporate a minimum of twenty-five (25%) percent native plant material. Such plant material must be indigenous to the Southeastern U. S. and be approved by the County arborist.
 - (3) A minimum 25 foot wide landscape strip shall be provided along the proposed future rights-of-way and reservation lines of SR 20/Buford Highway from GA Highway 400, extending west to the county line bordering Cherokee County, and east to Twin Branches Road. A minimum 35 foot wide landscape strip shall be provided along the proposed future rights-of-way of Buford Highway from Twin Branches Road to the Chattahoochee River. In addition, fencing consistent with the

- composition and design criteria set forth below shall be installed within the landscape strip immediately adjacent to the proposed future rights-of-way of SR 20/Buford Highway.
- (a) For all properties, fencing shall be four board style black fences consisting of a minimum one (1) inch thick, four (4) inch wide fence board affixed to four (4) inch posts spaced a maximum of ten (10) feet apart. The board fences shall be a minimum of four (4) feet and a maximum of six (6) feet in height. Natural stone or brick masonry columns may be used in the fence design. Fences shall be constructed using high quality materials in accordance with section 21-11.5(I) to ensure low repair and maintenance cost.
 - (b) Individual lots of record within residential or agricultural districts are exempt from this requirement.
- (4) All landscape strips are required to contain a combination of vegetative ground cover, herbaceous ornamentals, and low to mid-level shrubs in addition to large canopy trees. Shrubs shall be a minimum of two (2) feet high every five (5) feet on center at time of planting.—A minimum of three (3) canopy trees per fifty (50) linear feet is required. Each tree shall have a minimum two (2) inch caliper and be at least eight (8) feet high at time of installation, Tree and shrub placement may be grouped and staggered rather than following a regulated line along the road frontage. Trees shall count towards the tree density requirements as outlined in Ordinance 98 (Tree Protection and Replacement Ordinance).
- (5) For all lot corners abutting right-of-way on two sides, extending a minimum of fifty (50) linear feet from the corner point on each side paralleling the rights-of-way, a minimum of four (4) enhanced rows of plant material to include a combination of shrubs and perennials in addition to groundcover other than turf shall be required. Spacing of plant material shall be adequate to provide a dense, full appearance. These understory plantings shall be integrated with the canopy tree requirements.
- (6) If the developer opts to provide an additional five (5) feet to the landscape strip to satisfy Section 17-5.7(C) of this Code, then the total width of the front landscape strip shall be thirty (30) feet or forty (40) feet subject to Subsection (D)(3), above. A minimum of 10 feet of the required landscape strip, as applicable, shall be located behind utility easements so plant material will not be disturbed after installment.
- (7) Ground mounted equipment, such as power transformers and pole-mounted lights, are prohibited within required landscape parking islands.
- (8) **Landscape Installation and Maintenance.** Certification by a registered landscape architect verifying that landscaping meets the standards of this code and the approved plans must be submitted. In addition, the contractor responsible for landscape installation must certify that all plant material has been installed per the approved plans. These certifications must be submitted prior to the approval of the as-built and/or final plat. The Property Owner shall be responsible for maintenance of required landscaping.
- (9) All dead and damaged plant material within landscaped areas must be replaced with a similar species within one month. If weather conditions are not appropriate for replanting, the property owner may postpone replacement for up to six (6) months. Replacement trees and shrubs shall be of similar size to the original installation size of the trees or shrubs being replaced.
- (10) **Performance Security.** When planting stock availability is low or weather conditions are not appropriate for planting new trees, shrubs, and/or perennials, the property owner may postpone planting for up to six (6) months, provided that performance security is posted with Forsyth County in accordance with the conform to the following specifications where applicable:
- (a) Security shall be submitted to the department with appropriate documentation showing stock availability and weather conditions necessitating the postponement of planting.
 - (b) Security shall be in an amount equal to one hundred and ten (110%) percent of the cost of materials, installation, and guarantee, as demonstrated by a signed contract between the owner and a landscape contractor.
- (11) Notwithstanding any other provision in the UDC, the landscape strip requirements in the Buford Highway Overlay District, as applied to property located west of GA 400, may be administratively varied up to a twenty-five percent (25%) reduction, based upon the following:
- (a) Applicant may submit a variance application to the department for administrative approval by the director;
 - (b) An administrative variance shall be issued if the following conditions are satisfied;
 - (i) The spirit and intent of the Overlay is otherwise achieved by the reduced landscape strip;

- (ii) That for every linear foot of requested variance, the applicant shall be required to contribute landscaping recompense funds for expenditure on rights-of-way beautification within the Buford Highway Overlay District equivalent to four times the value of the portion of the landscape strip that is eliminated by the administrative variance. The required contribution shall be calculated multiplying the ratio of the perpendicular distance of the variance over the total required landscape strip depth times either \$62.50 (for a 25' required landscape strip) or \$87.50 (for a required 35' landscape strip) and further multiplied by the linear feet of landscape strip to which the administrative variance is applied. As a representative example, the calculation for landscaping recompense shall be based upon the following model. [The required 25' landscape strip per the Overlay is estimated to cost \$62.50 per linear foot and the 35' landscape strip per the Overlay is estimated to cost \$87.50 per linear foot. If an applicant has 100 feet of frontage, then it is estimated that landscaping for the 25' landscape strip will cost \$6,250 to install (\$62.50 x 100). If an applicant seeks a six foot and three inch variance (6'3") variance along the entire frontage, this would equate to \$15.60 in landscaping savings (\$62.50 x .25). Applying the four times (4x) multiplier to \$15.60 yields a \$62.50 per linear foot recompense contribution for the frontage, thereby requiring the applicant to recompense the County \$6,250 (\$62.50 x 100 feet), in addition to installing the eighteen foot and nine inches (18'9") landscape strip along the frontage. Under this hypothetical scenario, the result would be an estimated cost of \$4,687.50 to install the eighteen foot and nine inches (18'9") of landscaping along the frontage (\$46.785 x 100), as well as a \$6,250 recompense contribution to the County, resulting in a total expenditure of \$10,937.50.]
- (iii) If a variance is sought that would reduce the landscape strip to less than eighteen feet and nine inches (18'9") for a required twenty-five (25) foot landscape strip or less than twenty-six and three inches (26'3") for a required thirty-five (35) foot landscape strip, then that additional variance reduction must be pursued in accord with those procedures set forth in section 8-6.3 and 8-6.4 of the UDC, respectively.

(I) **Fencing.**

- (1) Fence materials shall be comprised of treated lumber, fiber cement, or steel.
 - (2) Chain link fencing is prohibited for all property lines along SR 20/Buford Highway. Black or brown vinyl coated chain link fencing may be allowed along the sides and rear of property fronting SR20/Buford Highway, but not those property lines bordering or within view of residential property, if the chain link fencing is screened with evergreen trees, shrubs, and/or decorative fencing for the full length and height of the fence.
 - (3) For permitted open air businesses, no chain link fence shall be visible from the right-of-way.
- (J) **Civic Space.** The inclusion of civic space in future site development is highly desired. Examples of civic space include, but are not limited to a passive or active park, pocket park, square, plaza, playground, as well as the inclusion of public art installations.

21-11.6 **Architectural Design Standards.** The architectural design standards established herein apply to all commercial development. They are intended to achieve a base level of quality for architectural and landscape design that is responsive to its context and contributes to the overall character of the Overlay District. The architectural criteria listed below establish minimum design standards within the Overlay District in order to reduce the impacts of commercial development on adjacent properties. The highest quality of architectural design and innovation is encouraged. These standards are in addition to the design criteria contained in Chapter 12 of this Code.

- (A) **Commercial Building Materials and Architectural Treatments.** The following design standards, guidelines, and enhancements are established to create a sense of architectural consistency throughout the Overlay District and to ensure high quality architectural design.
- (1) Exterior building materials on all commercial development shall consist of a minimum of seventy-five (75%) percent per vertical wall plane of brick, natural or pre-cast stone, and/or glass. If multiple establishments are contained within one contiguous structure, the percentage pertains to the entire façade rather than individual façade fronts. On properties located west of the City of Cumming, cementitious siding including board and batten shall be permitted as a primary exterior building material.
 - (2) Accent wall materials on all commercial development shall not exceed twenty-five (25%) percent per vertical wall plane. Accent building materials include, but are not limited to, stucco, cementitious and wood siding, and architectural grade metal. If multiple establishments are

contained within one contiguous structure, the percentage pertains to the entire façade rather than individual façade fronts. Smooth, split face and/or rib faced concrete masonry units, aluminum siding, vinyl siding, tile, tilt/precast concrete, and corrugated steel are prohibited.

- (3) The principal entry area of a building, or if in a shopping center the largest tenant or a central location of a group of buildings, shall be articulated and should express greater architectural detail than other portions of the building. Entries shall include at least three of the following or similar architectural elements:
 - (a) Overhangs
 - (b) Canopies
 - (c) Recesses/projections
 - (d) Columns
 - (e) Arcades
 - (f) Corniced parapets over the door
 - (g) Peaked roof forms
 - (h) Arches
 - (i) Display windows
 - (j) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting
 - (4) Façades over fifty (50) feet in length must incorporate wall projections or recesses a minimum of twelve (12) inches in depth. The combined length of said recesses and projections must constitute at least twenty (20%) percent of the total façade length.
 - (5) Freestanding accessory structures shall have architectural detailing and design elements consistent with the primary buildings of the development complex to provide a cohesive design.
 - (6) **Roof Features.**
 - (a) For commercial buildings under 25,000 square feet, roofs shall be gable, pyramidal, or hip style. Shed roofs are permitted over porches, and additions. For buildings 25,000 square feet and above, the requirements in section 12-11.6(C) and (D) of this Code shall apply.
 - (b) The roof pitch of sloped roofs shall be a minimum of 4:12.
 - (c) Roof materials shall be wood shingles, wood shakes, standing-seam paint grip galvanized metal, slate or asphalt shingles (architectural weathered, or wood), or concrete simulated slat or wood shingles.
 - (d) Roof styles for multi-building complexes shall be compatible and consistent with roof designs for the entire complex.
 - (e) Vents and stacks shall be painted to match the roof material and hidden from view to the extent possible.
 - (f) Overhangs that shed water within five (5) feet of an adjacent lot shall be guttered or piped, and diverted away from adjacent lots.
 - (g) Gutters may be ogee or half-round with round downspouts, metal-lined wood, or architecturally formed or molded. Gutter finishes may be copper, unpainted galvanized metal, or color to resemble galvanized metal.
 - (7) Burglar bars, fiberglass awnings, and steel-roll down curtains are prohibited except at the structure's rear. Burglar bars are prohibited on the rear if visible from a public street. Burglar bars are also prohibited on the rear of an outparcel building if visible from the main structure.
 - (8) At least five (5%) percent of the total land area of a commercial development shall be used as common area. This area shall be located between the primary building entrance and the right-of-way and include some combination of seating, fountains, landscaped focal point, public art installation, or similar features.
 - (9) Stormwater detention and retention ponds that require a fence must not be visible from the public right-of-way unless a twenty (20) foot planted buffer is provided outside of the exterior pond fence. Access to the pond shall not be facing the public right-of-way.
- (B) **Color.** The use of muted, subdued, or earth tone colors are required for all buildings and associated structures. Vending and ice machines, lock boxes, and other dispensing equipment visible from the public right-of-way shall use only earth tone and/or neutral colors. Fuel dispensing units visible from the public right-of-way shall feature earth tone and/or neutral colors in their overall design. Notwithstanding the foregoing requirement, small functional parts of the fuel dispensing units and reasonable safety features may utilize additional colors for enhanced visibility and safety purposes, subject to the discretion of the director. In addition, any wall or fence shall use only earth tone and/or neutral colors. Earth tone

- colors refer to browns, umbers, sienna, or terracotta and brick tones. Neutral colors refer to blacks, whites, beiges, or grays. Fluorescent colors and those bright in intensity are prohibited. Glass, unpainted metal, natural stones, and sign faces are excluded from the color requirements.
- (C) Commercial and mixed-use buildings up to four (4) stories are permitted within the Haw Creek Community Node as identified on the Comprehensive Plan's community character map. Commercial and mixed-use buildings outside of the Haw Creek Community Node are limited to three (3) stories.
- (D) **Residential Architecture.** The following design standards pertain to all newly constructed residential development.
- (1) Residential structures along existing public right-of-way shall require any side or rear facade that is visible from the public right-of-way to include the same exterior finish materials and similar landscaping as the front of the structure. In addition, it shall include windows and architectural features similar to the front façade, including but not limited to, awnings, cornice work, edge detailing or other decorative finish materials.
 - (2) All roof vents, pipes, antennas, satellite dishes, and other roof equipment (except chimneys) shall be located on the rear elevations and, except for satellite dishes, be painted to match the color of the roof or, if technical considerations prevent installing satellite dishes on the rear elevation, then such equipment shall be installed at a location where it will have minimal visual impact as seen from the street.
 - (3) Trash enclosures in amenity areas and lots are to be constructed with a walk-in entrance, solid metal gates, and a decorative cover. Enclosures shall have sufficient size to house both the recycling and refuse bins.
 - (4) Utility equipment and service meters are to be located away from high visibility and usage areas and effectively screened from view. The use of enclosed structures or interior access to utility equipment and meters is encouraged. The use of utility closets on exterior walls is prohibited.
 - (5) Common mail facilities shall be covered, include a trash receptacle, and provide a minimum of two dedicated parking spaces if not located within an amenity area.
 - (6) Multi-family residential buildings shall utilize a mixture of materials including brick, stone, cementitious siding, stucco and/or have the appearance of a commercial storefront. EIFS is prohibited. Use of materials should vary and not exceed 50% of any one type per building side to provide visual interest.
- (E) **Exterior Lighting.** All lighting shall be designed to integrate with the overall development character. The following standards are the minimum standards intended to ensure that lighting will avoid adverse impacts on adjacent properties and rights-of-way.
- (1) Lighting shall be architecturally integrated with the style, material, and color of on-site structures.
 - (2) For any commercial use, a freestanding pole-mounted light shall not exceed eighteen (18) feet in height and shall have a black metal finish.
 - (3) For all residential developments, a freestanding pole-mounted light shall not exceed sixteen (16) feet in height and have a black metal finish.
 - (4) Exposed neon, neon tube lighting, and fluorescent lighting are not permitted.
 - (5) The use of LED garland or string lights to outline windows, buildings, signs, and similar features is prohibited.
 - (6) Building-mounted lighting shall highlight architectural features and not illuminate the entire building façade.
 - (7) All canopy luminaries shall be fully recessed and utilize flat lenses.
 - (8) Promotional beacons, search lights, laser source lights, strobe lights or any similar light when projected above the horizon, and lighting used for causing sky glow to attract attention in excess of the lighting used to provide safety, security and utility are prohibited. Projects that want to integrate lines or rows of lights within a defined pedestrian plaza may seek administrative approval upon submission of lighting specifications. Such lights shall not be placed permanently on building exteriors.
- (F) **Screening.** In addition to the regulations set forth in Chapter 12 and Chapter 14, the following standards shall apply:
- (1) Accessory site features including, but not limited to, meters, meter boxes, electrical transformers, and other equipment located on the ground shall be screened from view from public rights-of-way, residential uses, or any residential or agricultural zoning category by placement behind the main

- building, 100% opaque fencing, a six (6) foot berm and/or a vegetative screen planted according to County buffer standards.
- (2) Roof mounted equipment and other accessories shall be screened from view from the public rights-of-way, residential uses or any residential or agricultural zoning category by a parapet, gable roof, roof screen, or other architectural feature. Roof equipment and roof screens shall be finished to match the roof or parapet wall. When the relationship between building roofs and adjoining public streets and/or residential developments make screening of roof equipment impossible (e.g. road higher than roof), a parapet of no less than five (5) feet in height shall be installed.
 - (3) All dumpsters and compactors shall be enclosed on three sides by materials and architectural elements to match the primary structure and gated on the fourth side.
 - (a) The enclosure shall be at least one (1) foot taller than the highest point of the dumpster or compactor.
 - (b) The gate shall be composed of decorative metal or other durable materials which shall reach the height of the three sided enclosure and with colors coordinated with those of the primary structure. Chain link material is prohibited.
 - (c) All dumpsters and compactors shall be equipped with lids.
 - (4) Loading areas shall be screened from rights-of-way, residential uses, or any residential or agricultural zoning category by placement behind the main building or appropriately scaled wall, the use of earthen berms that are no less than five (5) feet in height and/or a vegetative screen planted according to County buffer standards.
 - (5) Businesses requiring a fleet of service vehicles shall park such vehicles behind the building or otherwise provide adequate screening to ensure the vehicles are not visible from the public right-of-way.
 - (6) Drive-throughs and stacking lanes for any facility type, when contiguous to any right-of way, residential use, or pedestrian gathering area shall be obscured from view by an earthen berm and/or a vegetative screen, that is no less than six (6) feet in height planted according to County buffer standards.
 - (a) Stacking lanes and bypass lanes shall be designed in a manner so that vehicle queuing does not interfere with access driveways, interparcel connections, or maneuverability in and out of off-street parking spaces. No drive-through shall exit directly onto the right-of-way.
 - (b) Car wash openings shall be oriented away from the right-of-way.
 - (7) Storage of shopping carts shall be located indoors. Where indoor storage is not feasible, shopping carts shall be located adjacent to the building and screened by an enclosure made of masonry to match the exterior building materials.
 - (a) Shopping cart corrals in parking areas shall be curbed within parking islands so that additional railings are not required for secure cart positioning.
 - (b) Parking islands that contain cart corrals must include four hundred (400) square feet of landscaped space.
 - (c) One (1) identifying sign at the rear of each corral is permitted for visibility within the parking lot.
 - (8) Walls or fences when visible from the right-of-way, or from any residential property, shall complement the exterior materials of the primary structure on site.
 - (9) In order to decrease noise and disturbance to residential areas, all fencing visible from residential properties shall be shielded from view by an earthen berm with a vegetative screen that is no less than six (6) feet in height, planted according to County buffer standards.

21-11.7 **Signage.** The following regulations are the minimum standards intended to promote an appropriate and cohesive identification program within the Buford Highway Overlay District. A detailed signage plan is required to be submitted that addresses and conforms to all provisions set forth in this section. The signage plan shall address sign dimensions, materials, height, color scheme, lighting, and location of each sign on the building and on the ground. All permissible sign types shall meet the respective requirements of the Forsyth County Sign Ordinance. In addition to Ordinance 74 (Sign Ordinance), the following shall apply:

- (A) Monument sign structures and base materials shall be compatible with the color, texture, material, and architectural design of the principal building.
- (B) Freestanding signs for nonresidential uses shall adhere to standards outlined in the chart below:

Table 21.11

Free Standing Signs for Nonresidential Uses		
Gross Building Space	Maximum Height of signs	Maximum Number Allowed
0 - 10,000	6'	1 per Road Frontage
10,001 - 50,000	8'	1 per Road Frontage
50,001- 100,000	10'	1 per Road Frontage
100,000 +	12'	2 per Road Frontage

- (C) Wall signs shall not cover architectural features or details, and not extend beyond the roof line or outer edges of the building.
- (D) Wall signs and monument signs shall not be of the singular plastic insert or panel sheet variety. Channel letters are strongly encouraged for both monument and wall signs. If internally illuminated, lettering shall be individually formed and lighted.
- (E) Where there is more than one sign on a site, signs shall be complementary to each other in shape and related components and type of construction materials.
- (F) Any exterior light source shall be completely shielded and directed solely on the sign and not upon any other object or adjacent properties.
- (G) Wall mounted raceways shall be painted to match the adjoining structure.
- (H) Temporary signs, including inflatable or forced-air signs, tarps, banners, sign dancers, and any sign mounted on wheels, are prohibited within the boundary of the Buford Highway Overlay.
- (I) Fuel station canopy signs are allowed, one per road frontage not to exceed twenty (20) square feet. Sign must be flush against the canopy fascia. The canopy shall not exceed twenty-five (25) feet in height from the ground to the top of the fascia.
- (J) Electronic message boards or changeable copy are permitted, one per road frontage for the following uses:
 - (1) Fuel station monument signs, one per road frontage. The total electronic or changeable copy area for each sign shall not exceed a total of forty-six (46) square feet.
 - (2) Where the property has a principal use that is either a religious facility, college, university, private school as defined at O.C.G.A. 20-2-690(b), hospital, military or veteran organization, art gallery, museum, conference center, theater, or amphitheater.
- (K) Window signs are prohibited except for one (1) window sign, not to exceed four (4) square feet, per principal building. If a building is leased to multiple tenants, each tenant shall be entitled to a window sign in lieu of the single window sign for the principal building. Subtenants of building tenants shall not increase the number of window signs allowed. Window signs may be illuminated only when the business located within the window where the sign is located is open. Where allowed pursuant to this section, window sign shall not be required to obtain a sign permit

21-11.8 **Fuel Stations.** These regulations shall apply to all fuel stations including convenience stores with fuel dispensing units.

- (A) **Access and Internal Circulation.** Provisions for on-site stacking lanes should be provided to supply adequate room around the fuel dispensing units without creating traffic congestion either in adjacent vehicular travel lanes or along the rights-of-way external to the development. If an applicant wishes to request an exemption to this provision, a statement signed by a state licensed engineer shall be submitted to the Planning and Community Development Department, which states that stacking lanes with additional queuing space are not necessary. Any stacking lanes that are provided shall be identified on the site plan.
- (B) **Setbacks.** Fuel dispensing units in NS and UV districts shall be located a minimum of 50 feet from all rights-of-way.
- (C) **Parking.** No trailers or vehicles shall be parked with the intention of advertising the trailer or vehicle for sale or rent.

(D) **Architectural Design.**

- (1) All site walls, screen walls, fuel dispensing unit canopies, canopy support columns and other outdoor covered areas shall be architecturally integrated with the building using similar materials, colors, and detailing. The design of a facility that shares access with a commercial center shall be designed to reflect the design elements of that center.
- (2) Business identity, either by awnings, accent bands, paint or other applied color schemes, signage, parapet details and other design embellishments shall not be a dominant architectural feature.
- (3) Building accents shall be expressed through differing materials or architectural detailing rather than applied finishes such as paint.
- (4) Either a fuel dispensing unit curb or bollard is required for protection of fuel dispensing units.

(E) **Canopy.**

- (1) Lighted or painted bands of corporate color are prohibited.
- (2) The sides (fascia) of the canopy shall extend below the canopy roof 12 inches to minimize the direct view of the light from adjoining property.
- (3) Lighting shall not be mounted on the top of the canopy and the sides shall not be illuminated either internally or externally. This requirement does not pertain to signage attached to the canopy that is internally illuminated.
- (4) Canopies in NS and UV districts shall not extend closer than 35 feet to any right-of-way.

(F) **Display and Storage.**

- (1) All display items for sale shall be located within the main building or within designated areas that are screened from rights-of-way.
- (2) Promotional displays shall not impede pedestrian ingress and egress or vehicular traffic sight lines.
- (3) Soft drinks, candy, cigarettes and other similar item dispensers may not be located outside the main building unless the dispenser is enclosed or set behind a masonry partition that matches the principal building in material and color.

(G) **Landscaping.** One continuous row of evergreen trees shall be planted for fifty (50%) percent of the entire length of fuel dispensing unit areas that are adjacent to rights-of-way. Such trees shall be planted no farther apart than ten (10) feet on center.

21-11.9 **Vehicle Sales, Service, Parts and Repair Facilities.** Establishments that sell, lease or rent vehicles and those that provide vehicle service, parts and/or repair must provide parking specifically identified and devoted to customers. Multilevel parking decks or structures are permitted, provided that such decks/structures 1) have the same architectural treatment as the principal building(s) of the establishment, 2) have a height that does not exceed the height of the principal building(s), and 3) are set back a minimum of 150 feet from all residentially zoned properties. Adequate space must be allocated, specifically identified, and reserved on the site for the unloading of vehicles brought to the site by vehicle carriers. No trailers or vehicles shall be parked in customer parking or unloading areas with the intention of advertising the trailer or vehicle for sale or rent. Outside loudspeakers shall not be permitted. In addition, such facilities shall comply with the following:

(A) **Architectural Design.**

- (1) A facility that shares access with a commercial center shall be designed to reflect the design elements of that center.
- (2) Business identity, either by awnings, accent bands, paint or other applied color schemes, signage, parapet details and other design embellishments shall not be a dominant architectural feature.
- (3) Building accents shall be expressed through differing materials and architectural detailing rather than through applied finishes such as paint.

(B) **Display and Storage.**

- (1) All accessory retail merchandise such as vehicle parts, tires, lubricants, fuels, or other materials shall be stored within the building(s).

(C) **Business Office.**

- (1) A permanent structure for the use of a business or sales office is required for all vehicle sales, leasing and rental establishments.

21-11.10 **Vehicle Service, Parts and Repair Facilities, Not Including Vehicle Sales.** The following regulations shall apply to all vehicle service, parts and repair facilities including car washes (self-service or staffed) when not combined with vehicle sales, leasing or rental activities.

(A) **Access and Internal Circulation.**

- (1) Access to service bays shall be from the side or rear of the establishment or related screening devices or methods such as landscaping shall be used to partially screen the view from the right-of-way into service work areas.

(B) **Architectural Design.**

- (1) A facility that shares access with a commercial center shall be designed to reflect the design elements of that center.
- (2) Business identity, either by awnings, accent bands, paint or other applied color schemes, signage, parapet details and other design embellishments shall not be a dominant architectural feature.
- (3) Building accents shall be expressed through differing materials or architectural detailing and not through applied finishes such as paint.

(C) **Display and Storage.**

- (1) All retail merchandise such as vehicle parts, tires, lubricants, fuels, or other materials shall be stored within the building(s).

21-11.11 **Flags.** A single flag shall be allowed per site with the flag pole being a maximum of 60 feet in height and the flag area being a maximum of 150 square feet.

ARTICLE XII, COAL MOUNTAIN OVERLAY DISTRICT:

21-12.1 **Purpose.** The purpose of this overlay is to foster visual unity through an elevated level of design quality applied throughout the district while simultaneously fostering the individuality of three distinct character nodes whose unique identity has come about through historic settlement and land use. The Coal Mountain Overlay seeks to highlight and promote the character of these nodes through tailored site design, architecture, signage, and lighting standards. These enhanced destinations will then be bridged by a landscaped arterial spine throughout the overall district boundary. In these ways, the Overlay provides the framework for showcasing the local character of the district.

21-12.2 **Delineation of District.** The Coal Mountain Overlay District applies to all properties indicated on the Official Overlay District Map of Forsyth County. Where land is located in the Coal Mountain Overlay District, the regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying base zoning district. In the event of an express conflict between the standards governing a base zoning district and those governing this overlay district, the standards governing the overlay district shall control. Improvements to existing residential structures are exempt, but such exemption shall not apply to an existing residential structure being converted to a nonresidential use. In the event of a conflict or inconsistency between the provisions of this Article and any provision of the Forsyth County Sign Ordinance, this Article shall govern the development of the property within the boundaries of the Overlay.

21-12.3 **Permitted Uses.** All uses allowed in the underlying zoning districts as established by this Code, except for those listed below, are permitted in the Coal Mountain Overlay District.

- (A) Electronic game playing centers
- (B) Adult entertainment centers
- (C) Adult novelty stores
- (D) Pawn shops
- (E) Pool halls
- (F) Tattoo parlors
- (G) Massage parlors, except massage establishments that provide massage services as well as facials, chemical peels, muscle stretch and therapy services, aromatherapy and foot treatments.
- (H) Landfills
- (I) Transfer stations
- (J) Trailer parks
- (K) Temporary buildings except construction trailers in commercial and industrial districts
- (L) Electronic message boards/Changeable copy signs, with the exception of fuel station monument signs, including any upgrades to preexisting signs regardless of general allowance of such upgrades in the Forsyth County Sign Ordinance and this Code.
- (M) Chemical storage facilities
- (N) Smoke shops and vape/e-cigarette stores
- (O) Marijuana or THC dispensaries excluding licensed pharmacies
- (P) Self-service car washes
- (Q) Panhandling

In addition to the uses above, the following uses are not permitted within the boundaries of the identified nodes:

- (R) Building supply yards
- (S) Fuel tank lease and sales establishments
- (T) Vehicle sales and dealerships

21-12.4 **Design Plan Administrative Review.** Design review for development within the Coal Mountain Overlay shall be performed by staff with the input and assistance of the district commissioner. All plans shall address and conform to all provisions set forth under Chapter 21, Article XII. Any numerical nonconformance to the standards contained within this Article shall require the submittal of a variance application in accordance with section 8-6.4 of this Code. Should a design not meet all of the non-numerical standards contained within this Article, then the proposed design must be submitted, for public hearing, to the Forsyth County Board of Commissioners for review and approval as an Alternate Design. In considering whether to approve such Alternate Design, the Board of Commissioners shall consider the Special Considerations set forth in section 8-5.5(F)(2)(b) of this Code. Architectural elevations, exterior finish schedules, landscape, and lighting plans must be submitted to the department at the time of application for a land disturbance permit. See Chapter 7 and Chapter 18 for land disturbance and building permit procedures.

21-12.5 **Site Design Standards.**

- (A) **Access.** Access standards are intended to provide safe and convenient vehicular and pedestrian access within developments and between adjacent developments and to lessen traffic congestion and increase connectivity.
- (1) New developments and substantial improvements to existing developments shall provide for pedestrian and automobile access connections between adjacent properties shall prepare and have recorded in the real property records of the county cross access connection easements to confirm such access. The Director shall have the discretion to waive this requirement if the anticipated land uses are incompatible.
 - (2) Parcels and buildings must be arranged and designed so as to allow for the opening of future streets and must provide access to those areas not presently served by streets. No development may be designed to completely eliminate street access to abutting parcels.
 - (3) The stub-out street right-of-way, pavement, and curbing must extend to the boundary of the abutting parcel at the point where the connection to the anticipated street is expected.
 - (4) If a stub-out street exists next to an abutting parcel, the street system of any new or substantially renovated development must connect to the stub-out street to form a through street.
 - (5) The department may eliminate the requirement for a stub-out street or require pedestrian and bicycle-only access when steep slopes in excess of twenty-five (25%) percent, freeways, waterways, tree conservation areas, stream buffers, cemeteries, open space or easements would make the provision of a stub-out street infeasible.
 - (6) Where pedestrian crossings must cross parking areas and drives, decorative paving material (i.e., pavers, stamped or textured concrete, or color concrete) shall be used to delineate the pedestrian crossing.
- (B) **Landscaping.** Landscape treatment shall serve to create as well as reinforce identity through the formation of a spine for the Coal Mountain Overlay by establishing a corridor of uniformity that runs through each character node providing an element of consistency throughout the district. Plant material and design decisions are to be thoughtfully considered as complementary to architectural features and integral to the beauty of the area. These landscape standards shall apply to both residentially and non-residentially zoned properties with the exception of streets internal to residential subdivisions. In addition to landscape regulations, the County welcomes opportunities to form roadway median adoption programs and encourages partnerships that aid continued beautification efforts. Ongoing commitment from partners is necessary to implement preferred design measures and to provide proper maintenance. Landscape plans shall be submitted to the department for design review. The following is in addition to Ordinance No. 98 (Tree Protection and Replacement Ordinance) as well as any required buffer, and shall be implemented:
- (1) Plantings shall be compatible in regard to species selection and must provide a cohesive transition between landscape areas.
 - (2) A minimum twenty (20) foot wide landscape strip shall be installed along existing or proposed rights-of-way for all development within the Coal Mountain Overlay District; except that to the extent a specific zoning designation establishes a greater landscape strip requirement than this Overlay, the larger requirement shall control. These landscape strips shall be located behind utility easements so plant material will not be disturbed after installment.
 - (3) All landscape strips shall be composed of shrubs and/or herbaceous plants in addition to the prescribed tree pairings listed below. The remaining ground area shall be sodded, seeded, or hydroseeded with grass and/or planted with groundcover species.
 - (a) A minimum of 40% of all trees and shrubs shall be evergreen plant material. The percentage shall be based on the total number of installed trees and shrubs.
 - (b) Landscape strips shall include a minimum of two (2) trees and six (6) shrubs per fifty (50) linear feet, with a minimum of 60% overstory requirement. Trees shall count towards the tree density requirements as outlined in Ordinance 98 (Tree Protection and Replacement Ordinance).
 - (c) Plants should be of larger caliper and size to create a pleasant and immediate impact upon installation. Overstory trees shall have a minimum three (3) inch caliper and at least ten (10) foot height at time of installation. Understory trees shall have a minimum two (2.0) inch caliper and at least eight (8) foot height at time of installation. All proposed shrubs shall be a minimum of two (2) feet high at the time of planting.
 - (d) Landscaping may be informal with multiple species arrayed in naturalistic clusters.

- (e) All vinyl fencing is prohibited with the boundary of the Coal Mountain Overlay.
 - (f) Sixty (60%) percent of all required trees in landscape strips along the proposed future rights-of-way of SR 369, SR 9, and SR 306 shall be Nuttall Oak, Shumard Oak ‘Prominence,’ Chestnut Oak, White Oak, Northern Red Oak, or a tree with similar characteristics to be approved by the County Arborist. Thirty-three (33%) percent of all required trees in landscape strips along the proposed future rights-of-way of Whitmire Road, Wallace Tatum Road, Dr. Bramblett Road, Elmo Road, John Burruss Road, Bannister Road, Hubert Martin Road, Gravitt Road, Spot Road, Setting Down Road, Freedom Parkway, Martin Road, Holtzclaw Road, Burruss Mill Road, and Shady Grove Road shall be Nuttall Oak, Shumard Oak ‘Prominence,’ Chestnut Oak, White Oak, Northern Red Oak, or a tree with similar characteristics to be approved by the County Arborist.
 - (g) Within the boundary of the Coal Mountain Node, forty (40%) percent of all required trees in landscape strips along the proposed future rights-of-way of SR 369 and SR 9 shall be Redbud ‘The Rising Sun,’ Flowering Dogwood, Roughleaf Dogwood, Downey Serviceberry, Japanese Maple, or a tree with similar characteristics to be approved by the County Arborist. Thirty-three (33%) percent of all required trees in landscape strips along the proposed future rights-of-way of Setting Down Road shall be Redbud ‘The Rising Sun,’ Flowering Dogwood, Roughleaf Dogwood, Downey Serviceberry, Japanese Maple, or a tree with similar characteristics to be approved by the County Arborist.
 - (h) Within the boundary of the Hammond’s Crossing Node, forty (40%) percent of all required trees in landscape strips along the proposed future rights-of-way of SR 369 and SR 306 shall be Black Gum ‘Wildfire,’ American Beech, Sourwood, or a tree with similar characteristics to be approved by the County Arborist. Thirty-three (33%) percent of all required trees in landscape strips along the proposed future rights-of-way of Martin Road shall be Black Gum ‘Wildfire,’ American Beech, Sourwood, or a tree with similar characteristics to be approved by the County Arborist.
 - (i) Within the boundary of the Matt Node, forty (40%) percent of all required trees in landscape strips along the proposed future rights-of-way of SR 369 shall be Flowering Dogwood ‘Cherokee Princess,’ Redbud, Roughleaf Dogwood, Downey Serviceberry, or a tree with similar characteristics to be approved by the County Arborist. Thirty-three (33%) percent of all required trees in landscape strips along the proposed future rights-of-way of Dr. Bramblett Road, Elmo Road, John Burruss Road, and Bannister Road shall be Flowering Dogwood ‘Cherokee Princess,’ Redbud, Roughleaf Dogwood, Downey Serviceberry, or a tree with similar characteristics to be approved by the County Arborist.
 - (j) The Director shall have the discretion to modify required tree species as required by UDC 21-12.5(B)(3)(f-i) and, in the discretion of the Director, to authorize fencing to substitute for all or a portion of the required landscape strip.
- (4) For residential projects over twenty-five (25) acres, a landscaped entrance median shall be required. Planting shall include a combination of perennials, annuals, and shrub material. The use of understory trees is encouraged.
- (5) Species selected for installation within the Coal Mountain Overlay boundary shall be chosen from Table 21.12. Native plant choices are preferred for hardiness and water requirements. Cultivar alternatives for species identified in Table 21.12 to be approved by the County Arborist.
- (6) **Administrative Variance.** Notwithstanding any other provision in the UDC, the landscape strip requirements in the Coal Mountain Overlay may be administratively varied to a minimum of no less than fifteen (15) feet, based upon the following:
- (a) Applicant may submit a variance application to the department for administrative approval by the director;
 - (b) An administrative variance shall be issued if the following conditions are satisfied:
 - (i) The spirit and intent of the Overlay is otherwise achieved by the reduced landscape strip;
 - (ii) That for every linear foot of requested variance, the applicant shall be required to contribute landscaping recompense funds for expenditure on rights-of-way beautification within the Coal Mountain Overlay District;
 - (iii) For every linear foot of requested variance, a recompense multiplier of four times (4x) shall be applied;

- (iv) The calculation for landscaping recompense shall be based upon the following model. [The required twenty (20) foot landscaping strip per the Overlay is estimated to cost \$50.00 per linear foot. If an applicant has 100 feet of frontage, then it is estimated that landscaping will cost \$5,000 to install (\$50 x 100). If an applicant seeks a five (5) foot variance along the entire frontage, thereby reducing the landscape strip from twenty (20) feet to fifteen (15) feet (a 25% reduction), this would equate to \$12.5 in landscaping savings (\$50 x .25). Applying the four times (4x) multiplier to \$12.5 yields a \$50 per linear foot recompense contribution for the frontage, thereby requiring the applicant to recompense the County \$5,000 (\$50 x 100 feet), *in addition* to installing the fifteen (15) foot landscaping strip along the frontage. Under this hypothetical scenario, the result would be an estimated cost of \$3,750 to install the fifteen (15) feet of landscaping along the frontage (\$37.5 x 100), as well as a \$5,000 recompense contribution to the County, resulting in a total expenditure of \$8,750.]
- (v) If a variance is sought that would reduce the landscape strip to less than fifteen (15) feet, then that additional variance reduction must be pursued in accord with those procedures set forth in section 8-6.3 and 8-6.4 of the UDC, respectively.

TABLE 21.12
COAL MOUNTAIN OVERLAY APPROVED PLANT LIST

Large Trees	Medium Trees	Small Trees
American Elm ‘Princeton’, ‘Valley Forge’, ‘Liberty’, ‘Jefferson’, ‘New Harmony’	Black Gum ‘Wildfire’, ‘Green Gable’	Chaste Tree ‘Shoal Creek’
Lacebark Elm ‘Allee’, ‘Athena’, ‘Bosque’, ‘Burgundy’, ‘Emerald Prairie’	European Hornbeam	Weeping Redbud ‘Ruby Falls’
Red Maple all cultivars	Flowering Magnolia all cultivars	Redbud ‘The Rising Sun’, ‘Merlot’
Nuttall Oak	Crape Myrtle all cultivars	Japanese Maple all cultivars
Willow Oak	Holly ‘Nellie R. Stevens’, ‘Robin’	Holly ‘Festive’
Sweetgum ‘Slender Silhouette’, ‘Rotundiloba’, ‘Festival’	Southern Magnolia ‘Little Gem’	Holly ‘Oakleaf’
Southern Magnolia ‘Brackens Brown Beauty’	Ginkgo ‘Autumn Gold’, ‘Golden Globe’, ‘Saratoga’	Flowering Dogwood all cultivars
Bald Cypress ‘Shawnee Brave’, ‘Fastigiata’, ‘Autumn Gold’	Italian Cypress	Sweetbay Magnolia
Tulip Poplar ‘Arnold’	Zelkova	Star Magnolia
Arborvitae ‘Green Giant’	Arizona Cypress	Saucer Magnolia
Cryptomeria ‘Yoshino’, ‘Radicans’	Sourwood	Fringetree
Blue Atlas Cedar	Eastern Hophornbeam or American Hophornbeam	Red Buckeye
Deodar Cedar	Little Leaf Linden	Carolina Silverbell
Slippery Elm	American Basswood	Paperbark Maple
Shumard Oak ‘Prominence’	Carolina Basswood	Downey Serviceberry
Northern Red Oak	Yellowwood	Kousa Dogwood
Scarlet Oak	Winged Elm	Roughleaf Dogwood
Post Oak	American Beech	Washington Hawthorn
Overcup Oak		Carolina Buckthorn
White Oak		
Chestnut Oak		
Laurel Oak		
English Oak all cultivars		
Dawn Redwood		
Eastern Hemlock		
Yellow Buckeye		

Large Shrubs	Medium Shrubs	Small Shrubs
Ligustrum 'Recurve'	Ligustrum 'Sunshine'	Distylium 'Vintage Jade', 'Cinnamon Girl'
Fragrant Tea Olive	Distylium 'Coppertone'	Itea 'Little Henry'
Dystilium 'Linebacker'	Loropetalum 'Ruby'	Abelia 'Kaleidoscope'
Needlepoint Holly	Threadleaf Falsecypress 'Pauls Gold'	Gardenia 'Heavens Scent'
Viburnum spp.	Loropetalum - Proven Winners 'Jazz Hands' Series	Loropetalum 'Crimson Fire', 'Jazz Hands Mini'
	Gardenia 'Kleims Hardy', 'Double Mint'	Rose 'Drift Rose' all colors
	Abelia 'Rose Creek'	Nandina 'Obsession', 'Flirt'
	Rabbiteye Blueberry all cultivars	Dwarf Yaupon Holly
	Anise 'Florida Sunshine'	Boxwood 'Wintergreen' or 'Winter Gem'
	Camellia sasanqua 'Yume', 'Yuletide', 'Shishi gashira'	Juniper 'Blue Pacific'
	Panicle Hydrangea 'Limelight', 'Little Lime', 'Fire Light', 'Little Quick Fire'	Oakleaf Hydrangea 'Munchkin', 'Ruby Slippers'
	Yellow Twig Dogwood	
	Red Twig Dogwood	
	Paperbush (Edgeworthia)	
	Goshiki Osmanthus	
	Winterberry Holly 'Winter Red', 'Red Sprite', 'Southern Gentlemen', 'Jim Dandy'	
	Winter Honeysuckle - Lonicera fragrantissima	
	Azaleas	
Grasses and Sedges		
Miscanthus 'Adagio'	Cotoneaster Horizontalis – Rockspray	Sedum Spectabile – Showy Stonecrop
Pennisetum Alopecuriodes – Fountain Grass	Jasminum Nudiflorum – Winter Jasmine	Euonymus Fortunei – Wintercreeper
Carex - Evercolor Series	Achillea Millefolium – Common Yarrow	Ceanothus Griseus Horizontalis – Carmel Creeper
Phlox Subulata – Moss Pink Phlox	Arctostaphylos Uva-Ursi – Bearberry	Juniperus Sabina- Juniper, Savin
Ajuga Reptans	Cotoneaster – Salicifolius – Willowleaf	Ophiopogon Japonicus – Mondo Grass
Cotoneaster Dammeri – Bearberry	Trachelospermum Jasminoides – Jasmine, Confederate	Rosmarinus Officinalis – Rosemary, Creeping
Trachelospermum Asiaticum – Jasmine, Asiatic	Juniperus Procumbens – Juniper Japanese Garden	Sedum Spurium – Stonecrop, Two-Row
Juniperus Conferta all cultivars	Lavandula x Intermedia – Lavender Hybrid all cultivars	Cynodon Dactylon – Common Bermuda Grass
Juniperus Horizontalis all cultivars	Sedum Sieboldii – Sedum, October Daphne	Stenotaphrum Secundatum – St. Augustine Grass
Pachysandra Terminalis	Coreopsis Lanceolata – Lanceleaf	Thymus Serpyllum – Thyme, Creeping
Santolina Chamaecyparissus – Santolina, Lavender Cotton	Coreopsis Verticillata – Threadleaf	Phlox Stolonifera – Creeping Phlox
Zoysia Matrella & Zoysia Japonica – Zoysia Grass		

- (7) The following shall not be planted within the Coal Mountain Overlay District:
- Ailanthus altissima (tree-of-heaven)
 - Albizia julibrissin (mimosa)
 - Alternanthera philoxeroides (alligator weed)
 - Cupressocyparis leyandii (leyland cypress)

Eichhornia crassipes (water hyacinth)
Elaeagnus pungens (thorny olive)
Elaeagnus umbellata (autumn olive)
Hedera helix (English ivy)
Hemerocallis 'Stella de Oro' (stella d' oro daylily)
Hydrilla verticillata (hydrilla)
Ilex x attenuata (savannah holly)
Imperata cylindrical (congongrass)
Juniperus virginiana (red cedar)
Lespedeza bicolor (shrubby lespedeza)
Lespedeza cuneata (sericea Lespedeza)
Ligustrum japonicum (Japanese privet)
Ligustrum sinense (Chinese privet)
Lonicera japonica (Japanese honeysuckle)
Lonicera maackii (amur honeysuckle)
Lygodium japonicum (Japanese climbing fern)
Melia azedarach (chinaberry)
Microstegium vimineum (Nepalese browntop)
Miscanthus sinensis (Chinese silvergrass)
Murdannia keisak (marsh dayflower)
Nandina domestica (sacred bamboo)
Paulownia tomentosa (princess tree)
Phyllostachys aurea (golden bamboo)
Pinus (pine)
Pueraria Montana var. lobata (kudzu)
Prunus (cherry)
Prunus laurocerasus 'Otto Luyken' (otto luyken laurel)
Prunus laurocerasus 'Schipkaenis' (schip laurel)
Raphiolepis indica (indian hawthorn)
Rosa multiflora (multiflora rose)
Rosa radrazz (knockout rose)
Sesbania herbacea (bigpod sesbania)
Sesbania punicea (red sesbania)
Spiraea japonica (Japanese spiraea)
Triadica sebifera (Chinese tallow tree)
Vinca Major (bigleaf periwinkle)
Vinca Minor (common periwinkle)
Wisteria sinensis (wisteria)

- (8) **Landscape Installation and Maintenance.** Certification by a registered landscape architect, certified arborist, or registered forester verifying that landscaping meets the standards of this code must be provided at the time of the landscape plan submittal. In addition, the contractor responsible for landscape installation must certify that all plant material has been installed per the approved plans. These certifications must be submitted prior to the approval of the as-built and/or final plat. The Property Owner shall be responsible for maintenance of required landscaping. All dead and damaged plant material within landscaped areas must be replaced with a similar species within one month. If weather conditions are not appropriate for replanting, the property owner may postpone replacement for up to six (6) months. Replacement trees and shrubs shall be of similar size to trees or shrubs being replaced.
- (C) **Compliance.** The requirements of this section shall apply to both stand-alone establishments as well as single establishments within multi-tenant centers.
- (1) New construction and expansion of any of the following site elements shall require conformance to site design standards including but not limited to landscape strips, parking islands and any applicable screening:
- (a) Buildings
 - (b) Open storage
 - (c) Outdoor display

- (d) Parking areas
- (e) Canopy areas associated with fuel stations and convenience stores with fuel dispensing units
- (2) Color changes to the exterior surfaces of existing structures, fuel dispensing units, vending and ice machines, lock boxes, and other dispensing equipment visible from the public right-of-way shall come into compliance with the color requirements noted within section 21-12.8(A) Architectural Design Standards. The referenced color requirements will also be applicable for any existing wall or fence. The requirements of this section shall apply only to the following uses and only within commercial and industrial zoning districts:
 - (a) Multi-tenant centers
 - (b) Fuel stations
 - (c) Convenience stores with fuel dispensing units
- (3) In the event that a property owner is not in compliance with the above section, a written warning shall be issued to the owner, identifying the violation and describing the action required to comply. The owner shall have thirty (30) days from the date of notice to bring the structure into compliance. The owner within thirty (30) days of the written warning shall:
 - (a) If no progress can be made within thirty (30) days due to weather or other factors, a waiver may be requested.
 - (b) If full compliance with the color requirements of this overlay has not been made within thirty (30) days of the issuance of a written warning or within the allotted time granted by the approved waiver, the owner shall be held in violation of this section.
- (D) **Civic Space.** The inclusion of civic space in future site development is highly desired. Examples of civic space include, but are not limited to a passive or active park, pocket park, square, plaza, playground, as well as the inclusion of public art installations.
- (E) **Building Placement.** Within the boundaries of identified nodes, one of the following two options are required:
 - (1) Buildings must adhere to a maximum setback of five (5) feet in addition to the landscape strip requirements set forth in section 21-12.5(B)(2) or
 - (2) Distributed parking along not less than two sides of the building exterior must be provided; parking that fronts the main building entrance(s) shall not exceed fifty (50%) percent of parking total.
- (F) **Delivery and Ride-Share Parking.** Establishments that are serviced by ride-share, courier, or other delivery services shall take affirmative steps to ensure such services comply with parking requirements and do not impede the flow of traffic.
- (G) **Bicycle Parking.** Accessory off-street parking for bicycles that provide racks or equivalent structures in or upon which the bicycle may be locked by the user are required.
 - (1) For non-residential uses, a minimum number of bicycle parking spaces shall be provided, equal to two and one half (2.5%) percent of the total number of automobile parking spaces provided, but no less than two (2) spaces and no more than twelve (12) spaces. For residential amenity areas, a minimum of six (6) bicycle parking spaces shall be provided.
 - (2) Bicycle parking facilities shall be located no further than one hundred (100) feet away from a building entrance.
 - (3) Bicycle facilities shall not be located in places that impede pedestrian or automobile traffic flow or that would cause damage to landscaping.
- (H) **Buffers.** Excluding stream buffers, buffers may be disturbed for grading and development of a site, but shall otherwise meet the requirements of Forsyth County Buffer Standards.
- (I) **Screening.** In addition to the regulations set forth in Chapter 12 and Chapter 14, the following standards shall apply:
 - (1) Loading areas shall be screened from the right-of-way and from view of public areas. These areas shall be separated from the primary vehicular and pedestrian circulation areas.
 - (2) All dumpsters and compactors shall be enclosed on three sides by materials and architectural elements to match the primary structure and gated on the fourth side.
 - (a) The enclosure shall be at least one (1) foot taller than the highest point of the dumpster or compactor.
 - (b) The gate shall be composed of decorative metal or other durable materials which shall reach the height of the three sided enclosure and with colors coordinated with those of the primary structure. Chain link material is prohibited.
 - (c) All dumpsters and compactors shall be equipped with lids.

- (3) Drive-throughs and stacking lanes, when contiguous to any public right-of-way, residential use, or pedestrian gathering area shall be obscured from view by an earthen berm and/or a vegetative screen planted according to County buffer standards.
 - (a) Stacking lanes and bypass lanes shall be designed in a manner so that vehicle queuing does not interfere with access driveways, interparcel connections, or maneuverability in and out of off-street parking spaces. No drive-through shall exit directly onto the right-of-way.
 - (b) Car wash openings shall be oriented away from the right-of-way.
- (4) For permitted open air businesses, no chain link fence shall be visible from the right-of-way.
- (5) Businesses requiring a fleet of service vehicles shall park such vehicles behind the building or otherwise provide adequate screening to ensure the vehicles are not visible from the public right-of-way.
- (6) Storage of shopping carts shall be located indoors. Where indoor storage is not feasible, shopping carts shall be located adjacent to the building and screened by an enclosure made of masonry to match the exterior building materials.
 - (a) Shopping cart corrals in parking areas shall be curbed within parking islands so that additional railings are not required for secure cart positioning.
 - (b) Parking islands that contain cart corrals must include four hundred (400) square feet of landscaped space.
 - (c) One (1) identifying sign at the rear of each corral is permitted for visibility within the parking lot.
 - (d) Ground mounted equipment, such as power transformers and pole-mounted lights, are prohibited within required landscape parking islands.

21-12.6 **Signage.** This section establishes minimum standards to promote and ensure a cohesive and unified identification program within the overlay district. A detailed signage plan is required to be submitted that addresses and conforms to all provisions set forth in this section. When a nonconforming sign is altered, the sign structure and base materials shall come into compliance with the color requirements within section 21-12.8(A) Architectural Design Standards. An alteration shall include but is not limited to any change to the size or height of the sign, the structural replacement, and/or relocation of a sign. In addition to Ordinance No. 74 (Sign Ordinance), the following shall apply:

- (A) Temporary signs, including inflatable or forced-air signs, tarps, banners, sign dancers, and any sign mounted on wheels, are prohibited within the boundary of the Coal Mountain Overlay. Permanent and temporary signs in windows are also prohibited.
- (B) Wall signs and monument signs shall not be of the singular plastic insert or panel sheet variety. Channel letters are strongly encouraged for both monument and wall signs. If internally illuminated, lettering shall be individually formed and lighted.
- (C) Monument sign structure and base materials shall be compatible with the color, texture, material, and architectural design of the principal building.
 - (1) Monument signs shall feature lettering that is either recessed into the sign face a minimum of one (1) inch or projected from the sign face a minimum of two (2) inches.
 - (2) Monument signs shall incorporate brick or stone enframement of the sign face for a minimum of fifty (50) percent of the sign face perimeter. Enframement materials shall abut the sign face without any designed voids or other decorative elements intended to visually separate the space between the sign face and enframement.
 - (3) Residential subdivision monument blade signs are exempt from framing requirements set forth in section 21-12.6(C)(2), provided that the monument is entirely faced with brick or stone.
- (D) Freestanding signs shall adhere to standards outlined in the chart below:

Table 21.12A

Free Standing Signs		
Gross Building Space	Maximum Height of signs	Maximum Number Allowed
0 - 10,000	6'	1 per Road Frontage
10,001 - 50,000	8'	1 per Road Frontage
50,001- 100,000	10'	1 per Road Frontage
100,000 +	12'	2 per Road Frontage

- (E) Electronic message boards or changeable copy are permitted for fuel station monument signs, one per road frontage. The total electronic or changeable copy area for each sign shall not exceed a total of forty-six (46) square feet.
- (F) Wall mounted raceways shall be painted to match the adjoining structure.
- (G) Fuel station canopy signs are allowed, one per road frontage not to exceed twenty (20) square feet. Sign must be flush against the canopy fascia. The canopy shall not exceed twenty-five (25) feet in height from the ground to the top of the fascia. Banding of corporate colors shall be considered part of the sign and shall count toward the allowable twenty (20) square feet.
- (H) Within nodes, where increased pedestrian activity is desired and anticipated, adherence to Ordinance No. 74 Pedestrian-Oriented Project performance standards is strongly encouraged. These regulations allow for smaller, more numerous signs with a greater variety of sign types in order to foster an enhanced, walkable environment.
- (I) **Community Branding Signage.** Commercially zoned properties directly adjacent to the intersections of Highways 306 and 369, Highways 9 and 369, and Highway 369 and Burruss/Bannister Road are authorized, but not required, to erect a single community branding monument sign on their property, the square footage of which shall not count against any other sign allowance under this Code or the Forsyth County Sign Ordinance nor shall such signage reduce the overall number of signs allowed on the property. Any such community branding sign shall be configured such that it is viewable by the motoring public while traveling through the intersection. The community monument sign may be constructed within any applicable buffer or setback in order to achieve optimal visibility to the traveling public, but any such disturbance in a buffer or setback shall be mitigated by additional plantings and landscaping as recommended by the county arborist. The monument sign shall have a height of no more than three (3) feet from grade to top, a length of no more than twenty (20) feet, and channel letters of at least nine (9) inches each identifying the community where it is located. The monument sign shall be externally lighted. A property owner seeking to erect a community branding sign in accord with this paragraph shall provide a certification to the Director, on a form to be prepared by the Department, that the sign will remain a community branding sign.
 - (1) For purposes of this subsection, at Highways 306 and 369 the properties eligible for a community branding sign are tax parcels 239-243, 239-008, 239-006, and 238-007; at Highways 9 and 369, the eligible tax parcels are 216-037, 190-028, 190-021, and 190-027; at Highway 369 and Burruss/Bannister Road, the eligible tax parcels are 145-015, 145-026, 119-022, and 119-015.

21-12.7 **Lighting.** Lights shall be installed per the following standards at a consistent spacing as required by staff:

- (A) For any commercial use within identified nodes, a freestanding pole-mounted light utilizing LED fixtures shall not exceed thirty-five (35) feet in height and shall have a black metal finish. A freestanding pole-mounted light utilizing non-LED fixtures shall not exceed twenty-five (25) feet in height and have a black metal finish.
- (B) For all residential areas, a freestanding pole-mounted light shall not exceed sixteen (16) feet in height and have a black metal finish.

- (C) The use of LED garland or string lights to outline windows, buildings, signs, and similar features is prohibited.
- (D) Neon tube lighting is prohibited.
- (E) Building-mounted lighting shall highlight architectural features and not illuminate the entire building façade.
- (F) All canopy luminaries shall be fully recessed and utilize flat lenses.

21-12.8 **Architectural Design Standards.** The architectural design standards established herein apply to all development. They are intended to contribute to the overall character of the overlay district. The architectural criteria listed below establish minimum design standards within the overlay district in order to reduce the impacts of development on adjacent properties. These standards are in addition to the design criteria contained in Chapters 11, 12, and 14:

- (A) **Commercial Architecture.** The following requirements, except for those related to color, shall not apply to industrial or mining zoning districts.
 - (1) The use of muted, subdued or earth tone colors are required for all buildings and associated structures. Vending and ice machines, lock boxes, and other dispensing equipment visible from the public right-of-way shall use only earth tone and/or neutral colors. Fuel dispensing units visible from the public right-of-way shall feature earth tone and/or neutral colors in their overall design. Notwithstanding the foregoing requirement, small functional parts of the fuel dispensing units and reasonable safety features may utilize additional colors for enhanced visibility and safety purposes, subject to the discretion of the director. In addition, any wall or fence shall use only earth tone and/or neutral colors. Earth tone colors refer to browns, umbers, sienna, or terracotta and brick tones, Neutral colors refer to blacks, whites, beiges, or grays.
 - (2) Building materials for commercial zoning districts:

Table 21.12B

Allowed	Prohibited
Brick Stone Glass Stucco- Max. 50% per facade Cementitious and Wood Siding- Max. 50% per facade Architectural grade metal: Max. 50% per facade. Prefabricated steel buildings shall not have vertical corrugated seam metal siding and shall have a variety of materials incorporated into the design.	Tilt/Precast Concrete Block including Smooth and Split-face Non-architectural grade metal, excluding roofs Tile

- (3) Façades over fifty (50) feet in length must incorporate wall projections or recesses a minimum of twelve (12) inches in depth. The combined length of said recesses and projections must constitute at least twenty (20%) percent of the total façade length.
- (4) Variation in the roofline of buildings and offsets in pitched roofs and gables are required. Parapets in individual building façades exceeding one hundred (100) continuous linear feet must be varied in height and projection and must use decorative elements such as crown moldings, dentils, brick soldier courses, or similar details.
- (5) Burglar bars, fiberglass awnings, exterior roof access ladders, and steel-roll down curtains are prohibited.
- (6) Structured parking facilities shall consist of materials and architectural elements that complement the primary structure.
- (7) Covered structures within parking lots are prohibited.
- (8) Retaining walls shall be faced with stone and brick when visible from the right-of-way.
- (9) Canopy structures shall not exceed twenty-five (25) feet in height and include a decorative cornice roofline design on all four sides of the canopy structure to match the principal building in color. Columns shall be faced with full height brick or stone that matches or compliments the finish of the primary building.

- (10) Buildings shall be designed to avoid large, uninterrupted facades. Window and door openings, varied front façade setbacks, material variation, a palette of colors, a variety of roof types, tower features, parapets, awnings, cornices, canopies, corbels, bandings, moldings and other architectural embellishments and details shall be used to promote architectural features that recognize a human scale.
 - (11) Within nodes, an increase in building height allowance of up to an additional thirty-five (35) feet shall be granted if the building adheres to the building placement requirements set forth in section 21-12.5(E)(1) and the development provides civic space as defined in section 21-12.5(D). The increase in building height shall be permitted in commercial and office zoning districts.
 - (12) Within nodes, at least five (5%) percent of the total land area of a commercial development shall be used as common area. This area shall be located between the primary building entrance and the right-of-way and include some combination of seating, fountains, landscaped focal point, public art installation, or similar features. Bicycle parking shall not count toward the common area requirement.
 - (13) Sidewalks shall connect the rights-of-way with all main building entrance(s). Sidewalks shall be no less than five (5) feet in width. For commercial projects within nodes, sidewalks may be permitted within required landscape strips on a case-by-case basis upon thorough review of the landscape plan in order to still meet the intent of this Code and protect the public health, safety, and welfare.
 - (14) Stormwater detention and retention ponds that require a fence must not be visible from the public right-of-way unless a twenty (20) foot planted buffer is provided outside of the exterior pond fence. Access to the pond shall not be facing the public right-of-way.
- (B) **Residential Architecture.**
- (1) Residential structures along existing public right-of-way shall require any side or rear facade that is visible from the public right-of-way to include the same exterior finish materials and similar landscaping as the front of the structure. In addition, it shall include windows and architectural features similar to the front façade, including but not limited to, awnings, cornice work, edge detailing or other decorative finish materials.
 - (2) All roof vents, pipes, antennas, satellite dishes, and other roof equipment (except chimneys) shall be located on the rear elevations and except for satellite dishes be painted to match the color of the roof or, if technical considerations prevent installing satellite dishes on the rear elevation, then such equipment shall be installed at a location where it will have minimal visual impact as seen from the street.
 - (3) Trash enclosures in amenity areas and lots are to be constructed with a walk-in entrance, solid metal gates, and a decorative cover. Enclosures shall have sufficient size to house both the recycling and refuse bins.
 - (4) Utility equipment and service meters are to be located away from high visibility and usage areas and effectively screened from view. The use of enclosed structures or interior access to utility equipment and meters is encouraged. The use of utility closets on exterior walls is prohibited.
 - (5) Common mail facilities shall be covered, include a trash receptacle, and provide a minimum of two dedicated parking spaces if not located within an amenity area.
 - (6) Retaining walls shall be faced with stone and brick when visible from the right-of-way.
 - (7) Multi-family residential buildings shall utilize a mixture of materials including brick, stone, cementitious siding, stucco/EIFS, and/or have the appearance of a commercial storefront. Use of materials should vary and not exceed fifty (50%) percent of any one (1) type per building side to provide visual interest.
- (C) **Fencing.** Fencing materials shall be designed to contribute to the overall architectural character of the principal land use and shall incorporate the details below when located along any property frontage for non-residential uses or when present along entrance frontage for major or minor subdivision is located.
- (1) Unless otherwise specified by a zoning condition, fences shall be one of the following types:
 - (a) Black, four board with stone or brick columns;
 - (b) Black “wrought-iron” in appearance.

ARTICLE XIII, COAL MOUNTAIN TOWN CENTER OVERLAY DISTRICT:

21-13.1 **Purpose.** The purpose of the Coal Mountain Town Center Overlay is to foster the development of a high quality, sustainable, and pedestrian friendly mixed-use community. The Overlay district establishes the minimum design standards and guidelines for development, within the designated district boundaries, that contribute to the district's overall character. This is accomplished by customizing the regulations for exterior architectural design, landscape and hardscape elements, pedestrian and vehicular circulation, open space design, and signage. It is the intent of the Forsyth County Board of Commissioners to support flexibility and creative innovation for regional mixed-use developments through the complementary integration of potential uses such as office, retail, restaurants, commercial, entertainment, hotel, residential and recreational land uses.

21-13.2 **Delineation of District and Relationship to Other Regulations.** The Coal Mountain Town Center Overlay applies to all properties indicated in Figure 21.1 and as designated on the Official Overlay District Map of Forsyth County.

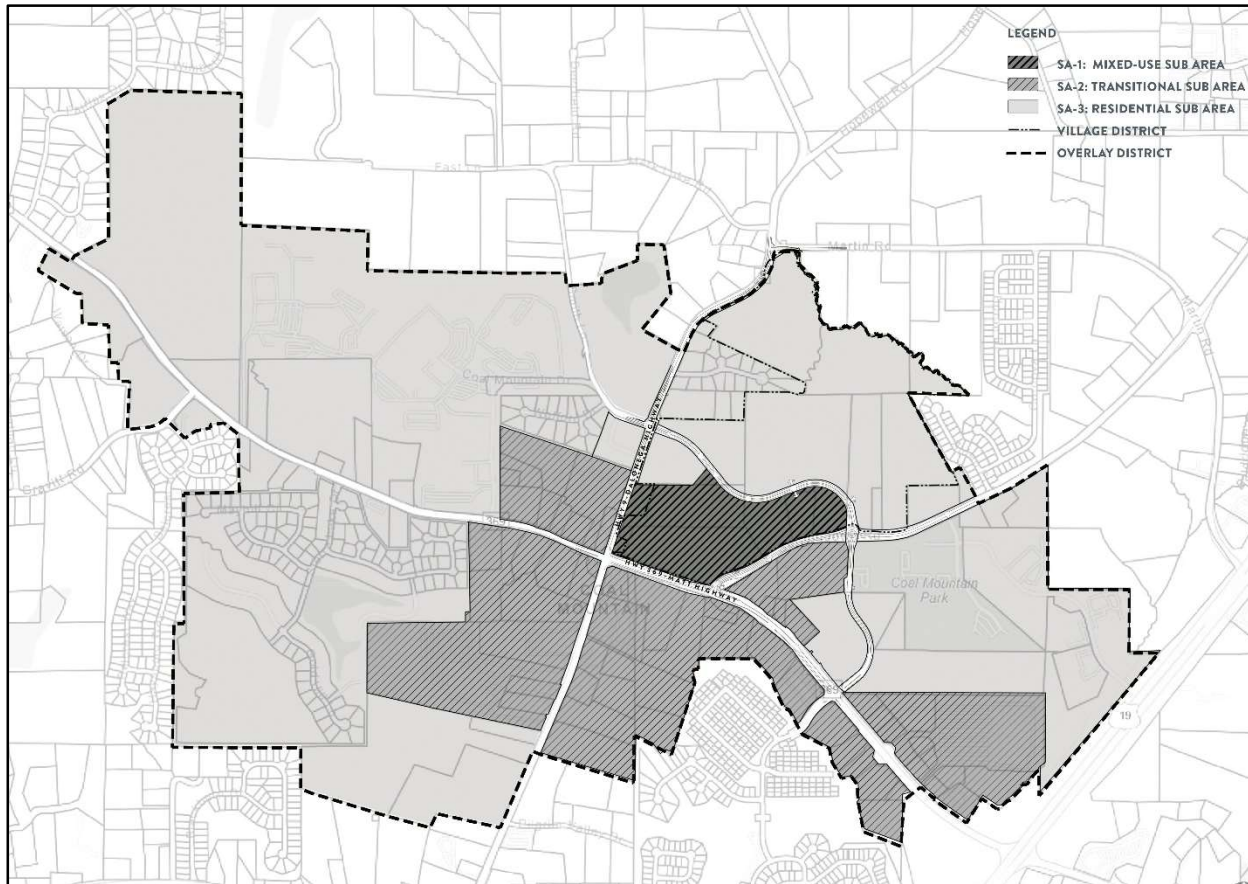
The provisions of this Article are supplemental to the zoning district in which the property is located. The provisions of this Article shall be the primary overlay provisions applicable within the boundaries of the Overlay. The various land use enactments that inform the Coal Mountain Town Center Overlay District are intended to work seamlessly together to form a coordinated regulatory construct. The underlying zoning, the Coal Mountain Overlay, the Coal Mountain Overlay Town Center District, and the Coal Mountain Overlay Town Center Character Book all comprise regulations governing the Coal Mountain Town Center. Design review and build-out within the Coal Mountain Town Center Overlay District shall occur based on the following hierarchy of governing land use controls, with the first being the higher priority and any conflicts between the various provisions reconciled with deference to the regulation of higher priority.

- (A) Coal Mountain Town Center Overlay
- (B) Coal Mountain Overlay Town Center Character Book
- (C) Coal Mountain Overlay**
- (D) UDC
- (E) Underlying zoning

**The Coal Mountain Overlay shall supplement this Article for any topic not otherwise controlled by the Coal Mountain Town Center Overlay or the Coal Mountain Town Center Overlay Character Book. For purposes of clarity, if the Coal Mountain Town Center Overlay does not speak to a land use issue, and the Coal Mountain Overlay addresses that issue, the Coal Mountain Overlay regulation shall be applicable.

Improvements to existing residential structures are exempt from the provisions of this Article, but such exemption shall not apply to an existing residential structure being converted to a nonresidential use. The provisions of this Article shall not apply to the development of property substantially in accordance with the development presented to and approved by the Board pursuant to ZA4077. Any proposed development not substantially in accordance with such approval must comply with this Article.

Figure 21.1



21-13.3 **Design Review Procedures and Guidelines.** Design review for development within the Coal Mountain Town Center Overlay shall be performed by staff with the input and assistance of the Design Review Architect. The Design Review Architect has been established and shall be appointed by the Board of Commissioners from time to time. All plans shall address and conform to all provisions set forth under Chapter 21, Article XIII. Any numerical nonconformance to the standards contained within this Article shall require the submittal of a variance application in accordance with section 8-6.4 of this Code. Should a design not meet the non-numerical standards contained within this Article, then the proposed design must be submitted, for public hearing, to the Forsyth County Board of Commissioners for review and approval as an Alternate Design. In considering whether to approve such Alternate Design, the Board of Commissioners shall consider the Special Considerations set forth in section 8-5.5(F)(2)(b) of this Code. See Chapter 7 and Chapter 18 for land disturbance and building permit procedures.

A Design Review Architect has been established for the purpose of reviewing plans and/or permit applications to ensure consistency with the Coal Mountain Town Center Overlay. The Design Review Architect shall review plans and/or permits for compliance with sections 21-13.4 through 21-13.8 of this Code. Upon the completion of the review process, the Design Review Architect shall issue a Certificate of Design Approval for development plans that are consistent with the Overlay.

(A) **Applicability.**

- (1) Applications for building permits and corresponding land disturbance permits, involving exterior work, for Multifamily Dwelling units.
- (2) Applications for building permits and corresponding land disturbance permits, involving exterior work, for non-residential land uses.
- (3) Applications for building permits, involving exterior work, for single family dwelling units that are part of a subdivision platted after the adoption of the Coal Mountain Town Center Overlay.
- (4) Applications for rezonings and conditional use permits for both residential and non-residential uses as outlined below.

(B) **Submission Requirements.** All applicants must provide the following:

- (1) Colored, conceptual renderings of all facades for non-residential and multi-family buildings and of front facades for attached and detached single family dwelling units shall be submitted with any rezoning or conditional use permit application.
- (2) Dimensioned and Colorized Elevations. Colored, scaled, and dimensioned exterior elevations of all façades of non-residential and multi-family buildings identifying and representing the locations and color of all proposed exterior materials are required. For attached and detached single-family dwelling units, the same is required for front elevations only. The locations of all proposed building mounted light fixtures, equipment, or other accessories must be included for all elevations. The Design Review Architect reserves the right to request enlarged details of portions of the building to better understand the mingling of style, materials, and colors.
- (3) Non-residential and multi-family building plans shall show all four (4) exterior elevations. The front elevation shall be drawn at 1/4-inch scale and the other three elevations at 1/8-inch scale including all openings, patio, balcony or deck locations and exterior mechanical placements. For attached and detached single-family dwelling units, only the front exterior elevations are required.
- (4) Materials and Finishes. Exterior materials and finishing color schedules shall be provided and shall include the type and color of all roofing material, siding, stucco, shake/shingle, stone, brick, composite, or other material for each elevation. The Design Review Architect reserves the right to request physical samples of any exterior finished material.
- (5) Equipment Location and Sight Line Study. Applicant must indicate on the drawings the proposed location of all roof top mounted equipment.
- (6) Conceptual plans for signage, landscape, and lighting.
- (7) Conceptual information on the location of driveways, walks, patios, decks, and fencing.
- (8) Such other information as is reasonably necessary to represent the character, nature and exactness of the proposed project being reviewed.

(C) **Modification Review Procedures.** Approval of the Design Review Architect must be obtained for any changes to the exterior of a multifamily or nonresidential structure. Any such approval shall be documented with the issuance of a Certificate of Design Approval.

(D) Final renderings of facades shall be approved by the District Commissioner.

(E) **Fees.** Fee amounts will be determined and set by the Board of Commissioners periodically.

21-13.4 **Design Standards.**

(A) **Multi-Family and Nonresidential Development.**

(1) **Architectural Standards.**

- (a) Massing and Articulation. The term massing refers to the perception of the general shape, form, and size of a building. Articulation is a method of accentuating smaller architectural components to emphasize strategic breaks in large expanses of building surfaces. Buildings should be designed with the following principles:
 - (b) Building Entries. Entrances should be architecturally interesting and easily recognizable to create a sense of arrival. Building entries may be identified by hierarchical massing, contrasting architectural styling, or prominent architectural elements, such as overhead structures, arbors, roof overhang, canopy or awning.
 - (c) Building Corners and Terminating Vistas. Emphasize important building corners and terminating vistas by making them unique.
 - (d) Above Street-Level Architectural Interest. Utilize balconies, window bays, and roof overhangs to add articulation and create visual interest in the façade plane. Vegetation on walls can be used to create a break in massing and articulate façade plane depth as well.
 - (e) Upper and Lower-Level Relationship. Street level and upper levels should incorporate unifying style elements. Where single level buildings and multi-level buildings are adjacent to each other, establish unifying or complementing style elements to integrate the structures and create visual interest.
 - (f) Rooftop Interest. Rooftop seating and dining is encouraged as it adds to the overall experience of the development and creates interest from the street level.
 - (g) Prohibited Design Elements. Mobile buildings and non-permanent architectural design elements are prohibited.
- (2) **Style.** The architectural building style of the Overlay is eclectic and intended to be solid, timeless, and enduring. Permitted architectural styles are listed below and the design of new buildings shall

- be based on one of the identified architectural styles as further detailed in the Coal Mountain Town Center Overlay Character Book.
- (a) Industrial Vernacular
 - (b) Post- Modern Industrial Eclectic
 - (c) Main Street Mercantile
- (3) **Street-Level Architecture.** Street-level architecture should be varied, visually distinct from upper levels, and enhance the experience of the public realm. In limited areas, full height elements can be used to frame overall building architecture. Design elements such as entries, windows, balconies, awnings, and bays can all be used to provide visual interest.
- (a) Variation in level. A visual distinction between street level and upper level(s) should be created using protruding elements, variation of materials and colors to create contrast or articulation in the vertical plane. Street level should have more detailing than upper levels.
 - (b) Unique Character. Storefronts should create variety, spark visual interest, and portray tenant identity. This can be achieved by utilizing different materials, colors, and design elements.
 - (c) Pedestrian Scale. A comfortable scale for the pedestrian should be created by using design elements, materials, and fenestration that relate to the street level.
- (4) **Materials.** The following shall apply:
- (a) Primary Materials. Acceptable primary finish materials shall consist of brick, stone, cast stone, cementitious siding, architectural metal siding, and glass or equivalent material as determined by the Director of Planning & Community Development. A minimum of seventy-five percent (75%) of each façade shall be constructed of primary materials.
 - (b) Secondary Materials. Acceptable secondary façade materials shall consist of all primary materials as well as cement-based stucco, lap siding and shingles, architectural metal siding, synthetic stucco/EFIS, glass block, and cast stone concrete elements. No more than twenty-five percent (25%) of each façade shall consist of secondary materials.
 - (c) Accent Materials. Acceptable accent materials that may be used for trim, details, soffits, eaves, and other accent areas shall be limited to aluminum and other durable metals.
- (5) **Colors.** The use of muted, subdued, or earth tone colors are required for all buildings and associated structures. Vending and ice machines, lock boxes, and other dispensing equipment visible from the public right-of-way shall use only earth tone and/or neutral colors. Fuel dispensing units visible from the public right-of-way shall feature earth tone and/or neutral colors in their overall design. Notwithstanding the foregoing requirement, small functional parts of the fuel dispensing units and reasonable safety features may utilize additional colors for enhanced visibility and safety purposes, subject to the discretion of the director. In addition, any wall or fence shall use only earth tone and/or neutral colors. Earth tone colors refer to browns, umbers, sienna, or terracotta and brick tones. Neutral colors refer to blacks, whites, beiges, or grays. Bright or fluorescent colors are prohibited. Glass, unpainted metal, natural stones, and sign faces are excluded from the color requirements.
- (6) **Windows.** A minimum of sixty-five percent (65%) window coverage is required for street level elevations on all retail based mixed-use façades.
- (a) Measurement. Requirements for windows are measured as a percentage of the façade on a per floor basis.
 - (b) Distribution. Windows shall be distributed so that no rectangular area is greater than thirty percent (30%) of any story's façade area, and no horizontal segment of a story's façade greater than thirty (30) feet in width is windowless and violates the required minimum percentage. The rectangular area of the façade shall be measured from the ground plane to the top of coping.
 - (c) Transparent Glass. All window glass shall be highly transparent with low reflectance. Light transmission shall be a minimum of sixty percent (60%) for ground story windows and a minimum of fifty-five percent (55%) for upper story windows. However, deviations within 5% of these percentages shall be allowed.
- (7) **Roof Styles and Materials.** Flat roofs and sloped roofs are permissible.
- (a) Parapets. Parapet walls shall screen all roof-mounted equipment. They shall be finished on any side visible from the street, rear, or side yards with materials compatible with those predominantly used on the building.
 - (b) Sloped Roofs. If a sloped roof is used, architectural shingles, standing seam metal, or specialty metal shingles are to be used.

- (8) **Building Equipment.** Building systems such as HVAC units, generators, transformers, utility meters, and other similar equipment shall be screened from view from public rights-of-way and public areas. The following shall apply to building equipment:
 - (a) Location. Building systems shall be located at the rear of the building or on the roof to minimize their view from the public right-of-way and public areas.
 - (b) Screening.
 - (i) Wall-mounted and ground mounted equipment shall be screened by an opaque wall to match the building, evergreen plantings, or a combination of wall and evergreen plantings. Walls shall be a minimum height of eight (8) feet.
 - (ii) Roof-mounted equipment shall be located or screened to eliminate visibility from public rights-of-way and public areas.
- (9) **Landscape Features.** Landscape features shall be used to enhance and complement buildings, structures, and monument signs, strengthen vistas and lines of sight, soften or screen views of parking areas, and provide shade. Equal attention shall be given to landscaping along the sides and back of buildings as well as the front. The following landscape guidelines shall apply:
 - (a) Selections from Table 21.12, The Coal Mountain Overlay Approved Plant List, shall be utilized as primary plant materials, comprising no less than eighty percent (80%) of the development's plant palette (measured by the number of plants in any single phase of development).
 - (b) Where existing topographic patterns contribute to the beauty and utility of a development, they shall be preserved.
 - (c) Landscape treatment shall be provided to complement building architecture, structures, and monument signs, as well as strengthen vistas, screen parking areas, and provide shade.
 - (d) Decorative landscape elements shall be provided near building entrances and patios to enhance building architecture and surroundings. Such elements, including but not limited to, planting beds, large durable pots, stained concrete, and/or glass fiber reinforced concrete shall be used. Plastic pots are not permitted.
 - (e) Monument signs shall not displace required landscaping. All buildings shall include a minimum of one pedestrian bench and one trash receptacle, which shall be properly maintained and in good working condition.
- (10) **Hardscape.** The following shall apply:
 - (a) Variations in material and color shall be used around planters to define spaces within the streetscape.
 - (b) Planters, whether at grade or raised, shall be defined by a decorative edge.
 - (c) Crosswalks shall utilize decorative paving and shall contrast with the paving of the street.
 - (d) Parking areas shall be clearly demarcated from pedestrian connections with pavers, stamped concrete or other material that differentiates the pedestrian walkway from the parking areas.
 - (e) Paved pedestrian connection from public sidewalk(s) to the site interior shall be provided. This may not lessen required planting square footage within a required tree island.
- (11) **Access Standards.** These regulations intend to provide safe and convenient vehicular and pedestrian access within and between developments, and to lessen traffic congestion and increase connectivity.
 - (a) Pedestrian Facilities. Pedestrian access between adjacent sites and to properties external to the Overlay district shall be provided wherever practical. Vehicular driveways, parking areas and parking drive lanes, loading areas, and bike lanes are not permitted to be designated as pedestrian routes.
 - (b) Driveway Access. Driveways wider than twenty-four (24) feet are required to provide refuge islands with a walk area to reduce the crossing to no more than twenty-four (24) feet.
 - (c) Surface Parking. Surface parking lots are not permitted within a setback. Parking shall be set back from a lot line abutting another property a minimum of five (5) feet.
- (12) **Buffers.** An exterior buffer of forty (40) feet shall be required where all non-residential development abuts residential. When existing buffer areas are sparsely planted or if they are disturbed by grading or infrastructure, they shall be enhanced with additional plant material to provide an opaque screen within two (2) years of planting.
- (13) **Service, Loading and Trash Facilities.** Service, loading, and trash facilities shall adhere to the following:

- (a) Location. Service and loading facilities shall be located to the sides or rear of the building to minimize the view from the public right-of-way.
 - (b) Orientation. No service, loading, or trash facilities shall face the right-of-way, including service and loading bays that utilize overhead doors.
 - (c) Screening. When visible from public rights-of-way, streets, major parking lots, or adjacent to open spaces, trash facilities shall be enclosed on three (3) sides by masonry walls to match the building and an opaque metal gate on the fourth side. Walls and gates shall be a minimum height of eight (8) feet. All dumpsters and compactors shall be equipped with lids.
- (14) **Tenant Signage.** Tenant signage shall be used to maximize the storefront's architectural character and express tenant brand. Signage shall be creative and well-designed, compatible with the surroundings, and integrated into the tenant's storefront. A variety of signage types, shapes, sizes, materials, and color is encouraged within the limitations of the Forsyth County Sign Ordinance.
- (15) **Art.** Building art, including tenant signage via murals or painted logos is encouraged, however, the Forsyth County Signage Ordinance shall apply.
- (B) **Attached and Detached Single Family Residential.**
- (1) **Architectural Standards.** These criteria apply to all front façades visible from public rights-of-way, streets, alleys, major parking lots, or adjacent to open spaces.
 - (2) **Style.** The residential architectural building style is eclectic and is intended to allow for a variety of architectural styles. Permitted architectural styles are listed below and the design of new buildings shall be based on one of the identified architectural styles as further detailed in the Coal Mountain Town Center Overlay Character Book.
 - (a) American Bungalow
 - (b) Art Deco & Art Moderne
 - (c) Beaux Arts
 - (d) Dogtrot
 - (e) Federal
 - (f) Folk Victorian
 - (g) Georgian
 - (h) Greek Revival
 - (i) Italianate
 - (j) Jeffersonian Classicism
 - (k) Modern Farmhouse
 - (l) Queen Anne
 - (m) Second Empire
 - (n) Stick Style
 - (3) **Materials.** The following shall apply:
 - (a) Primary Materials. Acceptable primary finish materials shall consist of brick, stone, cast stone, and wood and/or cementitious lap siding, board and batten, shake siding and shingles or equivalent material as determined by the Director of Planning & Community Development. A minimum of seventy (70) percent of each façade shall be constructed of primary materials.
 - (b) Secondary Materials. Acceptable secondary façade materials shall consist of all primary materials as well as cement-based stucco, and architectural metal panels. No more than thirty (30) percent of each façade shall consist of minor materials.
 - (c) Accent Materials. Acceptable accent materials that may be used for trim, details, soffits, eaves, and other accent areas shall be limited to aluminum and other durable metals, and wood.
 - (d) Prohibited Materials. Prohibited materials include vinyl siding, and synthetic stucco/EFIS.
 - (4) **Colors.** All exterior surfaces on structures visible from public rights-of-way shall be neutrals or earth tones. Neutral tones refer to whites, blacks, beiges, or grays, while earth tones refer to browns, umbers, sienna, or terracotta and brick tones. Bright or fluorescent colors are prohibited. Natural stone, and unpainted metal and glass are excluded from the color requirements.
- (C) **Single Family Garages.**
- (1) **Attached Houses.**
 - (a) No residential driveway shall have direct access to Highway 9 (Dahlonge Hwy) or Highway 369 (Brown's Bridge Road) without approval of the Director of Engineering.
 - (b) Garages for attached houses (townhouses) may be rear-loaded, side-loaded, or front-loaded, in accordance with this section.

- (c) Rear-loaded garages may be attached or detached. Rear-loaded detached garages shall be set back at least five (5) feet from the alley right-of-way.
- (d) Front and Side-Loaded Garages.
 - (i) Front-loaded garages that exceed fifty percent (50%) of the width of the dwelling unit shall not have garage doors wider than sixteen (16) feet.
 - (ii) Vehicle entrances to all front and side-loaded garages shall be setback at least eighteen (18) feet from the right-of-way.
 - (iii) When garages for two or more dwelling units are paired (abutting), driveways shall be combined and centered on the property line between the garages. In all cases, driveways serving front or side-loaded garages for single-family attached units shall be designed to ensure a reasonable amount of uninterrupted curb length between single or paired driveways.

(2) **Detached Houses.**

- (a) No residential driveway shall have direct access to Highway 9 (Dahlongega Hwy) or Highway 369 (Brown's Bridge Road) without approval of the Director of Engineering.
- (b) Garages for detached houses may be rear-loaded, side-loaded, or front-loaded, in accordance with the regulations of this section.
- (c) Rear-loaded garages may be attached or detached. Rear-loaded detached garages shall be set back at least five (5) feet from the alley right-of-way.
- (d) Side-loaded garages may be attached or detached. Side-loaded garages may be accessed by a driveway leading from a side street or from the front street. Vehicle entrances to all side-loaded garages shall be set back at least five (5) feet from the right-of-way.
- (e) Vehicle entrances to all front-loaded garages shall be set back at least eighteen (18) feet from the right-of-way.
- (f) Front-loaded garages that exceed fifty percent (50%) of the width of the dwelling unit shall not have garage doors that are wider than sixteen (16) feet.

21-13.5 **Open Space.**

(A) **Required Open Space.** A minimum of twenty percent (20%) of the total site area shall be open space. Open space calculations shall exclude rights-of-way. Density and open space shall be calculated based on the same number of acres.

- (1) **Calculation of Open Space.** The following elements may be included in calculating open space within the Overlay.
 - (a) Conservation Areas. Any combination of conservation areas that together form a permanent, undevelopable area.
 - (b) Areas for pedestrian amenity or aesthetic appeal, which may include, but is not limited to, plazas, squares, terraces, patios, fountains, sidewalks, common areas and open spaces for outdoor recreation and similar public amenities.
 - (c) Wetlands, creeks, streams and their tributaries, and floodplain areas, when not located within detached single-family lots.
 - (d) Detention ponds and stormwater management areas when designed as an amenity and intended for the use and enjoyment of the public.
 - (e) Areas within multi-family residential developments designed and intended for the use and enjoyment of the residents or the public.
- (2) **Types of Open Space.** Open spaces may vary based on intended use, size, microclimate, and adjacent buildings and uses. Types of open space may include:
 - (a) Civic plazas and squares
 - (b) Sidewalks, trails, and other pedestrian amenities
 - (c) Community parks and amenity areas
 - (d) Pocket parks
 - (e) Neighborhood amenities
 - (f) Recreational amenities
 - (g) Social spaces
 - (h) Paseos
 - (i) Mews

21-13.6 **SA-1 Mixed Use Subarea.** The SA-1 Mixed Use Subarea intends to create a mixed-use environment that is high quality, community scaled, and pedestrian focused. A variety of uses are permitted when

the appropriate zoning and/or conditional use permit is obtained, however a complementary mix of attached residential, multi-family and commercial uses are highly encouraged.

(A) **Building Heights.**

- (1) **Buildings.** Building height shall be limited to a maximum of eight (8) stories, not to exceed one hundred and twenty-five (125) feet above grade.
- (2) **Parking Structures.** Parking structures may be free standing or integrated with a multi-family wrapped product. When free standing, parking structures shall be limited to a maximum of five (5) levels. When integrated with residential, parking structures shall be limited to a maximum of six (6) levels and are required to be wrapped with residential units on all sides visible from public rights-of-way and open spaces.

(B) **Open Space.** Open space areas within SA-1 Mixed-Use Subarea shall provide a variety of civic spaces that can accommodate different scaled events from large, organized events, to small, informal gatherings. The following types of open space are encouraged within the SA-1 Mixed-Use Subarea:

- (1) **Civic Plaza.** The civic plaza shall be designed utilizing a blend of hardscape and landscape areas to provide versatility for a variety of event types and sizes. The minimum contiguous area for the civic plaza shall be twenty thousand (20,000) square feet.
- (2) **Social Spaces.** Intended to complement the central civic plaza, a series of smaller, passive gathering spaces shall be incorporated to provide opportunities for people to socialize in a more intimate manner. These spaces may include casual seating areas, fire pits, and play areas.
- (3) **Paseos.** These pedestrian spaces provide connectivity through a block or building, or serve to connect the sidewalk with parking areas behind buildings. Paseos also provide areas for outdoor seating and may or may not be covered by buildings spanning above. Private dining areas within paseos will not be included in the calculation of open space.
- (4) **Open Space Elements.** Design elements that activate and provide unique identity to open spaces are encouraged. Elements may include:
 - (a) Shade structures
 - (b) Water features
 - (c) Fire pits
 - (d) Seating, including tables and chairs, fixed or movable, benches, swings, and seat walls
 - (e) Sculptures
 - (f) Structures for play or flexible areas for games

21-13.7 **SA-2 Transitional Subarea.** The SA-2 Transitional Subarea intends to create an intermediary zone between the Mixed Use and Residential Subareas. A variety of uses are permitted when the appropriate zoning and/or conditional use permit is obtained, however a complementary mix of single-family homes and commercial uses are highly encouraged.

(A) **Building Heights.**

- (1) **Buildings.** Building height shall be limited to a maximum of four (4) stories, not to exceed sixty-five (65) feet above grade.
- (2) **Parking structures.** Parking structures may be free standing or integrated with a multi-family wrapped product. When free standing, parking structures shall be limited to a maximum of three (3) levels. When integrated with residential, parking structures shall be limited to a maximum of four (4) levels and are required to be wrapped with residential units on all sides visible from public rights-of-way and open spaces.

(B) **Open Space.** Open space in the SA-2 Transitional Subarea shall provide residents with a variety of neighborhood scaled green spaces and amenities. The layout of streets and lots shall incorporate these open spaces as centralized, organizing elements that are focal points in the design of the community. The following types of open space are encouraged within the SA-2 Transitional Subarea:

- (1) **Community Amenity Areas.** Community amenities may include elements such as community clubhouse/pavilion, pools, play areas, and tennis/sports courts.
- (2) **Pocket Parks.** Pocket parks may range in size and provide elements such as open lawns, hardscape plazas, gardens, water features, pavilions, trellises or overhead structures, and playgrounds.
- (3) **Mews.** Mews are garden spaces defined by buildings on a minimum of two (2) sides that create semi-private open space and gives a unique identity to the fronting homes.
- (4) **Paseos.** Paseos shall be used to provide inter-block connectivity to open space areas and trails. These pedestrian spaces provide connectivity through a block or building, or serve to connect the sidewalk with parking areas behind buildings. Paseos also provide areas for outdoor seating and

may or may not be covered by buildings spanning above. Private dining areas within paseos will not be included in the calculation of open space.

21-13.8 **SA-3 Residential Subarea.** The SA-3 Residential Subarea envisions a series of walkable, cohesive residential neighborhoods. A variety of uses are permitted when the appropriate zoning and/or conditional use permit is obtained, however attached and detached single family homes are highly encouraged.

(A) **Building Heights.**

(1) **Buildings.** Residential building heights shall be limited to a maximum of three (3) stories, not to exceed forty (40) feet above grade.

(B) **Open Space.** Open space areas within the SA-3 Residential Subarea shall provide residents with a variety of neighborhood scaled green spaces and amenities. The layout of streets and lots shall incorporate these open spaces as centralized, organizing elements that are focal points in the design of the community. The following types of open space are encouraged within the SA-3 Residential Subarea:

(1) **Community Amenity Areas.** Community amenities may include elements such as community clubhouse/pavilion, pools, play areas, and tennis/sports courts.

(2) **Pocket Parks.** Pocket parks may range in size and provide elements such as open lawns, hardscape plazas, gardens, water features, pavilions, trellises or overhead structures, and playgrounds.

(3) **Mews.** Mews are garden spaces defined by buildings on a minimum of two (2) sides that create semi-private open space and gives a unique identity to the fronting homes.

(4) **Paseos.** Paseos shall be used to provide inter-block connectivity to open space areas and trails. These pedestrian spaces provide connectivity through a block or building, or serve to connect the sidewalk with parking areas behind buildings. Paseos also provide areas for outdoor seating and may or may not be covered by buildings spanning above. Private dining areas within paseos will not be included in the calculation of open space.

CHAPTER TWENTY-TWO

ENFORCEMENT AND LEGAL STATUS PROVISIONS

ARTICLE I, PREVENTIVE ACTION:

22-1.1 **Injunction.** If any land or building is used in violation of this Code, the director, the Director of Engineering, County Attorney, and the Board of Commissioners of Forsyth County, in addition to other remedies, may institute an action for injunction or other appropriate action to cause cessation of the violation.

22-1.2 **Civil Penalties.** In addition to or instead of utilization of the injunctive relief provided for in Section 22-1.1 of this Article and use of the criminal provisions of Section 21-2.1 of Article II, the Board of Commissioners, the director, the Director of Engineering, and the County Attorney may institute civil action to penalize violation of any part of this Code. The civil penalty shall not exceed one thousand dollars (\$1,000.00) per day per violation. In addition to said civil penalties, reimbursement to the Board of Commissioners for reasonable attorney fees for the enforcement of the order and costs of litigation, including clerk's deposition and related costs, are authorized to be awarded by the said appropriate judicial authority.

ARTICLE II, REMEDIAL ACTIONS:

22-2.1 **Criminal Penalties.** Whoever shall cause any building or structure to be erected, constructed, reconstructed, or repaired, converted or maintained on any structure or land to be used in violation of the terms of this Code, or who shall do any acts prohibited by this Code; or who shall fail to do any acts commanded, directed, or required by this Code, upon a complaint lodged with the Forsyth County Sheriff's Office or the Forsyth County Department of Planning and Community Development regarding any section of this Ordinance, a summons may be issued by the Sheriff's Office or a duly authorized representative of the Planning and Community Development Department requiring the person or persons to appear before the Judge of the Magistrate Court of Forsyth County on a day and time certain to answer for the violation of this Code. If such violation of this Code has not been witnessed by an Officer of the County, a subpoena may be issued to the person making the complaint, requiring such person to appear on the day and time of the hearing set by the Court to testify on behalf of the County. Except as otherwise provided herein, any person violating any provision of this Code shall be subject to a fine not to exceed \$1,000.00, imprisonment not to exceed 60 days, or both, for each violation. In the event Georgia law is modified to provide for greater penalties for county ordinance violations, such increased penalties shall become automatically effective with respect to this Code.

ARTICLE III, CONFLICT WITH OTHER ORDINANCES:

22-3.1 If this Code as amended conflicts with any other Ordinance of Forsyth County, Georgia, then this Code as amended shall be controlling between the conflicting provisions.

ARTICLE IV, REPEAL OF CONFLICTING RESOLUTIONS AND/OR ORDINANCES:

22-4.1 All Resolutions and/or Ordinances or parts thereof in conflict with this Code as may be amended from time to time are hereby repealed.

ARTICLE V, VALIDITY AND SEPARABILITY:

22-5.1 Should any section, paragraph, sentence, clause or phrase of this Code as may be amended from time to time be declared by a court of competent jurisdiction to be unconstitutional or invalid for any reason, the remainder of said Code as may be amended from time to time shall not be affected thereby.

ARTICLE VI, ADOPTION AND EFFECTIVE DATE:

22-6.1 This Code shall be effective upon its adoption by the Board of Commissioners of Forsyth County. Development projects that have approved construction plans, land disturbance permits, and building permits but which are not constructed on the effective date of this Code shall be permitted to proceed with said approved plans or permits for the stated duration of such approvals or permits, regardless of whether such development or building meets the terms of this Code. Except as specifically noted in this section or as otherwise set forth in Section 8-3.4(F), any application for a land disturbance permit received after the effective date of this Code shall be subject to all provisions of the Code then in effect.

Done this 2nd day of May 2024, the public welfare demanding it.

FORSYTH COUNTY BOARD OF COMMISSIONERS

Alfred John, Chairman

Kerry Hill, Vice Chairman

Laura Semanson, Secretary

Todd Levent, Member

Cindy Jones Mills, Member

ATTEST:

County Clerk