

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Planning Commission: The Forsyth County Planning Commission.

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

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

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

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

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

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

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

TABLE 15.1
USES PERMITTED IN AGRICULTURAL DISTRICTS*

P = Permitted
C = Conditional
X = Not Permitted

Uses	A1	AG-RES
Accessory apartments, attached	P	P
Accessory apartments, detached	C	C
Accessory uses and structures determined by the Director to be normally incidental to one or more permitted principal uses, including but not limited to barns, grain storage facilities, and sheds.	P (Note 10)	P
Agricultural uses including the production of field crops, fruits, nuts, and vegetables	P	P
Agricultural experiment stations	C	X
Agritourism	C (Note 9)	X
Apiaries	P	P
Auction facilities for agricultural products	C	X
Backyard Chickens	P (Note 12)	P (Note 12)
Bed and breakfast inns	C	X
Boarding homes for agricultural workers	C	X
Build-to-rent	X	X
Campgrounds	C	X
Cemeteries	P	P
Clubs, lodges, fraternal institutions and other places of assembly for non-profit membership groups 10,000 square feet or less in aggregate size	C (Note 3)	X
Clubs, lodges, fraternal institutions and other places of assembly for non-profit membership groups more than 10,000 square feet in aggregate size	X	X
Commercial athletic fields, outdoor	C	X
Communication towers and antennas	C	C
Cottage food operations	P (Note 11)	P (Note 11)
Dairies	C	C
Day Care Centers	C	X
Day Care Home, Family	C	X
Dwellings, single-family detached	P	P
Explosives storage	C	X
Farm supply stores and feed and grain stores	C	X
Farm Wineries	C	X
Golf Courses/Country Clubs	C	C
Heliports and Helipads	C	X
Hog farms	C	X

Uses	A1	AG-RES
Horse stables, commercial	C	X
Horse stables, non-commercial	P	P
Industrialized housing	P	X
Kennels, Animal Hospitals, Veterinary Clinics	C	X
Landfills, inert waste	X	X
Livestock raising, not including poultry and hogs	P	X
Manufactured or mobile homes	P	X
Major residential subdivisions involving a new public or private street and no more than seven (7) lots	P	X
Major subdivisions meeting the definition of "conservation subdivision," for single family detached dwellings or manufactured homes (Note 1)	X	P
Major subdivisions for single family detached dwellings or manufactured homes	P (Note 8)	P
Methane to energy conversion facility and associated utility substation located adjacent to or contiguous with a MSW waste reclamation facility	C (Note 7)	X
Minor residential subdivisions (Note 1)	P (Note 8)	P
Nurseries and greenhouses: wholesale and retail sale of trees, plants, and shrubs	P	P
Open storage yard	C	C
Place of worship 10,000 square feet or less in aggregate size (Note 6)	C (Note 3)	X
Place of worship more than 10,000 square feet in aggregate size (Note 6)	C (Note 3)	X
Poultry houses	P	X
Processing operations related to agriculture	X	X
Professional home offices	P	P
Public and semi-public buildings, structures and uses	P	P
Relocated residential structures	P	X
Roadside stands for the sale of produce and agricultural products produced on the premises	P	P
Schools, private, parochial, vocational-technical, business, etc. 10,000 square feet or less in aggregate size	C (Note 3)	X
Schools, private, parochial, vocational-technical, business, etc. more than 10,000 square feet in aggregate size	X	X
Short-term Rental	C	C
Special event	P (Note 4)	X
Special event facility	C (Note 4)	X
Uses not specified in this table	(Note 2)	(Note 2)

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

Notes

Table 15.1

- (1) The performance standards applicable to the A1 and AG-RES districts shall apply to development approved as conservation subdivisions.

- (2) In cases where a use is proposed but is not listed in this table, the director shall make an administrative determination as to whether or not the use is permitted in the zoning district or districts in question. The director will compare the proposed use to substantially similar uses to determine if the proposed use will be considered a prohibited, permitted, or conditional use. In making such determinations, the director shall consult the purpose and intent statements of the zoning district or districts in question, in addition to comparing the use in question to uses specifically listed in this table.
- (3) All accessory uses shall be identified in the conditional use permit application and on the associated site plan. Accessory uses proposed to be added after the initial conditional use permit approval shall require a new conditional use permit.
- (4) Regulations for special events and special event facilities are found in Chapter 15, Article 3.
- (5) Regulations for home businesses are found in Chapter 16, Article 3.
- (6) Places of worship for which a CUP, rezoning or development permit application is being processed, that have been approved but not constructed, that are under construction, or that have received a Certificate of Occupancy prior to February 2, 2017, are exempt from the size cap. In addition, property immediately adjacent to the property on which a place of worship that is exempt pursuant to this note is located, that is purchased after February 2, 2017, is also exempt from the size cap. For properties exempted from the size cap pursuant to this note, the requirements for places of worship 10,000 square feet or less in aggregate size (either conditional use permit (C) or not permitted (X)) shall apply for each zoning district. For purposes of this chart, "aggregate size" shall mean total square footage of all structures on the property on which the place of worship is located.
- (7) Contiguity shall exist if parcels are divided by a public road.
- (8) Major subdivisions may only be permitted within the A1 zoning district when compliance with section 15-1.4(B) is met. Requirements and incentives for major and minor subdivisions with large lots on A1 property are found in section 15-1.4.
- (9) Regulations for agritourism are found in Chapter 15, Article 4.
- (10) Regulations for sheds are found in Chapter 16, Article 4.
- [\(11\) Cottage food operations are prohibited within major subdivisions.](#)
- ~~(11)~~ [\(12\) Regulations for the keeping of backyard chickens are found in Section 16-4.4.](#)

- (D) The entrance to the accessory apartment shall be from a rear or side yard and shall not face the street to which the principal dwelling is oriented.
 - (E) Any additions to accommodate accessory apartments shall have exterior finishes or architectural treatments (e.g., brick, wood, stucco, etc.) of an appearance substantially similar to those on the principal dwelling.
 - (F) The Forsyth County Health Department must certify that existing or proposed water, sanitary sewer, and/or septic tank facilities are adequate to serve both the principal dwelling and the accessory apartment.
 - (G) If the detached accessory apartment is a manufactured home, then it must meet applicable requirements for manufactured homes as specified in this chapter.
 - (H) Unless incorporated into an existing accessory structure (e.g., garage), detached accessory apartments shall be allowed in rear yards only.
 - (I) The addition of a detached accessory apartment shall count in density calculations.
- 16-4.4 **Backyard Chickens.** In zoning districts where permitted, the following shall apply:
- (A) The minimum lot size for the keeping of backyard chickens shall be one-half (½) acre.
 - (B) No more than eight (8) chickens are permitted on a lot.
 - (C) Chicken coops, chicken houses and/or roosting structures shall not require a building permit.
 - (D) All coops, houses and/or roosting structures shall be required to adhere to the minimum building setback performance standards that are in effect for the zoning district where the structure is to be built. However, in no event shall any such structure encroach within twenty (20) feet from the rear and side property lines, and fifty (50) feet from residential structures on adjacent properties. In the event of a conflict between any building setback performance standard for the zoning district where the structure is to be built, and the minimum setback requirements set forth in this section 16-4.4(D), the more stringent setback requirement shall control.
 - (E) The coop structure shall provide a minimum of five (5) square feet of floor space per chicken with at least one (1) nest box per five (5) chickens and perches that are raised a minimum of twelve (12) inches off the floor. Each nest box shall be twelve (12) inches by twelve (12) inches and there shall be a minimum of eight (8) linear inches of perch per chicken.
 - (F) The area shall be kept in a neat and sanitary condition and must be cleaned on a regular basis to prevent offensive odors, attraction of flies and/or vermin, the creation of an environment otherwise injurious to the public health and safety, or that would obstruct the free use of property so as to interfere with the comfortable enjoyment of life or property by members of the neighborhood or other persons.
 - (G) Roosters and any other crowing fowl are prohibited.
 - (H) The slaughter of any hen on site is strictly prohibited.
 - (I) Feed, feed supplements and medications shall be kept in fully enclosed, rodent-proof containers.
 - (J) Chickens shall be contained within the coop, house, and/or roosting structure whenever unattended. When the owner is present in the yard, chickens shall be kept in an enclosure, such as a chicken tractor, to prevent them from causing damage, accidents or injury to any neighboring property or person.
 - (K) The provision must be made for the storage and removal of hen droppings and any dead birds. All stored droppings used for composting shall be fully covered or placed in an enclosure. Such enclosures must be setback a minimum of fifty (50) feet from all property lines. All other droppings not used for composting or fertilizing shall be removed. In addition, the coop, enclosure, and surrounding area must be kept free from trash and accumulated droppings. Dead chickens must be disposed of in a sanitary manner.
 - (L) No permission or allowance authorized by this Section shall supersede applicable private covenants.
 - (M) [Properties in A1 zoning districts may elect to comply with the regulations governing backyard chickens; however, this shall in no way limit the keeping of poultry or placement of a poultry house on properties in A1 zoning districts otherwise in compliance with this Unified Development Code.](#)
- 16-4.5 **Build-to-rent.**
- (A) A build-to-rent development may be permitted in residentially zoned districts upon application for and receipt of a conditional use permit, and within master planned districts and mixed-use center districts.
 - (B) A build-to-rent development shall be comprised of only single-family detached dwellings, except that this requirement shall not apply within senior housing developments as provided in Section 16-4.9 of this Code.
 - (C) Short-term rentals shall not be permitted within build-to-rent developments.
 - (D) A build-to-rent development with seven (7) or more units must be managed by a single management company with an on-site office staffed at least one business day per week with standard business hours

- (a) Exterior walls shall be clad in brick, stone, stucco, fiber cement board and batten, and/or fiber cement horizontal siding and/or shakes/shingles.
 - (b) A paved five foot (5') wide sidewalk system shall be constructed which connects recreation areas, homes, clubhouse, and other amenities.
 - (c) A pathway system connecting open space areas accessible to neighborhood residents and connecting those areas to neighborhood streets and sidewalks shall be constructed in Res3 developments.
- (2) Single family attached in Res4, Res6, CBD, O & I, UV, and MPD:
- (a) Exterior walls shall be clad in brick, stone, stucco, fiber cement board and batten, and/or fiber cement horizontal siding and/or shakes/shingles.
 - (b) The primary material on the front elevation shall also be used on the side and rear elevations. There shall be a combination of no less than two (2) of the materials listed in subsection (a) on each façade of the building. If used, fiber cement board and batten shall not exceed fifty percent (50%) of the wall material on any façade.
 - (c) A paved five foot (5') wide sidewalk system shall be constructed which connects recreation areas, homes, clubhouse, and other amenities.
 - (d) A pathway system connecting open space areas accessible to neighborhood residents and connecting those areas to neighborhood streets and sidewalks shall be constructed in Res4 and Res6 developments.
 - (e) All units with front-loaded garages shall have garage faces with decorative design treatments.
- (3) Multifamily residences in Res6, CBD, O & I, UV, MPD, and condominiums in Res4:
- (a) Exterior walls shall be clad with brick, stone, fiber cement board and batten, and/or fiber cement horizontal siding and/or shakes/shingles. No more than twenty percent (20%) shall include accent wall materials such as exterior finish insulation systems, stucco and painted dimension wood.
 - (b) The primary material on the front elevation shall also be used on the side and rear elevations. There shall be a combination of no less than two (2) of the materials listed in subsection (a) on each façade of the building. If used, fiber cement board and batten shall not exceed fifty percent (50%) of the wall material on any façade.
 - (c) Heating, cooling, kitchen and other mechanical equipment; conduits, service panels, meters and other electrical equipment; and refuse collection facilities shall be located and/or screened so as not to be visible from adjacent development and/or the street.
 - (d) A minimum exterior setback of fifty feet (50'), the first twenty-five feet (25') being an exterior buffer, shall be required in CBD, O & I, UV, and MPD zoning districts, The exterior buffer shall meet Forsyth County Buffer Standards, but such requirement shall be exempted along the entire road frontage on which the primary entrance is located.
- (4) Residential facilities (assisted living and/or skilled nursing) in Res4, Res6, CBD, O & I, UV, and MPD:
- (a) Exterior walls shall be clad with brick, stone, fiber cement board and batten, and/or fiber cement horizontal siding and/or shakes/shingles. No more than twenty-five percent (25%) shall include accent wall materials such as exterior finish insulation systems, stucco, and painted dimension wood.
 - (b) The primary material on the front elevation shall also be used on the side and rear elevations. There shall be a combination of no less than two (2) of the materials listed in subsection (a) on each façade of the building. If used, fiber cement board and batten shall not exceed fifty percent (50%) of the wall material on any façade.
 - (c) Freestanding accessory structures shall have architectural detailing and design elements consistent with the primary building(s) of the development complex to provide a cohesive design.
 - (d) Heating, cooling, kitchen and other mechanical equipment; conduits, service panels, meters and other electrical equipment; and refuse collection facilities shall be located and/or screened so as not to be visible from adjacent development and/or the street.
 - (e) A minimum exterior setback of fifty feet (50'), the first twenty-five feet (25') being an exterior buffer, shall be required in CBD, O & I, UV, and MPD zoning districts, The exterior buffer shall meet Forsyth County Buffer Standards, but such requirement shall be exempted along the entire road frontage on which the primary entrance is located.

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

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

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

ARTICLE VI, STANDARDS FOR PERMITS AND CERTIFICATES:

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

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

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

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

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

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

7-6.7 **Electrical Code.** No building or other structure shall be erected, moved, extended or enlarged, or structurally altered unless in compliance with all provisions of the National Electrical Code as adopted by the Georgia