

**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: Agricultural activities that charge admission for persons to visit, view, or participate in the operation of a farm or dairy or production of farm or dairy products for entertainment or educational purposes or selling farm or dairy products to persons who visit such farm or dairy.

1 is three hundred twenty (320) or more square feet in floor area, and which is built on a permanent chassis and designed  
2 to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes  
3 the plumbing, heating, air-conditioning, and electrical systems contained therein; or a structure that otherwise comes  
4 within the definition of a "manufactured home" under the National Manufactured Housing Construction and Safety  
5 Standards Act of 1974, as may be amended from time to time (42 U.S.C. 5401, et seq.).

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

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

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

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

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

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

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

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

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

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

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

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

40 Mobile Home: A new or pre-owned structure, transportable in one or more sections, which, in the traveling  
41 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  
42 hundred twenty (320) or more square feet in floor area, and which is built on a permanent chassis and designed to be  
43 used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the  
44 plumbing, heating, air-conditioning, and electrical systems contained therein; and built prior to June 15, 1976.

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

50 Mobile Vendor: [A person conducting mobile vending activities.](#)

51 Modular Dwelling: (see "Industrialized Housing").

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47        **Open Space:** Within the context of Chapter Nineteen, Conservation Subdivision, any combination of primary  
48 conservation areas and secondary conservation areas, as defined, that together form a permanent, undivided or  
49 relatively undivided, undeveloped area. Easements for electric transmission lines or any other above-ground  
50 improvement shall not be considered open space. Within the context of other chapters of this Code, "open space"  
51 shall have more liberalized meaning to include buffers and areas not containing any man-made structures or  
52 pavements. For all zoning districts requiring open space, including Conservation Subdivisions, Structural Stormwater  
53 Control practices shall not be counted toward the required open space. Nonstructural Stormwater Control practices,  
54 however, may count toward required open space. An Active Recreational Facility may not be located in the required  
55 open space. Passive amenities, such as walking trails, may be located in required open space, but passive amenities  
56 may not comprise more than 25% of the required open space and may not include impervious materials. Areas

1 leather goods stores, sewing, needlework, and piece goods stores, catalogue and mail order stores, newsstands, florists,  
2 automotive parts stores not involving repair, video rental and sales stores, and watch and clock sales and repair shops.

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

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

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

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

14 Road: See Street.

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

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

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

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

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

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

34 Sediment Basin: See "Debris Basin."

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

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

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

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

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

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

54 Senior Housing: A single family, multifamily, or residential care facility development intended for,  
55 operated for, and designed to accommodate residents fifty-five (55) years of age and older. A variety of

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.

"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 and unnecessary hardship or practical difficulty 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 Rental Establishment: A retail establishment renting car, truck, tractor, trailer, boat, recreational vehicle, camper, motorcycle, and other motorized vehicles. Vehicles for rent may be displayed outdoors or indoors.

Vehicle Sales Dealership: A retail or wholesale establishment selling primarily new or used car, truck, tractor, trailer, boat, recreational vehicle, camper, motorcycle, and other motorized vehicles; also leasing. Vehicles may be displayed outdoors or indoors. Sales dealerships that are a manufacturer-authorized business or dealer may include major repair services onsite.

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



## **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

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, ~~and~~ 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, ~~or~~ 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; 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. 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.** All applications shall publish 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 any public hearing. All 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) Conditional Use Permits, Home Occupation applications, Mobile Vending applications, and Sketch Plats: Proposed use and existing zoning district;
  - (3) 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;
  - (4) Appeals of Administrative Decisions: Purpose of the appeal;
  - (5) Appeals of Zoning Board of Appeals Decisions: Purpose of the appeal;
  - (6) Zoning Condition Amendments: Application number of which conditions are being requested to be modified.
- (C) **Public Hearing Sign(s).** Public Hearing signs 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, conditional use permit, sketch plat, ~~and~~ home occupation permit, and mobile vending applicants.

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/Sketch Plats.** The director is authorized to approve minor amendments to site plans/sketch plats. Minor amendments shall include, but are not limited to, adjusting residential lot lines, modifying the layout of internal roads to a subdivision, or relocating open space. 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 or when the proposed amendment entails an expansion of an existing, non-residential building 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 (H) 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 (G) 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.



(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

- (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 shall terminate upon a change of zoning, upon a change of zoning conditions negating the basis for the variance, or 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.
- (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.

- (A) **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.

- (3) **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.
- (4) **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.

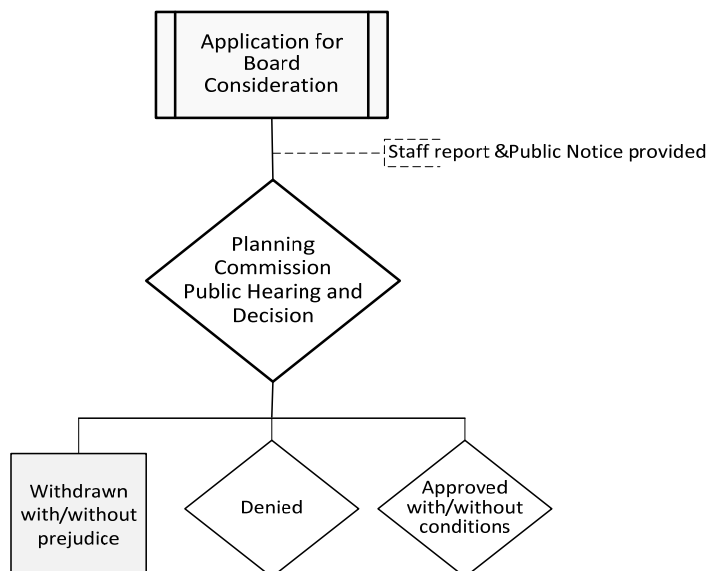
**8-11.4 Procedures.** All applications to allow mobile vending activities shall comply with the following procedures:

**(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) 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.
- (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) **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.
  - (2) **Planning Commissioners Action on Mobile Vending Applications.** All applications to allow mobile vending activities shall be scheduled for public hearing before the Planning Commission.
  - (3) **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.
  - (4) **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 BOARD OF COMMISSIONER DECISIONS:**

**8-12.1 Appeal of Board of Commissioners Decisions.** Any person, persons, or entities jointly or severally aggrieved by a final decision by the Board of Commissioners regarding this Code or any application may make an appeal by writ of certiorari to the Superior Court of the County. The appeal shall be a de novo determination of the decision before the judge of the Superior Court without a jury. Any appeal must be filed within thirty (30) days of the decision, and, upon failure to file the appeal within thirty (30) days, the decision shall be final. For the purposes of this section, the appeal time shall run from the day the particular vote or action is taken.



**Table 8.1. Summary of Application Requirements.**

Requirement	Amend Text of this Code	Rezoning	Conditional Use Permits (CUP)	Home Occupation	Mobile Vending	Sketch Plats	Variances	Appeals of Administrative Decisions	Appeals of ZBA Decisions	Zoning Condition Amendments
Application Form		Required	Required	Required	<a href="#">Required</a>	Required	Required	Required	Required	Required
Fee		Required	Required	Required	<a href="#">Required</a>	Required	Required	Required	Required	Required
Legal Description		Required	Required			Required	Required			Required
Boundary Survey		Required	Required	Required	<a href="#">Required</a>	Required	Required			Required
Site Plan		Required	Required	Required if new construction	<a href="#">Required if new construction</a>	Required	Required			Required if request changes approved site plan
Verification of Paid Taxes		Required	Required	Required	<a href="#">Required</a>	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			Required				
Disclosure of Campaign Contributions and Gifts		Required	Required	Required	<a href="#">Required</a>	Required				Required

Requirement	Amend Text of this Code	Rezoning	Conditional Use Permits (CUP)	Home Occupation	<a href="#">Mobile Vending</a>	Sketch Plats	Variances	Appeals of Administrative Decisions	Appeals of ZBA Decisions	Zoning Condition Amendments
Public Hearing	Required	Required	Required	Required	<a href="#">Required</a>	Required	Required for Applications for Board consideration	Required	Required	Required
Public Hearing Sign		Required	Required	Required	<a href="#">Required</a>	Required	Required for Applications for Board consideration	Required	Required	Required
Legal Ad in Newspaper	Required	Required	Required	Required	<a href="#">Required</a>	Required	Required for Applications for Board consideration	Required	Required	Required

- (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 16-4.2224(A)2.
- (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 16-4.12(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

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
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	PX	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	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

1  
2 \* For any establishment conducting around the clock business hours, a conditional use permit is required.

	<b>Restricted Industrial District (M1)</b>	<b>Restricted Industrial District (M2)</b>	<b>Restricted Industrial District (MINE)</b>
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-in or drive-through facilities	P	P	X
Retail Trade Establishments	X	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, <del>with written approval of the Board</del>	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)
<b>Uses</b>	<b>Industrial and Mining Zoning Districts</b>		



may be amended from time to time, and the installation instructions from the manufacturer, as appropriate.

- (F) 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

**16-4.19 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.

**16-4.20 Removal.** A location and utilization of the manufactured/mobile home approved pursuant to section 16-4.19 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.

**16-4.21 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.

**16-4.22 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:

- a. On property owned by a residential homeowner's association, with explicit permission from the organization, and solely for the benefit of its membership.  
b. In conjunction with a special event as authorized by this code or other ordinance of Forsyth County.  
c. In conjunction with an agritourism business.  
d. On the premises of an established business for the private benefit of its employees.  
e. 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

- 1 not constitute prohibited “calling attention to” as described herein. At all times the use shall comply  
2 with the County's noise control requirements set forth in the Forsyth County Noise Ordinance.  
3 (D) Mobile food units shall at all times comply with the Forsyth County Sign Ordinance and all parts of this  
4 code that regulate signage.  
5 (E) A Forsyth County business license shall be required for all mobile food units with a permanent, physical  
6 presence (base of operations) located within unincorporated Forsyth County.  
7 (F) The department may recommend to the Board of Commissioners the adoption of additional policies  
8 related to mobile food units as deemed necessary to promote the health, safety, welfare, morals,  
9 convenience, order, and prosperity of Forsyth County and its citizens; and to provide for attractive,  
10 economically viable areas for business and industry.

11 **16-4.23 Mobile Vendors**

- 12 (A) Mobile vendors shall operate only on property permitted for such use by this code and upon approval of  
13 the Planning Commission or Board of Commissioners.  
14 (B) Mobile vendors shall comply with all applicable health, safety, and licensing regulations set forth by the  
15 State of Georgia, Forsyth County, and any other government organization or entity with jurisdiction over  
16 the operation of said use.  
17 (C) A Forsyth County business license shall be required for all mobile vendors with a permanent, physical  
18 presence located within unincorporated Forsyth County.  
19 (D) Unless otherwise specifically approved by the Planning Commission, mobile vendors shall comply with  
20 the following requirements:  
21 (1) No sales or related activities shall disrupt controlled vehicular ingress and egress or occupy required  
22 off-street parking spaces.  
23 (2) No sales or related activities shall disrupt pedestrian ingress and egress or occupy required internal  
24 sidewalks.  
25 (3) No display shall be erected or installed, nor shall any activities take place within a required side or  
26 rear setback, a county or state right-of-way, or within fifty (50) feet of a county or state road.  
27 (4) Vendors shall not call attention to the operation of said activities through the following means:  
28 creating sounds, playing music, or making amplified announcements or similar means. At all times,  
29 the use shall comply with the County's noise control requirements set forth in the Forsyth County  
30 Noise Ordinance.  
31 (E) Vendors shall at all times comply with the Forsyth County Sign Ordinance and all parts of this code that  
32 regulate signage.  
33 (F) The department may recommend to the Board of Commissioners the adoption of additional policies  
34 related to mobile food units as deemed necessary to promote the health, safety, welfare, morals,  
35 convenience, order, and prosperity of Forsyth County and its citizens; and to provide for attractive,  
36 economically viable areas for business and industry.

37 **16-4.224 Outdoor Lighting.** Outdoor lighting shall be designed to provide the minimum lighting necessary  
38 to ensure adequate safety, night vision, and comfort, and not create or cause excessive glare onto adjacent properties  
39 and public street right-of-way.

40 **(A) Fixture Type.**

- 41 (1) Commercial and Industrial Zoning Districts. All outdoor lighting shall be Full Cutoff Fixtures  
42 except the following:  
43 (a) Pedestrian light fixtures fourteen (14) feet in height or less may be Cutoff or Semi-Cutoff  
44 Fixtures.  
45 (b) Uplighting of flags, steeples, monuments, buildings and landscaping must use narrow beam,  
46 shielded luminaries. Illuminance at the level of the illuminated object shall not exceed ten (10)  
47 foot-candles.  
48 (2) Residential and Agricultural Zoning Districts. All street lights shall be Full Cutoff, Cutoff or Semi-  
49 Cutoff Fixtures.

50 **(B) Light Spillage.**

- 51 (1) Commercial and Industrial Zoning Districts. Outdoor lighting shall be designed so as to minimize  
52 light spillage to not more than one (1) foot-candle along any residential or agricultural property line  
53 and two (2) foot-candles at any public street right-of-way, commercial, or industrial property line.  
54 (2) Residential and Agricultural Zoning Districts. Street lights, amenity area lighting, and lighting for  
55 non-residential uses shall be designed so as to minimize light spillage along the exterior of the

development 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.

(C) **Height.**

(1) Commercial and Industrial Zoning Districts. Outdoor lighting in commercial and industrial zoning districts 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:

(a) Project adjacent to residential and/or agricultural property.

(b) Project contains both commercial and residential uses.

(2) Residential and Agricultural Zoning Districts. Street lights shall be limited to twenty (20) feet in height.

**16-4.2325 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.

**16-4.2426 Poultry Houses.** In the A1, Agricultural District, poultry houses shall be setback a minimum of one hundred (100) feet from any property line.

**16-4.2527 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.

**16-4.28 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.~~26~~29 **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.~~27~~30 **Reserved.**
- 16-4.~~28~~31 **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.
- 16-4.29-32 **Timber Harvesting.** Timber harvesting shall be permitted subject to the following requirements:
- (A) The timber harvest shall be in accordance with a forest management plan for the tract prepared by a registered forester. The required contents of a forest management plan shall be as set forth in guidelines to be established by the Forsyth County arborist and as approved by the Forsyth County Director of Planning and Community Development.
- (B) The property shall be a minimum of ten (10) acres in size.
- (C) There shall be a fifty (50) foot exterior timber harvesting setback around the entire perimeter of the property, which shall remain undisturbed with the exception of approved access to the property from the road.
- (D) All stream buffers shall remain undisturbed except for haul road and skid trail crossings.
- (E) Timber harvesting shall be restricted to thinning only. A minimum basal area of thirty (30) square feet per acre shall remain on the property following the harvest. Remaining trees on site must be left in good condition with no injuries to the trunk, crown or root system. Required buffers and setbacks shall not be included in calculating the minimum basal area to remain. Clear cutting shall not be allowed.
- (F) All trees to be removed shall be marked at four and one-half (4.5) feet above the ground and at ground level so as to be identifiable before and after harvest.
- (G) Trees thirty (30) inches in diameter or larger as measured at four and one-half (4.5) feet above the ground shall not be removed and their critical root zone shall be protected. The following species are exempt from this restriction: pine (*Pinus spp.*), poplar (*Liriodendron tulipifera*) and sweetgum (*Liquidambar styraciflua*).
- (H) Logging slash shall be scattered across the site or piled no higher than two (2) feet.
- (I) All activity on the site shall be in compliance with the Forsyth County Soil Erosion and Sedimentation Control Ordinance, all Best Management Practices as described in the Georgia Forestry Commission document "Recommended Best Management Practices for Forestry in Georgia" and the U.S. Clean Water Act, Section 404, EPA, 40 CFR, Part 232.3(c)(6).
- (J) A plan and supporting documentation meeting the minimum requirements of the Department of Planning and Community Development shall be submitted for review and approval prior to timber harvesting activity. Any associated plan review fees must be paid with the submittal of the plan.
- (K) The director may approve exceptions to address disease or insect infestations documented by a registered forester or certified arborist.
- (L) In no event shall any provision of this section have application to timber harvesting that qualifies as forestry land management practices or agricultural operations as defined in O.C.G.A. 12-7-17, not incidental to development, on tracts which are zoned for forestry, silvicultural or agricultural purposes, or that are unzoned.
- 16-4.30-33 **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.



1 (F) **Units Per Building and Roof Variations.** To avoid a monotonous appearance, for any given building,  
2 no more than six (6) units may have common walls i.e., no more than six (6) units per building. Any  
3 building containing more than three (3) units with common walls must have the roof of each attached  
4 unit distinct from the other through separation or offsets in roof design.

5 16-4.3+34 **Transportation and Utility Facilities.** These facilities are permitted only as conditional uses  
6 because of various off-site impacts that may result there from, including but not limited to, generation of waste, danger  
7 of explosion, crash, or bodily injury and dangers to adjacent land uses, substantial surface, air, or water traffic, noise  
8 exceeding levels fit for safety to the human ear, offensive or unpleasant odors, noxious gases and fumes, excessive  
9 temporary or sustained vibration, electromagnetic radiation, environmental degradation through spillage of chemicals  
10 or fuels, and aesthetic effects, among others. Prior to the approval of any use defined as a transportation and utility  
11 facility, the applicant shall submit a project impact statement that addresses the potential for effects cited in this section  
12 and, where such effects are found to be present when such activities are initiated, measures that will mitigate such  
13 effects. The County may consult with state and/or federal agencies with or without direct regulatory authority over  
14 such uses and shall be allowed an additional sixty (60) days beyond normal processing times for such conditional uses  
15 described in this section.