

- (2) All dumpsters and compactors shall be enclosed on three sides by materials and architectural elements to match the primary structure and gated on the fourth side.
 - (a) The enclosure shall be at least one (1) foot taller than the highest point of the dumpster or compactor.
 - ~~(b)~~ (b) The opening of the enclosure shall measure a minimum of twelve (12) feet in width.
 - ~~(c)~~ (c) The gate shall be composed of decorative metal or other durable materials which shall reach the height of the three sided enclosure and with colors coordinated with those of the primary structure. Chain link material is prohibited.
 - ~~(d)~~ (d) All dumpsters and compactors shall be equipped with lids.
 - ~~(e)~~ (e) A sixty (60) foot maneuvering apron is required adjacent to the enclosure's gate.
- (3) Drive-throughs and stacking lanes, when contiguous to any public right-of-way, residential use, or pedestrian gathering area shall be obscured from view by an earthen berm and/or a vegetative screen planted according to County buffer standards.
 - (a) Stacking lanes and bypass lanes shall be designed in a manner so that vehicle queuing does not interfere with access driveways, interparcel connections, or maneuverability in and out of off-street parking spaces. No drive-through shall exit directly onto the right-of-way.
 - (b) Car wash openings shall be oriented away from the right-of-way.
- (4) For permitted open air businesses, no chain link fence shall be visible from the right-of-way.
- (5) Businesses requiring a fleet of service vehicles shall park such vehicles behind the building or otherwise provide adequate screening to ensure the vehicles are not visible from the public right-of-way.
- (6) Storage of shopping carts shall be located indoors. Where indoor storage is not feasible, shopping carts shall be located adjacent to the building and screened by an enclosure made of masonry to match the exterior building materials.
 - (a) Shopping cart corrals in parking areas shall be curbed within parking islands so that additional railings are not required for secure cart positioning.
 - (b) Parking islands that contain cart corrals must include four hundred (400) square feet of landscaped space.
 - (c) One (1) identifying sign at the rear of each corral is permitted for visibility within the parking lot.
 - (d) Ground mounted equipment, such as power transformers and pole-mounted lights, are prohibited within required landscape parking islands.

21-12.6 **Signage.** This section establishes minimum standards to promote and ensure a cohesive and unified identification program within the overlay district. A detailed signage plan is required to be submitted that addresses and conforms to all provisions set forth in this section. When a nonconforming sign is altered, the sign structure and base materials shall come into compliance with the color requirements within section 21-12.8(A) Architectural Design Standards. An alteration shall include but is not limited to any change to the size or height of the sign, the structural replacement, and/or relocation of a sign. In addition to Ordinance No. 74 (Sign Ordinance), the following shall apply:

- (A) Temporary signs, including inflatable or forced-air signs, tarps, banners, sign dancers, and any sign mounted on wheels, are prohibited within the boundary of the Coal Mountain Overlay. Permanent and temporary signs in windows are also prohibited.
- (B) Wall signs and monument signs shall not be of the singular plastic insert or panel sheet variety. Channel letters are strongly encouraged for both monument and wall signs. If internally illuminated, lettering shall be individually formed and lighted.
- (C) Monument sign structure and base materials shall be compatible with the color, texture, material, and architectural design of the principal building.
 - (1) Monument signs shall feature lettering that is either recessed into the sign face a minimum of one (1) inch or projected from the sign face a minimum of two (2) inches.
 - (2) Monument signs shall incorporate brick or stone enframing of the sign face for a minimum of fifty (50) percent of the sign face perimeter. Enframing materials shall abut the sign face without any designed voids or other decorative elements intended to visually separate the space between the sign face and enframing.
 - (3) Residential subdivision monument blade signs are exempt from framing requirements set forth in section 21-12.6(C)(2), provided that the monument is entirely faced with brick or stone.
- (D) Freestanding signs shall adhere to standards outlined in the chart below:

Table 21.12A

Free Standing Signs		
Gross Building Space	Maximum Height of signs	Maximum Number Allowed
0 - 10,000	6'	1 per Road Frontage
10,001 - 50,000	8'	1 per Road Frontage
50,001- 100,000	10'	1 per Road Frontage
100,000 +	12'	2 per Road Frontage

- (E) Electronic message boards or changeable copy are permitted ~~for fuel station monument signs~~, one (1) per road frontage, for the following uses:-
(1) Fuel station monument signs. The total electronic or changeable copy area for each sign shall not exceed a total of forty-six (46) square feet.
(2) Where the property has a principal use that is either a religious facility, college, university, private school as defined at O.C.G.A. 20-2-690(b), hospital, military or veteran organization, art gallery, museum, conference center, theater, or amphitheater.
- (F) Wall mounted raceways shall be painted to match the adjoining structure.
- (G) Fuel station canopy signs are allowed, one per road frontage not to exceed twenty (20) square feet. Sign must be flush against the canopy fascia. The canopy shall not exceed twenty-five (25) feet in height from the ground to the top of the fascia. Banding of corporate colors shall be considered part of the sign and shall count toward the allowable twenty (20) square feet.
- (H) Within nodes, where increased pedestrian activity is desired and anticipated, adherence to Ordinance No. 74 Pedestrian-Oriented Project performance standards is strongly encouraged. These regulations allow for smaller, more numerous signs with a greater variety of sign types in order to foster an enhanced, walkable environment.
- (I) **Community Branding Signage.** Commercially zoned properties directly adjacent to the intersections of Highways 306 and 369, Highways 9 and 369, and Highway 369 and Burruss/Bannister Road are authorized, but not required, to erect a single community branding monument sign on their property, the square footage of which shall not count against any other sign allowance under this Code or the Forsyth County Sign Ordinance nor shall such signage reduce the overall number of signs allowed on the property. Any such community branding sign shall be configured such that it is viewable by the motoring public while traveling through the intersection. The community monument sign may be constructed within any applicable buffer or setback in order to achieve optimal visibility to the traveling public, but any such disturbance in a buffer or setback shall be mitigated by additional plantings and landscaping as recommended by the county arborist. The monument sign shall have a height of no more than three (3) feet from grade to top, a length of no more than twenty (20) feet, and channel letters of at least nine (9) inches each identifying the community where it is located. The monument sign shall be externally lighted. A property owner seeking to erect a community branding sign in accord with this paragraph shall provide a certification to the Director, on a form to be prepared by the Department, that the sign will remain a community branding sign.
- (1) For purposes of this subsection, at Highways 306 and 369 the properties eligible for a community branding sign are tax parcels 239-243, 239-008, 239-006, and 238-007; at Highways 9 and 369, the eligible tax parcels are 216-037, 190-028, 190-021, and 190-027; at Highway 369 and Burruss/Bannister Road, the eligible tax parcels are 145-015, 145-026, 119-022, and 119-015.
- 21-12.7 **Lighting.** Lights shall be installed per the following standards at a consistent spacing as required by staff:

- (A) For any commercial use within identified nodes, a freestanding pole-mounted light utilizing LED fixtures shall not exceed thirty-five (35) feet in height and shall have a black metal finish. A freestanding pole-

ARTICLE XI, BUFORD HIGHWAY OVERLAY DISTRICT:

21-11.1 **Purpose.** The purpose of this overlay district is to establish minimum standards for any site development, exterior architectural design, landscaping, lighting and signage that contribute to the district's overall character. This is accomplished through enhancement of commercial growth through unity of design and quality architecture and the creation of visual interest through landscape and architectural features. Design standards are intended to ensure coordinated design of building exteriors in order to promote visual congruence, positively impact adjacent properties, and produce buildings that augment the character and appearance of the area. It is the goal of this ordinance to promote freedom in design while establishing a baseline for design compatibility. This goal is in accordance with the County's objective to encourage landscaping, signage, building design, and other development regulations that enhance the image of the County and create value as stated in the implementation program of the Comprehensive Plan. In addition, this overlay is intended to increase design functionality of vehicle related establishments and to mitigate impacts of commercial uses on residential areas through additional site design considerations. Buford Highway is a major arterial roadway that handles significant volumes of traffic and is therefore highly visible to the traveling public. The enhancement of this well-traveled corridor through a unification of its visual context by way of appropriate design measures offers benefits such as the protection of land values through improved appearance and utility that may foster business attraction.

21-11.2 **Delineation of District.** The Buford Highway Overlay District applies to all properties indicated on the Official Overlay District Map of Forsyth County. Where land is located in the Buford Highway Overlay District, the regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying base zoning district. In the event of an express conflict between the standards governing a base zoning district and those governing this overlay district, the standards governing the overlay district shall control. The Overlay regulations apply to any parcel that falls wholly or partially within 1,000 feet of the centerline of Buford Highway/Canton Highway.

21-11.3 **Permitted Uses.** All uses allowed in the underlying zoning districts as established by this Code, except for those listed below, are permitted in the Buford Highway Overlay District. Commercial zoning districts and uses are strongly encouraged east of the City of Cumming based on the designation of Buford Highway as a commercial corridor within the Forsyth County Comprehensive Plan. The designation of this portion of the highway corridor as a commercially focused area shall be considered as rezoning proposals are submitted for properties located within the overlay district boundary.

- (A) Theaters, except if otherwise located within a planned commercial or mixed use development.
- (B) Electronic game playing centers
- (C) Adult entertainment centers
- (D) Adult novelty stores
- (E) Pawn shops
- (F) Pool halls
- (G) Tattoo parlors
- (H) Massage parlors, except massage establishments that provide massage services as well as facials, chemical peels, muscle stretch and therapy services, aromatherapy and foot treatments.
- (I) Landfills
- (J) Transfer stations
- (K) Trailer parks
- (L) Temporary buildings except construction trailers in commercial and industrial districts
- (M) Electronic message boards/Changeable copy signs, ~~with the exception of fuel stations~~ [except as outlined in section 21-11.7](#), including any upgrades to preexisting signs regardless of general allowance of such upgrades in the Forsyth County Sign Ordinance and this Code.
- (N) Chemical storage facilities
- (O) Panhandling
- (P) Self-service car washes
- (Q) Building supply yards
- (R) Fuel tank lease and sales establishments
- (S) Large scale retail on any parcel of less than seven (7) acres between Nuckolls Road and Echols Road and on parcels of any size between Echols Road and the county line bordering Gwinnett County.
- (T) Vehicle rental establishments, vehicle sales dealerships and parking decks on any parcel of less than seven (7) acres between Nuckolls Road and Echols Road and vehicle rental establishments, vehicle sales

ARTICLE XII, COAL MOUNTAIN OVERLAY DISTRICT:

21-12.1 **Purpose.** The purpose of this overlay is to foster visual unity through an elevated level of design quality applied throughout the district while simultaneously fostering the individuality of three distinct character nodes whose unique identity has come about through historic settlement and land use. The Coal Mountain Overlay seeks to highlight and promote the character of these nodes through tailored site design, architecture, signage, and lighting standards. These enhanced destinations will then be bridged by a landscaped arterial spine throughout the overall district boundary. In these ways, the Overlay provides the framework for showcasing the local character of the district.

21-12.2 **Delineation of District.** The Coal Mountain Overlay District applies to all properties indicated on the Official Overlay District Map of Forsyth County. Where land is located in the Coal Mountain Overlay District, the regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying base zoning district. In the event of an express conflict between the standards governing a base zoning district and those governing this overlay district, the standards governing the overlay district shall control. Improvements to existing residential structures are exempt, but such exemption shall not apply to an existing residential structure being converted to a nonresidential use. In the event of a conflict or inconsistency between the provisions of this Article and any provision of the Forsyth County Sign Ordinance, this Article shall govern the development of the property within the boundaries of the Overlay.

21-12.3 **Permitted Uses.** All uses allowed in the underlying zoning districts as established by this Code, except for those listed below, are permitted in the Coal Mountain Overlay District.

- (A) Electronic game playing centers
- (B) Adult entertainment centers
- (C) Adult novelty stores
- (D) Pawn shops
- (E) Pool halls
- (F) Tattoo parlors
- (G) Massage parlors, except massage establishments that provide massage services as well as facials, chemical peels, muscle stretch and therapy services, aromatherapy and foot treatments.
- (H) Landfills
- (I) Transfer stations
- (J) Trailer parks
- (K) Temporary buildings except construction trailers in commercial and industrial districts
- (L) Electronic message boards/Changeable copy signs, ~~with the exception of fuel station monument signs~~ except as outlined in section 21-12.6, including any upgrades to preexisting signs regardless of general allowance of such upgrades in the Forsyth County Sign Ordinance and this Code.
- (M) Chemical storage facilities
- (N) Smoke shops and vape/e-cigarette stores
- (O) Marijuana or THC dispensaries excluding licensed pharmacies
- (P) Self-service car washes
- (Q) Panhandling

In addition to the uses above, the following uses are not permitted within the boundaries of the identified nodes:

- (R) Building supply yards
- (S) Fuel tank lease and sales establishments
- (T) Vehicle sales and dealerships

21-12.4 **Design Plan Administrative Review.** Design review for development within the Coal Mountain Overlay shall be performed by staff with the input and assistance of the district commissioner. All plans shall address and conform to all provisions set forth under Chapter 21, Article XII. Any numerical nonconformance to the standards contained within this Article shall require the submittal of a variance application in accordance with section 8-6.4 of this Code. Should a design not meet all of the non-numerical standards contained within this Article, then the proposed design must be submitted, for public hearing, to the Forsyth County Board of Commissioners for review and approval as an Alternate Design. In considering whether to approve such Alternate Design, the Board of Commissioners shall consider the Special Considerations set forth in section 8-5.5(F)(2)(b) of this Code. Architectural elevations, exterior finish schedules, landscape, and lighting plans must be submitted to the department at the time of application for a land disturbance permit. See Chapter 7 and Chapter 18 for land disturbance and building permit procedures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Business Service Establishment: A facility engaged in support functions to establishments operating for a profit on a fee or contract basis including but not limited to: advertising agencies, consumer credit and/or collection agency, photocopying, blueprinting and duplication services, mailing agencies, computer ~~and data processing~~ services, detective agencies, consulting firms, accounting, auditing and bookkeeping services, personal supply services, employment agencies, and interior decorators. [Data centers shall not be included under this definition.](#)

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

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

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

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

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

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

County Health Department: The Forsyth County Health Department.

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

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

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

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

Data Center: [An establishment which primarily engages in digital data operations, including but not limited to the storage, management, processing, and/or transmission of digital data, and housing computer equipment, network equipment, systems, servers, appliances and other associated components related to such digital data operations.](#)

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

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

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

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

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

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

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

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

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

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

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

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

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

Distillery: A premises where distilled spirits are manufactured.

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

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

Uses	Industrial and Mining Zoning Districts		
	Restricted Industrial District (M1)	Heavy Industrial District (M2)	Mining Operations District (MINE)
Commercial recreational facilities, outdoor	C	C	C
Commercial sales of the product(s) permitted to be manufactured, assembled, or processed, unenclosed or enclosed, not to exceed twenty (20) percent of the lot area	P	P	P
Commercial sales of the product(s) permitted to be extracted, unenclosed, exceeding twenty (20) percent of the lot area but not exceeding fifty (50) percent of the lot area	X	C	P
Communication towers and communication antennas	C	C	C
Contractor's establishments	P	P	P
Convenience stores, with or without fuel dispensing units	C	C	X
Cosmetics and toiletries manufacturers	P	P	X
Data Centers	C	C	C
Drive-throughs, excluding car washes	X	X	X
Dry cleaning plants	P	P	X
Dwellings, single-family detached	X	X	X
Dwelling for caretaker or night watchman	P	P	P
Electronics assembly and manufacturing of communications equipment	P	P	X
Escort Services	C (Note 1)	C (Note 1)	X
Explosives storage	C	P	P
Exterminating and pest control businesses	P	P	X
Extraction industries – extraction and removal of sand, gravel, top soil, clay, dirt, precious metals, gems, and minerals	X	X	P
Feed, grain, and fertilizer manufacturers	X	C	X
Fuel oil distributors	P	P	X
Fuel station	C	C	X
Fiberglass insulation manufacturers	X	C	X
Food processing plants, including fish and poultry facilities	C	C	X
Hazardous waste receiving, handling, and disposal facilities	X	X	X

Performance Standard	Industrial and Mining Zoning Districts		
	Restricted Industrial District (M1)	Heavy Industrial District (M2)	Mining Operations District (MINE)
Glare and Heat	Every use and activity shall be so operated that it does not emit heat or heated air beyond the boundary of the lot on which it is located. No direct or sky-reflected glare shall emanate from any use or activity so as to be visible at any point on or beyond the boundary of the lot on which such use or activity is located.		
Noise	All equivalent sound levels at the boundaries of an industrial or mining district shall not exceed 60 dBA LEQ for projects adjacent to residential or office residential districts or noise sensitive, or public properties; 65 dBA LEQ for projects adjacent to commercial or office districts; 75 dBA LEQ for projects adjacent to other industrial or mining districts. Method of measurement: Measurements shall be made with a calibrated sound level meter in good operating condition, meeting the requirements of a Type I or Type II meter, as specified in ANSI Standards, Section 1.4 – 1971 <u>calibrated to meet ANSI standards</u> . For purposes of this section, a sound level meter shall contain at least an "A" weighting network, and both fast and slow response capability.		
Odor	No continuous, frequent, or repetitive emission of odors or odor-causing substances which would be offensive beyond any property line of any industrial or mining district will be permitted. An odor emitted no more than fifteen (15) minutes in any one (1) day shall not be deemed as continuous, frequent, or repetitive. The existence of an odor shall be presumed when analysis by a competent technician demonstrates that a discernible odor is being emitted. Any process which may involve the creation or emission of any odors shall be provided with a primary and a secondary safeguard system so that control will be maintained if the primary safeguard system fails.		
Smoke and particulate matter	Emissions shall not exceed applicable state standards as adopted in Rules of the Georgia Department of Natural Resources, Environmental Protection Division, Chapter 391-3-1, Air Quality Control as may be amended from time to time.		
Vibration	Ground vibration as measured at the boundary of an industrial or mining zoning district shall not exceed 1.0 inches per second peak velocity, steady state, or 2.0 inches per second, impact state. Exemptions: These provisions shall not apply to: (a) Vibration resulting from the operation of any road vehicle. (b) Vibration resulting from construction activities and equipment. (c) Vibration resulting from roadway maintenance and repair equipment. Method of measurement: Vibration measurement procedures shall conform to the following: (a) Instrumentation shall be capable of measuring RMS value of the vibration velocity over the frequency range of 2 to 250 Hz. (b) Measurement values shall be recorded for a sufficient period of observation to provide a representative sample. (c) Attachment of the vibration transducer to the ground shall be by magnetic or screw attachment to a steel bar of minimum of 9 inches in length, driven to a depth of 3 inches to 1 foot in the ground. The mass of the transducer should closely match the density of the ground or other material it displaces.		
Maximum height	continued on next page		

16-4.10 Data Centers. The following requirements must be met for all data centers.

- (A) A one hundred (100) foot minimum setback is required along all lot lines abutting a residential, OR, A1, or Ag-Res zoning district.
- (B) A seventy-five (75) foot minimum buffer is required along all lot lines abutting a residential, OR, A1, or Ag-Res zoning district.
- (C) Buildings shall be a minimum of twenty (20) feet in height.
- (D) If used, no chain link fence shall be visible from the right-of-way.
- (E) With the exception of testing activities, generator use is limited to emergency backup use only.
- (F) Generator testing is limited to between the hours of 9:00 a.m. and 5:00 p.m.
- (G) When measured at the boundary of any residentially zoned property, the sound level of the proposed data center shall not exceed sixty (60) dBA at any time and shall not exceed fifty-five (55) dBA during the hours of 9:00 p.m. to 7:00 a.m.
- (H) All equipment related to ventilation and cooling systems shall be contained within an enclosed building subject to maximum building height requirements. The top of the building may allow for ventilation in areas where ventilation is necessary.
- (I) If a hydro cooling system is used, it shall be installed by an insured cooling system company to certify and ensure there are no leaks. Cooling systems shall not connect to or use the County water system. In the event supplemental or emergency use of public potable water is required, the Director of the Department of Water and Sewer may provide approval for such use if the Director determines such use is consistent with best practice management of the County water system, is not detrimental to the ability to maintain a minimum level of service across the system, and is consistent with applicable permit requirements of the County water system. The Director may limit the public potable water used for such purposes based on time, volume, flow, or other metric, to maintain adequate water system conditions. The Director is authorized to terminate any such temporary, supplemental, or emergency use when, in the discretion of the Director, such use is no longer consistent with the sound management of the County water system.

16-4.11 Demolition of Historic Structures.

- (A) Forsyth County has more than 400 properties that have been documented in the County's historic resources survey. Preservation and maintenance of historic structures contribute to the cultural heritage of the County and are therefore in the long-term interest of the County. It is the intent of this section to provide an opportunity for preservation, but not to preclude demolition of historic structures.
- (B) Applications for land disturbance on sites containing a historical structure and that propose the demolition of structures shall be reviewed by the director. In cases where a building or structure proposed for demolition is documented in the County's historic resources survey, the following procedures shall apply:
 - (1) An automatic sixty (60) day delay on action regarding the demolition of the historic structure shall be invoked by the director to determine the significance of the historic building or structure and to allow time for the director to educate the property owner on potential rehabilitation programs and benefits as well as development options for preserving the building or structure. The automatic sixty (60) day delay on demolition of historic buildings and structures shall not apply to buildings or structures deemed by the director as in immediate danger to the health, safety, or welfare of the occupants, the owner, or the general public. During the sixty (60) day delay period, the director may issue the applicant's land disturbance permit so long as measures satisfactory to the director have been taken to protect the historic building or structure from harm.
 - (2) The director may complete, or request from the historic sites division of the Georgia Department of Natural Resources or another agency or professional person with expertise in historic preservation, an investigation of the historical or cultural value of the building or structure proposed for demolition. The desirability, economic feasibility, historical value, current condition, costs of restoration or repair, prospects for relocation to another site, and integration into development plans shall be considered in such an investigation.
 - (3) The director shall present the results of the investigation to the property owner within forty-five days. The property owner shall have until the expiration of the sixty (60) day delay period to consider options for the historic building or structure and to choose his or her option, which may include rehabilitation, relocation to another part of the site, arrangement for the sale or donation and relocation of the building or structure to another site, integration of the structure into development plans, or demolition of the structure. The director shall respect the decision of the property owner

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 16-4.2827.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10-1.13 **Outside Construction.** Outside construction shall be limited to the hours of 7:00 AM to 7:00 PM Monday to Friday; 8:00 AM to 6:00 PM Saturday; and there will be no outside construction on Sunday. Concrete pours, including but not limited to tilt walls, slabs, and retaining walls, may be authorized outside these hour limits in order to avoid peak traffic, adverse temperatures, or weather, prevent unfavorable logistical impacts, or to complete the work in a single occurrence. The Director of Building and Economic Development is authorized to administratively approve such concrete pours for active commercial building permits. Such approval shall be limited to specified dates and times only and shall be sought prior to the pour occurring. Requests for such administrative approval shall be submitted via application provided by the Department of Building and Economic Development. Any application tendered after the pour has occurred shall be denied.

10-1.14 **Commercial Maintenance Requirements.** Developments in commercially zoned districts shall comply with the following site maintenance requirements once Certificate of Occupancy has been released; regardless of tenant or absence of tenant Owner shall be responsible for ensuring that:

- (A) Cleanliness of the entire site shall be maintained by removing any trash, rubbish, or other debris deposited on the site.
- (B) Landscaping shall be maintained and dead or damage plants shall be replaced
- (C) Damaged elements of building (such as but not limited to broken windows) and site (such as but not limited to curb stops, parking stripes, dumpster screening) shall be repaired or replaced if damaged, dilapidated or in disrepair.
- (D) Should any single occupant premise become vacant for more than 60 days, and the owner fails to maintain the property in accordance with the conditions above and upon notification from the County for such failure, the owner shall be subject to citation by the appropriate County Code Enforcement Officer and shall be subject to the maximum fine permitted for ordinance violations for each violation of any provision of this ordinance.

10-1.15 **Setback Exemptions.** The following shall be exempted from setback requirements;

- (A) Fences and freestanding walls (per the requirements in Chapter 16-4.1413)
- (B) Uncovered entrance platforms
- (C) Steps and patios which are on grade
- (D) Roofed areas provided over common mailbox facilities

10-1.16 **Encroachments.** The following shall be permitted to encroach up to eighteen (18) inches into a required setback or building separation:

- (A) Gutters
- (B) Overhangs
- (C) Footers
- (D) Sills
- (E) Belt courses
- (F) Cornices
- (G) Chimneys
- (H) Other architectural features as determined by the director.

10-1.17 **Determination of Setbacks.** Front, side and rear setbacks shall be measured from their corresponding lot line(s). Corner lot frontage is determined per Section 18-4.7.

district shall be considered appropriate in areas designated as such in the Forsyth County Comprehensive Plan and where compatible with surrounding land uses, density and performance standards.

11-4.2 **Permitted and Conditional Uses.** As provided in Table 11.1(b); and subject to the following provisions which apply to all uses in this district:

(A) A conditional use is required for any establishment conducting around the clock business hours. Certain specific uses are regulated by Chapter 16.

11-4.3 **Performance Standards.** As provided in Table 11.2(b).

11-4.4 **Design Standards.** As provided in Article Section 11-9.3.

ARTICLE V, SINGLE FAMILY RESIDENTIAL DISTRICT (RES3):

11-5.1 **Purpose and Intent.** Res3 districts are intended to provide for subdivisions and neighborhoods consisting of detached single family dwellings surrounded by yards that provide a desirable and healthy environment. The Res3 district is intended for larger-scale subdivisions built to higher than minimum standards. Open space should be provided for throughout the development and should be accessible and available for recreational use by residents. Since a higher density is permitted, Res3 districts must be served by public water and Public Sewer or an Existing Private Sewage Treatment Plant with Sufficient Capacity. This district shall be considered appropriate in areas designated as such in the Forsyth County Comprehensive Plan and where compatible with surrounding land uses, density and performance standards.

11-5.2 **Permitted and Conditional Uses.** As provided in Table 11.1(b); and subject to the following provisions which apply to all uses in this district:

(A) A conditional use is required for any establishment conducting around the clock business hours. Certain specific uses are regulated by Chapter 16.

11-5.3 **Performance Standards.** As provided in Table 11.2(b).

11-5.4 **Design Standards.** As provided in Article Section 11-9.3.

ARTICLE VI, SINGLE FAMILY RESIDENTIAL DISTRICT (RES4):

11-6.1 **Purpose and Intent.** The Res4 district is solely intended to provide for age-restricted housing in which at least one person 55 years or older inhabits at least 90% of occupied units within a given development, with all applicable verification requirements to the U. S. Department of Housing and Urban Development (HUD) in UDC section 16-4.931(C) otherwise receiving compliance. The Res4 district is to be composed of single family, primarily detached dwellings, situated on smaller lots and with buildings located closely together; attached duplex and quadraplex units may also be permitted. To compensate for reduced lot sizes and setbacks, greater open space is required. Open space should be provided for throughout the development and should be accessible and available for recreational use by residents. Public water and sanitary sewer are required for developments within Res4 districts. Res4 districts shall connect to Public Sewer or an Existing Private Sewage Treatment Plant with Sufficient Capacity. This district shall be considered appropriate in areas designated as such in the Forsyth County Comprehensive Plan and where compatible with surrounding land uses, density and performance standards.

11-6.2 **Permitted and Conditional Uses.** As provided in Table 11.1(b); and subject to the following provisions which apply to all uses in this district:

(A) A conditional use is required for any establishment conducting around the clock business hours. Certain specific uses are regulated by Chapter 16.

11-6.3 **Performance Standards.** As provided in Table 11.2(b).

11-6.4 **Special Application Requirements.** Applications for rezoning to the Res4 zoning district shall, in addition to the general requirements for rezoning applications specified in Chapter 8, submit the following as part of the application:

(A) Proof of availability of adequate sewer capacity including the size and location of connection points;

11-6.5 **Design Standards.** As provided in Article Section 11-9.3.

ARTICLE VII, MULTI FAMILY RESIDENTIAL (RES6):

11-7.1 **Purpose and Intent.** The Res6 district is intended to provide for single family attached dwellings that allow options to increase housing variety and opportunities. In addition, Res6 districts may allow institutional type residences and other conditional institutional uses, but not to such an extent as to sacrifice the overall residential image and character. Open space should be provided for throughout the development and shall be accessible and available for

- (3) All accessory uses shall be identified in the conditional use permit application and on the associated site plan. Accessory uses proposed to be added after the initial conditional use permit approval shall require a new conditional use permit.
- (4) In addition to receiving County approval, all applicable state and federal approvals must be obtained.
- (5) In the R3 zoning district, major and minor subdivisions for single family detached dwellings require a 6,000 sq. ft. lot and have a maximum density of 4 units per acre.
- (6) Regulations for home businesses are found in Chapter 16, article 3.
- (7) Places of worship for which a CUP, rezoning or development permit application is being processed, that have been approved but not constructed, that are under construction, or that have received a Certificate of Occupancy prior to February 2, 2017, are exempt from the size cap. In addition, property immediately adjacent to the property on which a place of worship that is exempt pursuant to this note is located, that is purchased after February 2, 2017, is also exempt from the size cap. For properties exempted from the size cap pursuant to this note, the requirements for places of worship 10,000 square feet or less in aggregate size (either conditional use permit (C) or not permitted (X)) shall apply for each zoning district. For purposes of this chart, "aggregate size" shall mean total square footage of all structures on the property on which the place of worship is located.
- (8) Second principal dwelling for lots 5 acres and greater only.
- (9) Regulations for the keeping of backyard chickens are found in Section 16-4.4.
- (10) Regulations for accessory structures are found in Section 16-4.4.3.

the zoning district or districts in question, in addition to comparing the use in question to uses specifically listed in this table.

- (2) Rezoning approved as conservation subdivisions prior to 4/18/2024 must comply with Chapter 19, Conservation Subdivisions.
- (3) All accessory uses shall be identified in the conditional use permit application and on the associated site plan. Accessory uses proposed to be added after the initial conditional use permit approval shall require a new conditional use permit.
- (4) In addition to the receiving County approval, all applicable state and federal approvals must be obtained.
- (5) Deleted.
- (6) Regulations for home businesses are found in Chapter 16, article 3.
- (7) Places of worship for which a CUP, rezoning or development permit application is being processed, that have been approved but not constructed, that are under construction, or that have received a Certificate of Occupancy prior to February 2, 2017, are exempt from the size cap. In addition, property immediately adjacent to the property on which a place of worship that is exempt pursuant to this note is located, that is purchased after February 2, 2017, is also exempt from the size cap. For properties exempted from the size cap pursuant to this note, the requirements for places of worship 10,000 square feet or less in aggregate size (either conditional use permit (C) or not permitted (X)) shall apply for each zoning district. For purposes of this chart, "aggregate size" shall mean total square footage of all structures on the property on which the place of worship is located.
- (8) Regulations for the keeping of backyard chickens are found in Section 16-4.4.
- (9) Regulations for major and minor subdivisions with a minimum lot size of one (1) acre or larger are found in Section 11-2.5.
- (10) Regulations for accessory structures are found in Section 16-4.4.3.

Overstory Trees: 8 feet
Understory Trees: 4 feet

- (2) In some situations, certain conditions or constraints, such as but not limited to existing or proposed utilities, infrastructure, streams, wetlands or other environmental factors, may limit the ability of a site to support the minimum number of required trees. The County Arborist may approve and/or require alternative planting locations or other means of compliance for fulfilling the planting requirement for any tree required by the Tree Ordinance, UDC, or other development regulations. Such decisions shall be based on established principles and practices of arboriculture and with consideration to maximizing the tree's health and contribution to the landscape and environment in order to fulfill the purpose and intent of this Article.

11-9.6 **Subdivision standards.** Where required by the applicability requirements of section 11-9.2, the following subdivision-based standards apply.

- (A) **Retaining Walls.** Retaining walls must be faced with natural stone, brick, or minimum four (4) inch thick manufactured stone; modular block is allowed. The underlying substrate may not be visible through the facing material. Retaining walls located on individual lots are not subject to this requirement.
- (B) **Gabion Walls.** Retaining walls constructed of metal cages filled with rock or similar material are prohibited where visible from any adjacent or nearby lot, or any public or private street. In addition, gabion walls are restricted to the location of designated common areas and stormwater facilities. Maintenance of the gabion wall structure and any associated vegetation shall be the responsibility of the homeowner association.
- (C) **Retaining wall height.** Retaining walls are limited to six (6) feet in height. When multiple retaining walls are needed, each wall must step back a distance equal to at least two-thirds of the maximum height of the other two nearest retaining walls.
- (D) **Common Mailbox facilities.** Common mailbox areas must include a roofed area to provide shelter to the patron from the elements and provide a fixed trashcan or recycling bin within the covered area.
- (E) **Amenity Area location.**
- (1) Active amenity areas such as pools are not permitted within two hundred (200) feet of street frontage outside of the development or to be visible from a public street outside of the development.
- (2) Alternatively the active amenity areas must be screened from the public street by a twenty (20) foot wide buffer planted with evergreen trees and shrubs that will reach a minimum height of six (6) feet within a year of planting. The above required buffer applies in addition to the exterior buffer requirements of 11-9.6(J).
- (F) **Street layout.** Straight street lengths are limited to no more than one thousand (1,000) feet without an intervening street intersection or a horizontal curve with a centerline radius of no more than two hundred (200) feet. An exception to this requirement for unnecessary hardship due to topography or natural features may be granted by the Director of Engineering.
- (G) **Light fixtures.** Any lighting fixture not attached to a building must be full-cutoff, this shall take precedence over Section 16-4.2625(B)(3)(a).
- (H) **Common Area size.** Common area shall be no smaller than eight thousand (8,000) square feet in size.
- (I) **New trees.** All new trees planted in Home Owner Association maintained areas must be two (2) inch caliper minimum in size, planted before the issuance of the final plat.
- (J) **Exterior Buffer.** Exterior buffers must be provided according to either (1) or (2) as noted below:
- (1) A forty (40) foot buffer must be provided along the right(s)-of-way, with an additional ten (10) foot landscape strip adjacent to the right(s)-of-way. Both the buffer and the landscape strip shall be owned and maintained by the homeowner association. If the undisturbed buffer is sparsely vegetated as determined by the County Arborist, the buffer must be planted to meet the requirements of the Forsyth County Buffer Standards. Each hundred (100) linear feet of landscape strip must contain a minimum mix of three (3) overstory trees, two (2) inch caliper size minimum; sixty-four (64), two (2) gallon evergreen shrubs; and thirty-two (32), two (2) gallon perennials. Alternative configurations that meet the intent of this Article are allowed if approved by the County Arborist. Notwithstanding the requirements of Section 18-10.3, driveways and signage within 30 feet of the edge of driveway pavement shall be exempt from this requirement.
- (2) Where consistent with the intent of this Article, the rear yard may face a public right of way when treated with the identified, front facade elements below:

- (a) The rear pedestrian entrance must face a public street. A minimum three (3) foot walkway must be provided from the rear pedestrian entrance of the house to the adjacent sidewalk along the public right of way.
 - (b) Any wall facing the rear yard must provide window openings whose area sum equals or exceeds fifteen percent (15%) of the area of the wall.
 - (c) Trees in the rear yard must meet the front yard tree requirements of the Tree Ordinance, and
 - (d) Maximum front yard fence height requirements from section 16-4.1413(A) shall apply to the rear yard fencing.
- (K) **Park and trail connection.** If any trails or pedestrian paths within an existing public park are located within 500 feet of the property line of a development, a connection to that pedestrian path or trail must be provided from a sidewalk or trail within the development. If any parks or trails are proposed in any County-approved plan within 500 feet of the property line of a development, a stub out trail leading to the proposed park or trail must be provided up to the property line. Walking trails must be at least five (5) feet wide and shall be surfaced with tree mulch, rock dust, pea gravel, or similar material appropriate for pedestrian use. An exception to this requirement for unnecessary hardship due to topography or natural features may be granted by the director. The trail or path area required by this section both on and off the property may count towards required common area.
- (L) **Sidewalks required.** Five (5) foot sidewalks are required on one side of all new streets. Sidewalks and trails must form a continuous network.

11-9.7 **Southeast Forsyth Design Standards.**

- (A) **Intent.** The intent of this article is to provide a set of design standards that elevate the quality of residential construction permitted in Southeast Forsyth County. In creating a higher standard of construction, this article aims to enhance a sense of place, inspire a variety of building appearances, and address Comprehensive Plan character area goals including tightening the relationship between buildings and the street and providing enhanced connectivity to the community.
- (B) **Delineation of Southeast Forsyth.** The Southeast Forsyth design standards set out in this section shall apply to all properties located within the area indicated in Illustration 11.1, the boundary of which area is described as follows: Beginning at the point where McGinnis Ferry Road meets the eastern boundary of the County, following McGinnis Ferry Road west (generally) to McFarland Road, then following McFarland Road northwest (generally) to US 19/GA 400, then following US 19/GA 400 northeast (generally) to the City limits of Cumming, Georgia, then following the City limits of Cumming, Georgia northeast (generally) to the northern boundary of the Haw Creek and Daves Creek character area as depicted in the July 6, 2017 Forsyth County Comprehensive Plan 2017-2037, then following said northern boundary west (generally) to the eastern boundary of the County, then following the eastern boundary of the County south (generally) to McGinnis Ferry Road and the point of beginning. The Southeast Forsyth design standards are meant to be supplemental to other design standards and requirements of this Code and shall be applied in conjunction therewith where possible. In the event of a direct conflict between the Southeast Forsyth design standards and those standards found elsewhere in this Code, the Southeast Forsyth design standards shall apply. Notwithstanding the foregoing sentence, in the event of a direct conflict between the Southeast Forsyth design standards and those standards governing an overlay district identified in Chapter 21, the overlay district standards of Chapter 21 shall apply.
- (C) **Design Plan Administrative Review.** Design review shall be performed by County staff. All plans shall address and conform to all provisions set forth under section 11-9.7 of this Code. Any numerical nonconformance to the standards contained within this section shall require the submittal of a variance application in accordance with section 8-6.4 of this Code. Should a design not meet all of the non-numerical standards contained within this section, then the proposed design must be submitted, for public hearing, to the Forsyth County Board of Commissioners for review and approval as an Alternate Design. In considering whether to approve such Alternate Design, the Board of Commissioners shall consider the Special Considerations set forth in section 8-5.5(F)(2)(b) of this Code. Architectural elevations, exterior finish schedules, and landscape plans must be submitted to the department at the time of application for a land disturbance permit. Lighting plans must be submitted prior to the issuance of a building permit. See Chapter 7 and Chapter 18 for land disturbance and building permit procedures.

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Notes

Table 12.1

- (1) Prior to development of any associated accessory uses, approval of the site plan must be granted by the Board of Commissioners. If the accessory use is a school, a conditional use permit is required and all requirements for a conditional use permit must be followed.
- (2) Within the Business Park (BP) and Office and Institutional (O&I) zoning districts, only the following indoor commercial recreational facilities shall be considered as conditional uses (C): assembly halls, auditoriums, meeting halls, art galleries and museums, physical fitness centers, and health clubs. All other indoor commercial recreational facilities are considered prohibited (X).
- (3) See Ordinance No. 103 (Shooting Range Ordinance).
- (4) In cases where a use is proposed but is not listed in this table, the director shall make an administrative determination as to whether or not the use is permitted in the zoning district or districts in question. The director will compare the proposed use to substantially similar uses to determine if the proposed use will be considered a prohibited, permitted, or conditional use. In making such determinations, the director shall consult the purpose and intent statements of the zoning district or districts in question, in addition to comparing the use in question to uses specifically listed in this table.
- (5) Places of worship for which a CUP, rezoning or development permit application is being processed, that have been approved but not constructed, that are under construction, or that have received a Certificate of Occupancy prior to February 2, 2017, are exempt from the size cap. In addition, property immediately adjacent to the property on which a place of worship that is exempt pursuant to this note is located, that is purchased after February 2, 2017, is also exempt from the size cap. For properties exempted from the size cap pursuant to this note, the requirements for places of worship 10,000 square feet or less in aggregate size (either conditional use permit (C) or not permitted (X)) shall apply for each zoning district. For purposes of this chart, "aggregate size" shall mean total square footage of all structures on the property on which the place of worship is located.
- (6) Within the UV, CBD, and O&I zoning districts, build-to-rent shall be considered as a conditional use only for senior housing as provided in Section 16-4.9 of this Code. All other build-to-rent developments within these districts are considered prohibited.

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TABLE 12.2
PERFORMANCE STANDARDS
FOR COMMERCIAL AND OFFICE DISTRICTS

Performance Standard	Commercial and Office Zoning Districts								
	NS	UV	CBD	HB	HC	BP	O&I	OR	OCMS
Minimum lot area for zoning to the district (Note 1)	1 acre	5 acres	None	None	0.5 acre	10 acres	2 acres	0.5 acre	15 acres
Maximum building coverage (% of lot)	23%	46%	70%	55%	55%	35%	35%	18%	55%
Maximum gross square footage per business establishment	10,000 square feet	60,000 square feet	No maximum	No maximum	40,000 square feet	10,000 square feet (Note 2)	10,000 square feet	2,500 square feet	25,000 square feet
Minimum landscaped open space (%)	20%	15%	15%	15%	15%	30%	20%	20%	25%
Minimum front landscape strip paralleling right-of-way (Note 4)	10 feet	10 feet	10 feet	10 feet	10 feet	25 feet	10 feet	10 feet	40 feet
Minimum setback for all lot lines abutting right-of-way	10 feet	10 feet	40 feet	40 feet	50 feet	50 feet	40 feet	40 feet	10 feet of set-back per story
Minimum buffer along lot line abutting a residential, OR, A1 or AG-Res district	20 feet	30 feet	40 feet	40 feet	50 feet	50 feet	30 feet	15 feet	75 feet, plus 5 feet buffer per story
Minimum setback along lot line abutting a residential, OR, A1, or AG-Res, or OR district	30 feet	40 feet	50 feet (Note 7)	50 feet	60 feet	60 feet	40 feet	30 feet	85 feet, plus 5 feet set-back per story
Minimum side setback	10 feet (Note 5)	10 feet (Note 5)	10 feet (Note 5)	15 feet	30 feet	30 feet	25 feet	15 feet	50 feet
Minimum rear setback	25 feet	25 feet	25 feet	25 feet	30 feet	30 feet	25 feet	25 feet	75 feet
Minimum rear setback abutting an alley	10 feet	10 feet	None	10 feet	30 feet	30 feet	25 feet	25 feet	75 feet

TABLE 14.2
PERFORMANCE STANDARDS FOR INDUSTRIAL AND MINING OPERATIONS

Performance Standard	Industrial and Mining Zoning Districts		
	Restricted Industrial District (M1)	Heavy Industrial District (M2)	Mining Operations District (MINE)
Minimum lot area for zoning to the district	1 acre (Note 1)	1 acre	50 acres where blasting or crushing operations are involved; 5 acres without blasting or crushing operations
Maximum building coverage (% of lot)	55 percent	55 percent	55 percent
Minimum landscaped open space (percentage of total lot area)	20 percent	15 percent	10 percent
Minimum width of landscape strip paralleling right-of-way (Note 2)	25 feet	25 feet	50 feet
Minimum front setback from lot lines abutting right-of-way (Note 2 and 4)	50 feet	50 feet	50 feet
Minimum buffer along lot line abutting a commercial or office district, except the OR district	20 feet	25 feet	30 feet
Minimum setback along lot line abutting a commercial or office district, except the OR district (Note 4)	30 feet	35 feet	40 feet
Minimum buffer along lot line abutting a residential, OR , A1, OR or AG-Res district (Note 3)	40 feet	75 feet	100 feet
Minimum setback along lot line abutting a residential, OR, A1 or AG-Res district (Note 3 & 4)	50 feet	90 feet	125 feet
Minimum side setback (Note 4)	15 feet	15 feet	15 feet
Minimum rear setback (Note 4)	25 feet	25 feet	25 feet
Minimum rear setback abutting an alley designed for industrial uses	None	None	None
Electromagnetic interference	There shall be no electromagnetic interference that adversely affects the operation of any equipment other than that belonging to the creator of such interference, or that does not conform to the regulations of the Federal Communications Commission.		

approval required for issuance of a professional home office or home occupation license. Nothing herein is intended to supersede restrictive covenants, or other private agreement or restriction, where the provisions of the covenant, private agreement or restriction impose duties and obligations more restrictive or standards that are higher than the requirements of these regulations.:

- (A) All applicable state, federal, and local business and/or occupational licenses shall be obtained or applied for at the time of application for either a professional home office or home occupation license. All activities associated with a home occupation or professional home office and the residential dwelling, accessory building(s), structure(s), and overall property from which such home occupation/professional home office is being conducted shall comply with all applicable county and state building, fire, sanitary and health requirements and regulations. Non-compliance with any applicable requirement and/or regulations may be grounds for denial or revocation of a home occupation or professional home office application.
- (B) The owner/proprietor of a home business shall be responsible for notifying the director of any changes to the conduct, nature or scope of the home business that render the business different from that included in the description provided as part of the application, or from any conditions or restrictions imposed as part of the license. Such changes may result in the discontinuation of the use, or the need for a new application and reclassification of the home occupation or professional home office.
- (C) The home business shall be conducted from the owner's/proprietor's principal domicile or permanent home.
- (D) Activities associated with a home business shall not generate any solid or liquid waste, water consumption, traffic, noise, vibrations, smoke, dust, odor, heat, glare, disturbance or interference with the provision of electrical, television or other utility services, or create any safety hazards exceeding those which are typically and customarily produced by and/or associated with a residential dwelling and residential uses in the zoning district and surrounding neighborhood within which the subject property and home business is located. Light spillage restrictions as outlined in 16-4.2625 shall be met and maintained. The total area used to conduct activities associated with a home business should not exceed 33% of the finished space within the principal building. For purposes of this calculation, finished space within the principal building shall exclude unheated areas such as porches, unfinished basements, garages and decks.
 - (1) All licensed owners/proprietors of home businesses that verifiably existed on or before November 22, 1999 that are nonconforming with the area requirements specified in this article, shall be exempt from these requirements. Such businesses shall be permitted to expand in conformance with the requirements of this article and Code.
- (E) The residential dwelling, accessory buildings and structures, and overall property shall remain residential in character and appearance that are typical and customary for residential property located in the zoning district within which the home business is located. Structural and other alterations and alterations in the exterior or interior appearance that will make the dwelling, buildings, and/or the site appear or function similar to a commercial operation are prohibited. Prohibited alterations may include, but are not limited to, the creation of a separate or exclusive entrance(s) for business purposes, use of signage or other advertising other than that allowed as set forth herein and commercial-like exterior lighting.
- (F) All parking shall be located in an off-street location on a paved, gravel or other suitable parking surface. Parking on lawn areas is prohibited.
- (G) Wholesale or retail sales from within a residential dwelling, accessory building or structure, or from a residential property on a regular or year-round basis or as a primary activity or function of the home occupation or professional home office shall be prohibited except for sales conducted entirely via the mail, telephone or internet. No goods or products intended for sale shall be displayed outside of a dwelling, accessory building or structure, or elsewhere on the property. This provision is not intended to limit or prohibit the sale of agricultural products grown from the same agricultural property. In addition, year-round retail sales comprising the primary business activity of a home occupation shall be permitted on agriculturally zoned parcels (A1) when approved by the Planning Commission.
- (H) Truck deliveries or pick-ups of supplies or products associated with a home business shall be limited to the type of vehicles and pick-up/delivery hours that are typical and customary for residential dwellings and uses located in the zoning district within which the home business is located. Specifically, these vehicles shall be limited to the types of vehicles associated with the delivery of domestic mail and packages.

- (I) In order to ensure that a home business does not become a nuisance to the surrounding properties and property owners, the director, or Planning Commission may impose reasonable conditions as deemed necessary to protect the health, safety, and welfare of said properties, property owners and general public.
- (J) Owners/proprietors of a home occupation shall permit a limited inspection of the premises by the director or other duly authorized agent of the Board of Commissioners or other agency having jurisdiction or responsibility for enforcing applicable laws, requirements, and regulations at the time of application or after the home occupation has commenced operation in order to determine compliance with the requirements of this Code and/or the conditions of the license. Failure to cooperate in providing such access may result in the immediate discontinuation of the home occupation or professional home office license.
- (K) Owners/proprietors of all home businesses shall maintain a valid business license. Failure to hold a valid business license will invalidate the home occupation or professional home office.
- (L) All home occupation and professional home office licenses shall be deemed valid for an initial twelve-month period unless otherwise provided for as a condition of the approval. After the initial twelve-month period, all home occupation and professional home office permits shall expire on the first day of April. The director may revoke a home occupation and professional home office license if any of the following circumstances occur:
 - (1) Changes occur in the activities or character of the home occupation or professional home office being conducted that warrant additional review and approval by the director, or Planning Commission;
 - (2) Whenever the director has reasonable cause to believe that any of the general or specific requirements and/or performance criteria set forth in the Code, or conditions imposed as part of the professional home office or home occupation are being or have been violated, or, any activity associated with conduct of the home occupation or professional home business becomes hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood and properties.
- (M) If the director does revoke a home occupation or professional home office license, the director's decision may be appealed to the ZBA.
- (N) The granting of a home occupation or professional home office license shall not constitute a covenant running with the property from which such home business is being conducted. A home occupation or professional home office license shall not be transferable to another property and shall automatically and immediately terminate and become null and void upon the sale, lease, or transfer of said property to a party different than to whom the home occupation or professional home office license was originally granted.

16-3.3 **Procedures.**

- (A) An appeal of any decision by the director shall be processed and considered by the Zoning Board of Appeals as set forth in Chapter 8 of this Code.
- (B) All renewal applications for home occupation and professional home office licenses shall be reviewed and either approved, approved with conditions, or denied by the director within thirty (30) days of the date said renewal application has been received by the department.

ARTICLE IV, SUPPLEMENTARY REGULATIONS FOR SPECIFIC USES:

~~16-4.1 — **Accessory Structures in Residential Districts.** Accessory structures are permitted in all residential zoning districts. Accessory structures shall meet the following standards:~~

- ~~(A) The height of the accessory structure shall not exceed the height of the principal building.~~
- ~~(B) Accessory structures must be constructed in conjunction with or after the principal building is constructed.~~
- ~~(C) The following limitations on the allowable square feet of accessory structures exclude swimming pools. The limitations are aggregate and may be distributed among any permitted accessory structures. Finished spaces within the principal building shall exclude unheated areas such as porches, unfinished basements, garages and decks.~~

TABLE 16.2

Lot Size	Maximum Size
< 1 Acre	30% of the finished space within the principal building or 1,000 square feet, whichever is greater
≥ 1 Acre and < 3 Acres	60% of the finished space within the principal building or 1,000 square feet of building space per acre of lot area, whichever is greater
≥ 3 Acres	90% of the finished space within the principal building or 1,000 square feet of building space per acre of lot area, whichever is greater

~~(D) Accessory structures greater than 550 square feet located within residential districts shall be subject to the following criteria:~~

- ~~(1) Materials and colors not used on the principal dwelling shall be limited to no more than twenty percent (20%) of the exterior surface of the accessory structure. Roofing material shall be excluded from this requirement.~~
- ~~(2) No more than twenty percent (20%) of the exterior surface of the accessory structure may be the secondary building materials and colors of the principal structure.~~
- ~~(3) Alternative accessory structure finishes that do not comply with this subsection may be approved by the Director if the materials and finishes of the accessory structure meet or exceed the quality and appearance of the principal dwelling and do not impair the public health, safety and welfare.~~

~~(E) Accessory structures shall conform to the setback requirements of the zoning district in which they are located.~~

~~(F) Attached Accessory Apartments shall be regulated through Section 16-4.2.~~

~~(G) Detached Accessory Apartments shall be regulated through Section 16-4.3.~~

~~16-4.2~~ 16-4.1 **Accessory Apartments, Attached.** In zoning districts where permitted, attached accessory apartments shall meet the following requirements:

- (A) Only one attached accessory apartment shall be permitted on a lot, and an accessory apartment shall not be permitted in conjunction with a home occupation, professional home office, detached accessory apartment, or manufactured/mobile home permitted under hardship conditions.
- (B) One additional off-street parking space is required, which must be located in a side or rear yard.
- (C) At least four hundred (400) square feet of heated floor area shall be provided per occupant. The heated floor area for an accessory apartment shall be at least 400 square feet and shall not exceed 1,000 square feet or the size of the principal dwelling, whichever is less.
- (D) The entrance to the accessory apartment shall be from a rear or side yard and shall not face the street to which the principal dwelling is oriented.
- (E) Any additions to accommodate accessory apartments shall have exterior finishes or architectural treatments (e.g., brick, wood, stucco, etc.) of an appearance substantially similar to those on the principal dwelling.
- (F) The Forsyth County Health Department must certify that existing or proposed water, sanitary sewer, and/or septic tank facilities are adequate to serve both the principal dwelling and the accessory apartment.
- (G) The addition of an attached accessory apartment shall not count in density calculations.

~~16-4.3~~ 16-4.2 **Accessory Apartments, Detached.** In zoning districts where permitted, detached accessory apartments shall meet the following requirements:

- (A) Only one detached accessory apartment shall be permitted on a lot, and a detached accessory apartment shall not be permitted in conjunction with a home occupation, professional home office, attached accessory apartment, or manufactured home permitted under hardship conditions.
- (B) One additional off-street parking space is required, which must be located in a side or rear yard.
- (C) At least four hundred (400) square feet of heated floor area shall be provided per occupant. The heated floor area for an accessory apartment shall be at least 400 square feet and shall not exceed 1,000 square feet or the size of the principal dwelling, whichever is less.

- (D) The entrance to the accessory apartment shall be from a rear or side yard and shall not face the street to which the principal dwelling is oriented.
- (E) Any additions to accommodate accessory apartments shall have exterior finishes or architectural treatments (e.g., brick, wood, stucco, etc.) of an appearance substantially similar to those on the principal dwelling.
- (F) The Forsyth County Health Department must certify that existing or proposed water, sanitary sewer, and/or septic tank facilities are adequate to serve both the principal dwelling and the accessory apartment.
- (G) If the detached accessory apartment is a manufactured home, then it must meet applicable requirements for manufactured homes as specified in this chapter.
- (H) Unless incorporated into an existing accessory structure (e.g., garage), detached accessory apartments shall be allowed in rear yards only.
- (I) The addition of a detached accessory apartment shall count in density calculations.

16-4.3 Accessory Structures in Residential Districts. Accessory structures are permitted in all residential zoning districts. Accessory structures shall meet the following standards:

- (A) The height of the accessory structure shall not exceed the height of the principal building.
- (B) Accessory structures must be constructed in conjunction with or after the principal building is constructed.
- (C) The following limitations on the allowable square feet of accessory structures exclude swimming pools. The limitations are aggregate and may be distributed among any permitted accessory structures. Finished spaces within the principal building shall exclude unheated areas such as porches, unfinished basements, garages and decks.

TABLE 16.2

<u>Lot Size</u>	<u>Maximum Size</u>
<u>< 1 Acre</u>	<u>30% of the finished space within the principal building or 1,000 square feet, whichever is greater</u>
<u>> 1 Acre and < 3 Acres</u>	<u>60% of the finished space within the principal building or 1,000 square feet of building space per acre of lot area, whichever is greater</u>
<u>> 3 Acres</u>	<u>90% of the finished space within the principal building or 1,000 square feet of building space per acre of lot area, whichever is greater</u>

(D) Accessory structures greater than 550 square feet located within residential districts shall be subject to the following criteria:

- (1) Materials and colors not used on the principal dwelling shall be limited to no more than twenty percent (20%) of the exterior surface of the accessory structure. Roofing material shall be excluded from this requirement.
- (2) No more than twenty percent (20%) of the exterior surface of the accessory structure may be the secondary building materials and colors of the principal structure.
- (3) Alternative accessory structure finishes that do not comply with this subsection may be approved by the Director if the materials and finishes of the accessory structure meet or exceed the quality and appearance of the principal dwelling and do not impair the public health, safety and welfare.

(E) Accessory structures shall conform to the setback requirements of the zoning district in which they are located.

(F) Attached Accessory Apartments shall be regulated through Section 16-4.1.

(G) Detached Accessory Apartments shall be regulated through Section 16-4.2.

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 16-4.931 of this Code.
- (C) Short-term rentals shall not be permitted within build-to-rent developments.
- (D) A build-to-rent development with seven (7) or more units must be managed by a single management company with an on-site office staffed at least one business day per week with standard business hours of 9:00 am to 5:00 pm. The on-site office shall be a stand-alone building that shall be similar in design and appearance to other buildings within the development.

16-4.6 **Commercial Athletic Fields, Outdoor.**

- (A) Outdoor lighting for outdoor commercial athletic fields shall:
 - (1) be designed to provide the minimum lighting necessary to ensure adequate safety, night vision, and comfort, and not create or cause excessive glare onto adjacent properties and public street right-of-way;
 - (2) be Full Cutoff;
 - (3) be designed so that any illuminated lighting faces are not visible to any residences within 600' of the face; and
 - (4) be designed so as to minimize light spillage to not more than one (1) foot-candle along any residential or agricultural property line and two (2) foot-candles at any public street right-of-way, commercial, or industrial property line.
- (B) Prior to the issuance of any permits for outdoor commercial athletic fields, a photometric plan sufficient to allow the evaluation of the impacts of any field illumination to be used must be

~~16-4.9 — **Senior Housing.** These provisions are intended to permit the development of a variety of senior housing options including, but not limited to, senior independent living, assisted living facilities, skilled nursing facilities, and continuing care retirement communities (CCRC). These provisions serve as a supplement to the underlying zoning district and where conflicts may occur, the terms of this section shall apply. Applicants shall request a conditional use permit (CUP) for any senior housing option, including proposed projects within Master Planned Districts (MPD), and must comply with regulations as outlined in this section in order to qualify for such permit.~~

- ~~(A) **Density, Lot Size, Applicable Standards and Use Limitations.** Criteria shall be met as provided in Table 16.3. These standards are in addition to the criteria contained elsewhere in this article pertaining to condominiums and townhouses. Please note that density is calculated based on all senior housing units including rooms within assisted living and skilled nursing facilities.~~

TABLE 16.3 SENIOR HOUSING CRITERIA BY ZONING DISTRICT

Zoning District	Minimum Lot Size for Single Family Detached	Maximum Density	Open Space	Support Services**	Age Restriction	Accessibility Standards	Design Regulations	Permitted Uses	Minimum Lot Width
Res3	80% of performance standard for Res3	1.8 /acre	20 Percent	Not permitted***	Required	Required	Required	Single Family Detached	60' with an avg. of 70'
Res4	80% of performance standard for Res4	2.5—4.5 /acre*	25 Percent	Permitted	Required	Required	Required	Single Family Detached/Attached Multifamily; Condominiums only Assisted Living Facility	Per zoning district
Res6	3,000	4—6/acre*	40 Percent	Permitted	Required	Required	Required	Single Family Detached/Attached Assisted Living Facility	Per zoning district
CBD	3,000	10—22/acre*	15 Percent	Required	Required	Required	Required	Single Family Detached 20%-max Single Family Attached Multifamily Assisted Living Facility Skilled Nursing Facility	Per zoning district
O&I	3,000	10—22/acre*	20 Percent	Required	Required	Required	Required	Single Family Detached 20%-max Single Family Attached Multifamily Assisted Living Facility Skilled Nursing Facility	Per zoning district
UV	3,000	10—22/acre*	15 Percent	Required	Required	Required	Required	Single Family Detached 20%-max Single Family Attached Multifamily Assisted Living Facility Skilled Nursing Facility	Per zoning district
MPD	3,000	10—22/acre*	20 Percent	Required	Required	Required	Required	Single Family Detached/Attached Multifamily Assisted Living Facility Skilled Nursing Facility	Per zoning district

* —Refer to Density Bonus Table for density range options (Table 16.4).

** —Refer to Support Services list for primary and secondary services.

*** —Support Services, as defined in 16-4.9B, are not permitted in Res3 as a collection of services for the purpose of daily living—assistance. Individual services, otherwise not prohibited in the underlying zoning district, will be allowed.

At the time of a conditional use permit (CUP) application, the applicant shall indicate via site plan and any other appropriate means the proposed resident housing types and locations, as well as density per housing type. The site plan shall also depict the location and square footage of any commercial development, open space/recreational areas, and any other planned features. Commercial development shall be intended for the use and convenience of residents of the principal use. Public water and sanitary sewer are required for all senior housing developments. Proof of availability of adequate sewer capacity including the size and location of connection points must be submitted as a part of the conditional use permit application. Changes that comprise adjustments to density or housing types in excess of 10% once a conditional use permit (CUP) is granted, necessitate a reapplication.

(B) **Support Services.** Support services are required in all commercial districts, the master planned district, and in assisted living facilities. Such services shall include at least six (6) of the following primary services and at least four (4) of the following secondary services must be offered as a condition of occupancy in the development.

(1) **Primary Services:**

(a) One meal per day at an on-site dining facility.

(b) 24-hour on-call medical care.

(c) On-site Licensed Practical Nurse (LPN).

(d) An on-call Registered Nurse (RN) to perform medical functions on an as-needed basis (administer shots, medications, etc.).

- ~~(e) On-site medical facilities.~~
- ~~(f) Linen and housekeeping services.~~
- ~~(g) Security system and monitoring service which includes an emergency call system with 24 hour on-site response (senior apartments shall include door alarms for individual dwelling units and intercom service to front door, apartment entry and front desk; residential care and nursing facilities shall include wall mounted switches, wireless pendants for residents, and/or intercom service).~~
- ~~(h) Transportation service, accessible to all residents, which shall be maintained and operated by the facility. Transportation must be operational when occupancy reaches no greater than twenty (20) percent. Service shall offer regular and frequent daily service on a scheduled basis (i.e. weekly shopping, dining, entertainment trips).~~
- ~~(i) Periodic lawn and home maintenance (lawn care, painting repairs, etc.).~~
- ~~(2) Secondary Services:~~
 - ~~(a) Physical therapy facilities and sessions.~~
 - ~~(b) Delivery of prescribed medications on a regular schedule.~~
 - ~~(c) Small scale pharmacy.~~
 - ~~(d) Care Technician services – bathing, changing clothes, etc.~~
 - ~~(e) On-site salon.~~
 - ~~(f) On-site meals for residents who desire more than one meal per day in a dining facility as provided by the mandatory association dues.~~
 - ~~(g) Fitness Center (exercise rooms and/or pool).~~
 - ~~(h) Indoor recreation space (game/entertainment rooms, recreation center, auditorium or meeting hall, etc.).~~
 - ~~(i) Outdoor recreation space (golf course, bowling green, playing fields, outdoor fitness areas, walking trails, lawn and picnic areas, community garden, etc.).~~
 - ~~(j) Library.~~
 - ~~(k) Worship center/chapel.~~
 - ~~(l) Private dining room and/or guest suite for family visits.~~
- ~~(C) **Age Restriction.** Senior housing shall, at a minimum, have 90% of the occupied units be inhabited by at least one person 55 years or older. The organization established for the management of the development shall comply with the U. S. Department of Housing and Urban Development (HUD) rules for verification of occupancy and shall maintain procedures for routinely determining the occupancy of each unit. Such procedures may be part of a normal leasing or purchasing agreement and must provide for regular updates as required by HUD.~~
- ~~(1) Deed Restrictions: Approval of a conditional use permit (CUP) for a development consisting of age restricted housing shall be conditioned upon either the placement of restrictive covenants on the deeds or the developer/organization established for the management of the development, ensuring and enforcing compliance. These restrictions shall run in perpetuity with the land and in either case:~~
 - ~~(a) Occupancy shall be limited to persons in accordance with age restrictions as noted in section above as well as state and federal housing guidelines, and that~~
 - ~~(b) No further development of the parcel including increasing the number of dwelling units or enlarging the permitted buildings is allowed without first applying for and receiving a revised conditional use permit (CUP).~~
- ~~(D) **Accessibility Standards.** All senior housing individual dwelling units, with the exception of assisted living and skilled nursing facilities, shall incorporate accessibility standards which must include the following minimum features:~~
 - ~~(1) At least one step free entrance to the main floor at either the front or side of the structure; if only one is provided, it shall not be from a patio or raised deck.~~
 - ~~(2) Main floor shall include a kitchen, entertaining area, and master bedroom with full bathroom.~~
 - ~~(3) Every door on the main floor shall provide a minimum 34" of clear passage.~~
 - ~~(4) Blocking shall be installed in the master bath around toilet, tub, and shower for placement or future placement of grab bars.~~
- ~~(E) **Design Regulations.** Senior housing residential units shall incorporate the following design standards according to the designated zoning district.~~
 - ~~(1) Single family detached in Res3, Res4, Res6, CBD, O & I, UV, and MPD:~~

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

~~(F) **Parking.** Senior housing parking requirements in all districts:~~

- ~~(1) The required number of parking stalls is one per senior housing unit including rooms within assisted living and skilled nursing facilities. Garages for detached housing units will be considered as satisfying the parking stall requirement. This may be reduced to one stall per one and one-half dwelling units if justification for the reduction can be provided based on the number and types of services and activities to be provided on-site or other factors which affect parking demand.~~

~~(G) **Density Bonus Options.** Density may be increased where a density range is shown in Table 16.3. Density bonus options shall be approved by the Board of Commissioners as part of the conditional use permit (CUP) application process. These options are outlined in Table 16.4.~~

TABLE 16.4 DENSITY BONUS TABLE

	Zoning District			
	CBD	O & I	UV	MPD
Base Density*	10	10	10	10
Assisted Living Units (5-19%)**	+2	+2	+2	+2
Assisted Living Units (20%)**	+3	+3	+3	+3
Assisted Living Units (20-29%)**	+3	+3	+3	+3
Assisted Living Units (30-49%)**	+4	+4	+4	+4
Assisted Living Units (50% or more)**	+6	+6	+6	+6
Skilled Nursing Facility	+10	+10	+10	+10
Maximum Allowed Density	22	22	22	22

*—Once a CUP is approved, the base density may not be exceeded without site plan approval for assisted living units and/or a skilled nursing facility.

**—Percentages are based on the total number of units and are the minimum necessary to achieve a bonus density. Please note that the maximum allowed density may not be exceeded and a variance shall not be granted.

~~Res4 and Res6 Districts may be granted up to two (2) additional units per acre provided that a minimum of twenty-five percent (25%) of the total number of units are assisted living units. A maximum allowed density of 4.5 units per acre for Res4 and six (6) units per acre for Res6 may not be exceeded and a variance shall not be granted.~~

~~16-4.10~~ 16-4.9 **Convenience Stores.**

- (A) Convenience stores require a minimum of one half (0.5) acre.
- (B) Fuel dispensing units in NS and UV shall be located a minimum of fifty (50) feet from all public right-of-ways and canopies over fuel dispensing units shall extend no closer than thirty-five (35) feet to any public right-of-way.
- (C) Canopies. Canopies shall follow the requirements set forth in section 16-4.~~26~~25

owner. The director shall keep a record of the disposition of historic buildings and structures for future updates to the historic resources survey of the County.

16-4.12 **Reserved.**

~~16-4.13~~ **Dumpsters.** Dumpsters shall be prohibited in all residential districts, with the exception of those serving multifamily communities, or under any of the following circumstances:

- (A) The dumpster is on-site for thirty (30) days or less when containing putrescible waste,
- (B) The dumpster is on-site for ninety (90) days or less when containing inert debris or construction and demolition waste.
- (C) The dumpster is associated with an active building permit or land disturbance permit,
- (D) The dumpster is screened from view from all property lines.

The number of days a dumpster is on-site shall not reset based on relocation of the dumpster to another portion of the property or removal of the dumpster for a period of less than ninety (90) days.

~~16-4.14~~ **16-4.13 Fences and Walls.** Fences and walls, whether open or solid, and whether constructed of wood, metal, wire, masonry, or other material, shall be governed by the provisions of this section, except for agricultural and/or lots not located within a final platted subdivision are exempt from this section and its following requirements.

- (A) Fences and freestanding walls up to forty eight (48) inches in height are allowed in front yards established by the zoning district in which the subject property is located. Fences up to eight (8) feet high are allowed in required side or rear setbacks. Building permits are required for fences and walls over six (6) feet in height.
- (B) Regardless of height, Retaining Walls and Non-Integral Wing Walls are permitted in the setback. Retaining Walls and Non-Integral Wing Walls over six (6) feet in height (measured from the bottom of the footing to the top of the wall) require a permit and must be engineered. Terraced combinations of walls that are separated by a distance greater than the height of the tallest individual section will be considered separate walls.
- (C) Gates located in front yards shall be limited to no greater than six and one-half feet in height.

~~16-4.15~~ **16-4.14 Horse Stables, Non-commercial.** The maximum number of horses may not exceed one (1) horse per acre on any given lot. All stables, pens, corrals, or other structures for horses must be located a minimum of fifty (50) feet from any property line. In addition, the boarding of horses must comply with all of the rules and regulations of the Forsyth County Health Department and all applicable state and federal rules and regulations.

~~16-4.16~~ **16-4.15 Hotels, Motels, Dual-brand Hotels, and Extended Stay Hotels and Motels.** The following requirements must be met:

- (A) Facilities shall feature a minimum of two (2) of the following amenities:
 - (1) Health or fitness club of at least 250 square feet
 - (2) Swimming pool
 - (3) A minimum of two meeting rooms of at least 350 square feet each
 - (4) Daily hot breakfast
- (B) Guests shall be required to pass through an inside lobby, which is supervised by an on-premises employee at all hours the facility is open, in order to access guestrooms. Motels and Extended Stay Motels shall be exempt from this requirement.
 - (1) Establishments offering less than one hundred (100) guest rooms shall feature a lobby of at least seven hundred and fifty (750) square feet; those offering one hundred (100) guest rooms or more shall feature a lobby of at least one thousand (1000) square feet.
- (C) Occupancy by any individual guest shall be limited to no more than thirty-five (35) continuous days and shall not reset based on the guest relocating to another room or the guest "checking out" or otherwise terminating occupancy for less than seven (7) days. Notwithstanding the occupancy limit for hotels and motels generally, for extended stay hotels and motels, individual guests may register, reside in, or occupy a room or rooms within the same facility for up to a continuous ninety (90) day period, however, guests shall not move from one room to another without a three (3) day vacancy in between.

~~16-4.17~~ **16-4.16 Junk Vehicles.** No junk vehicle, as defined in this Code, shall be parked or stand on any property in the unincorporated portions of Forsyth County unless:

- (A) It shall be located away from public view from any property line; and
- (B) It shall be on property appropriately zoned with a land use permit issued by the director for the operation of an automobile wrecking business or junk yard; and

- (C) It shall be on the premises of a business enterprise operated in a lawful manner, when necessary to the operation of such business enterprise, or it shall be on property where the repair, remodeling, or reconditioning of vehicles in accordance with other provisions of this Code is the primary use; or
- (D) They are junk vehicles on school grounds which are utilized for training purposes by the Forsyth County Board of Education or an institution of licensed under the proprietary school laws of the State of Georgia, or they are vehicles involved in an accident in which either police investigators or insurance investigators need the wreck to remain at or near where the accident occurred or at some other place where it may be inspected and evaluated for their purposes; or
- (E) Farm vehicles or farm machinery which is used or which is located on a working farm.

The maintenance and presence of any junk vehicles on any property within the unincorporated portions of Forsyth County open to public view from any property line or otherwise not in compliance with this Code shall constitute a public nuisance.

~~16-4-18~~ 16-4.17 **Junk Yards.** Any junk yard operated or maintained in unincorporated Forsyth County, including automobile junk yards, shall be screened from public view from any property line by a solid wall, planted screen, or similar opaque partition which shall not be less than six (6) feet in height. Such wall, screen, or partition shall comply in all respects with all setback requirements for the district in which it is located. The maintenance and presence of any junk vehicles on any property within the unincorporated portions of Forsyth County open to public view from any property line or otherwise not in compliance with this Code shall constitute a public nuisance.

~~16-4-19~~ 16-4.18 **Livestock.** In Res1, the raising of livestock requires a conditional use permit. In addition to complying with the performance standards of Res1, the minimum lot size for livestock is two acres and no more than one animal qualifying as livestock per acre. All structures, pens or corrals housing livestock must be located at least 50 feet from any property line. In addition, the raising of livestock must be in compliance with all of the rules and regulations of the Forsyth County Health Department and all applicable state and federal rules and regulations.

~~16-4-20~~ 16-4.19 **Manufactured/Mobile Homes.** Manufactured/mobile homes may be located, erected or installed only in those districts in which manufactured/mobile homes are a permitted use, as specified in Table 11.1(a), Table 11.1(b) and Table 15.1 unless otherwise specified by this Code. In zoning districts where permitted, all manufactured/mobile homes, whether located upon individual lots or within a manufactured/mobile home park, shall be subject to the following regulations prior to occupancy:

- (A) Maximum Number Allowed. Only one (1) manufactured/mobile home shall be located on a given lot, except as specifically provided in Section 16-4.~~24~~20, Manufactured/Mobile Homes for Health Hardships.
- (B) Lot Size. The minimum lot size for a parcel with a single manufactured/mobile home located thereon shall be two (2) acres. Manufactured/mobile homes located within a Manufactured/Mobile Home Park shall comply with the lot size and site requirements set out in Article VIII of Chapter 11.
- (C) Exterior. Exterior wall materials and finishes shall be comparable in composition, appearance, and durability to those commonly used in standard residential construction.
 - (1) The exterior wall covering shall be either wood, brick, stone, stucco, vinyl, or lap siding of hardboard.
 - (2) No metal siding shall be allowed.
- (D) Roof. The roof shall have a minimum pitch of 3:12.
- (E) Utility Equipment. Utility meters shall be located away from high visibility and usage areas.
- (F) Prohibited Use. A manufactured/mobile home shall not be utilized as an accessory storage structure.
- (G) License Required; Permit Purchase. Any installation of a manufactured or mobile home shall be performed by a licensed installer. No manufactured or mobile home shall be installed or set up on site without first obtaining a permit from the Georgia Office of Insurance and Safety Fire Commissioner and the department.
- (H) Foundation. The home must be set on an appropriate foundation system.
- (I) Skirting. Installation of skirting shall be required.
 - (1) All manufactured/mobile homes shall be skirted or underpinned. Any skirting or underpinning visible from the exterior of the home shall be brick, masonry, or siding that produces the appearance of these materials and shall completely enclose the perimeter of the undercarriage.
 - (2) Vinyl skirting shall be prohibited.
- (J) Hauling Mechanisms. The transportation mechanisms, including wheels, axles, and hitch, must be removed.
- (K) Installation Regulations. Manufactured/mobile homes shall be installed in accordance with rules for manufactured homes promulgated by the Georgia Office of Insurance and Safety Fire Commissioner, as

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

- (L) Porches, Landings, and Decks. Porches, landings, and decks shall be self-supporting and shall be constructed in compliance with the International Residential Code as adopted and amended from time to time by the Georgia Department of Community Affairs

~~16-4-21~~ 16-4.20 **Manufactured/Mobile Homes for Health Hardships.** In the A1, R1, R2, LR, and Res1 districts, a manufactured or mobile home may be installed in the rear yard of a lot containing a detached single family dwelling, a manufactured home or a mobile home, in cases where (1) an affidavit exists from a medical practitioner, found acceptable by the Zoning Board of Appeals, that a health or health related problem of a family member warrants close proximity of that relative for care or monitoring purposes; or (2) said second dwelling on the lot is to be occupied exclusively by an individual who has attained the age of sixty-five (65) years or more. Such manufactured/mobile homes shall only be approved in the two instances described above, if they meet the following performance standards:

- (A) Approved Septic System. The manufactured/mobile home can be connected to a public sanitary sewer or septic system with capacity available as approved by the health officer.
- (B) Setbacks. The manufactured/mobile home meets the minimum required setbacks for principal buildings for the district in which it is located.

~~16-4-22~~ 16-4.21 **Manufactured/Mobile Homes, Removal.** A location and utilization of the manufactured/mobile home approved pursuant to section 16-4.20 shall be temporary, not to exceed one (1) year; provided, however, that the director may renew the temporary use if no complaints have been received by the director. It shall be unlawful for another person to occupy a temporary manufactured/mobile home except as approved under the original hardship or age exception. A manufactured/mobile home placed pursuant to a Hardship Exemption as allowed in this section may not be rented to another individual once the condition justifying the hardship condition is alleviated. The director shall order the removal of a manufactured/mobile home in cases where the director finds that no hardship continues to exist, or the unit is no longer occupied by an elderly relative, in which case the owner of real property shall within thirty (30) days remove the manufactured/mobile home from the lot.

~~16-4-23~~ 16-4.22 **Micro-breweries and Micro-distilleries.**

- (A) Minimum size of three thousand (3000) square feet.
- (B) No outside storage, display or production.
- (C) Patios must have enclosures with a minimum fence height of forty-two (42) inches around the patio area.
- (D) If a brewery tasting room is provided, between twenty-five (25%) percent to seventy (70%) percent of the gross floor area of the facility shall be dedicated to the tasting room. If a distillery tasting room is provided, between ten (10%) percent to twenty-five (25%) percent of the gross floor area of the facility shall be dedicated to the tasting room.
- (E) Only alcoholic beverages produced on the property may be served on site.

~~16-4-24~~ 16-4.23 **Mobile Food Units.**

- (A) Mobile food units shall be considered an allowable accessory use, normally incidental to one or more permitted principal uses in commercial, industrial, or mixed-use zoning districts, Mobile food units may also be permitted as an accessory use in any zoning district while operating under any of the following circumstances:
 - (1) On property owned by a residential homeowner's association, with explicit permission from the organization, and solely for the benefit of its membership.
 - (2) In conjunction with a special event as authorized by this code or other ordinance of Forsyth County.
 - (3) In conjunction with an agritourism business.
 - (4) On the premises of an established business for the private benefit of its employees.
 - (5) When sponsored by a government organization.
- (B) Mobile food units shall be permitted to operate upon completion of all applicable health, safety, and licensing regulations set forth by the State of Georgia, Forsyth County, and any other government organization or entity with jurisdiction over the operation of said use. A permit for operation shall be issued by the department upon successful inspection by the Forsyth County Fire Marshal and shall be valid for a period congruent with fire marshal approval.
- (C) Mobile food units shall not call attention to the operation of said activities either while traveling on the public rights-of-way or when the unit is stationary though the following means: creating sounds, playing music, making amplified announcements, the use of banners, balloons or flyers or similar means. Painting, wrapping, and other means of applying words, pictures or designs directly on the vehicle shall not constitute prohibited "calling attention to" as described herein. At all times the use

shall comply with the County's noise control requirements set forth in the Forsyth County Noise Ordinance.

- (D) Mobile food units shall at all times comply with the Forsyth County Sign Ordinance and all parts of this code that regulate signage.
- (E) A Forsyth County business license shall be required for all mobile food units with a permanent, physical presence (base of operations) located within unincorporated Forsyth County.
- (F) The department may recommend to the Board of Commissioners the adoption of additional policies related to mobile food units as deemed necessary to promote the health, safety, welfare, morals, convenience, order, and prosperity of Forsyth County and its citizens; and to provide for attractive, economically viable areas for business and industry.

~~16-4.25~~ 16-4.24 **Mobile Vendors.**

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

~~16-4.26~~ 16-4.25 **Outdoor Lighting.** The following requirements are intended to provide the minimum lighting necessary to ensure adequate safety, night vision, and comfort, and not cause excessive glare, light trespass, and pollution onto adjacent properties and public street right-of-way.

(A) **Applicability.**

- (1) Exempt lighting. The following outdoor lighting is exempt from lighting requirements as outlined in subsection (B):
 - (a) Underwater lighting used for the illumination of swimming pools and fountains;
 - (b) Lighting required and regulated by the Federal Aviation Administration, or other federal, state or local agency;
 - (c) Emergency lighting used by police, fire, or medical personnel, or at their direction;
 - (d) All outdoor lighting producing light directly from the combustion of fossil fuels, such as kerosene and gasoline.
- (2) Prohibited lighting. The following outdoor lighting is prohibited:
 - (a) Neon and faux neon;
 - (b) Aerial lasers;
 - (c) Searchlights or similar lighting devices;
 - (d) For non-residential districts. Light garland, lighted rope, or string lights used to outline windows, roof lines, awnings, or other architectural building features or signs. String lights used for decorative lighting in adjacent open areas may be anchored to the building as long as it does not outline an architectural feature.

- (i) Background and letters. Because it is impossible to fully shield most internally illuminated outdoor signs, such signs shall be constructed with an opaque background and translucent letters and symbols in order to minimize the amount of light trespass and light pollution.
- (ii) Reverse channel signage consisting of opaque letters and symbols, typically mounted several inches in front of an opaque surface, such as a wall, and illuminated by bulbs or other light emitters embedded within the letters or symbols themselves such that the letters and symbols stand out in front of the reflected light are permissible and encouraged.

~~16-4.27~~16-4.26 **Places of Worship.** Prior to development of any associated accessory uses, approval of the site plan must be granted by the Board of Commissioners. For those accessory uses requiring sketch plat approval per Article V of Chapter 8 of this Code, the Board of Commissioners shall conduct the required public hearing. The director shall schedule the matter with the Board of Commissioners within 60 days of the receipt of the sketch plat application. If the accessory use is a school, a conditional use permit must be obtained.

~~16-4.28~~16-4.27 **Poultry Houses.** In the A1, Agricultural District, poultry houses shall be setback a minimum of one hundred (100) feet from any property line.

~~16-4.29~~16-4.28 **Sand Dredging Within Creek Banks.** The process of removing sand by pump action between the established banks of streams and creeks shall be allowed between the established banks of such waterways within all use districts in Forsyth County; provided, however, that written permission of the landowner is obtained from Forsyth County and the Georgia Department of Natural Resources, Environmental Protection Division; and, provided further, that all other necessary permits are obtained prior to the commencement of the operation.

~~16-4.30~~16-4.29 **Seasonal Sales and Temporary Vending.**

- (A) All seasonal sales and temporary vending activities shall be subject to the requirements of this section unless explicitly exempted by any of the following criteria:
 - (1) Fund-raising sales activities conducted by a nonprofit organization.
 - (2) All sales activities conducted as part of an event sponsored by a government agency or in conjunction with a special event alcohol permit issued by Forsyth County.
 - (3) Any sales activity explicitly exempted through official action of the Board of Commissioners.
- (B) **Temporary Sales Permit.** The issuance of a Temporary Sales Permit by the Department of Planning and Community Development shall be required before the commencement of any seasonal sales or temporary vending activities:
 - (1) **Validity.** A Temporary Sales Permit shall be valid for a period of no more than 45 consecutive days. Up to four (4) permits may be issued per calendar year, per tax parcel.
 - (a) Permits may not be issued consecutively on the same parcel; a period of 15 days must elapse between the expiration of one permit and the issuance of another.
 - (b) No applicant, individual, or entity may be issued more than one (1) permit per tax parcel per calendar year.
 - (2) **Application Requirements.** The following items shall be provided to the department by the applicant prior to the issuance of a Temporary Sales Permit.
 - (a) A Forsyth County business license issued for the current year.
 - (b) Written permission from the property owner to locate on the property and to utilize restrooms for customer and employee use.
 - (c) A site plan showing the designated area on the property for the seasonal sales or temporary vending activities.
 - (d) All applicable approvals, permits, and/or licenses required by any other local, state, or federal governmental organization or entity having jurisdiction over the subject matter.
 - (e) The department may require additional information and documentation as deemed necessary by the director to promote the health, safety, welfare, morals, convenience, order, and prosperity of Forsyth County and its citizens and to provide for attractive, economically viable areas for business and industry.
- (C) **General Requirements.** The following regulations shall apply to all sales activities governed by this section except for those exempted in section (A) above.
 - (1) No sales or related activities shall disrupt controlled vehicular ingress and egress or occupy required off-street parking spaces.
 - (2) No sales or related activities shall disrupt pedestrian ingress and egress or occupy required internal sidewalks.
 - (3) No display shall be erected or installed, nor shall any activities take place within a required side or rear setback, a county or state right-of-way, or within fifty (50) feet of a county or state road.

- (4) Vendors and merchants shall not call attention to the operation of said activities through the following means: creating sounds, playing music, making amplified announcements or similar means. At all times the use shall comply with the County's noise control requirements set forth in the Forsyth County Noise Ordinance.
- (5) Vendors and merchants shall at all times comply with the Forsyth County Sign Ordinance and all parts of this code that regulate signage.
- (D) The department may recommend to the Board of Commissioners the adoption of additional policies related to these activities and uses as deemed necessary promote the health, safety, welfare, morals, convenience, order, and prosperity of Forsyth County and its citizens; and to provide for attractive, economically viable areas for business and industry

~~16-4.31~~ **16-4.30 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.

16-4.31 Senior Housing. These provisions are intended to permit the development of a variety of senior housing options including, but not limited to, senior independent living, assisted living facilities, skilled nursing facilities, and continuing care retirement communities (CCRC). These provisions serve as a supplement to the underlying zoning district and where conflicts may occur, the terms of this section shall apply. Applicants shall request a conditional use permit (CUP) for any senior housing option, including proposed projects within Master Planned Districts (MPD), and must comply with regulations as outlined in this section in order to qualify for such permit.

- (A) **Density, Lot Size, Applicable Standards and Use Limitations.** Criteria shall be met as provided in Table 16.3. These standards are in addition to the criteria contained elsewhere in this article pertaining to condominiums and townhouses. Please note that density is calculated based on all senior housing units including rooms within assisted living and skilled nursing facilities.

TABLE 16.3 SENIOR HOUSING CRITERIA BY ZONING DISTRICT

<u>Zoning District</u>	<u>Minimum Lot Size for Single Family Detached</u>	<u>Maximum Density</u>	<u>Open Space</u>	<u>Support Services **</u>	<u>Age Restriction</u>	<u>Accessibility Standards</u>	<u>Design Regulations</u>	<u>Permitted Uses</u>	<u>Minimum Lot Width</u>
<u>Res3</u>	80% of performance standard for Res3	1.8 / acre	20 Percent	Not permitted***	Required	Required	Required	Single Family Detached	60' with an avg. of 70'
<u>Res4</u>	80% of performance standard for Res4	2.5 – 4.5 /acre*	25 Percent	Permitted	Required	Required	Required	Single Family Detached/Attached Multifamily: Condominiums only Assisted Living Facility	Per zoning district
<u>Res6</u>	3,000	4 – 6/acre*	40 Percent	Permitted	Required	Required	Required	Single Family Detached/Attached Multifamily Assisted Living Facility	Per zoning district
<u>CBD</u>	3,000	10 – 22 /acre*	15 Percent	Required	Required	Required	Required	Single Family Detached 20% max Single Family Attached Multifamily Assisted Living Facility Skilled Nursing Facility	Per zoning district
<u>O&I</u>	3,000	10 – 22 /acre*	20 Percent	Required	Required	Required	Required	Single Family Detached 20% max Single Family Attached Multifamily Assisted Living Facility Skilled Nursing Facility	Per zoning district
<u>UV</u>	3,000	10 – 22 /acre*	15 Percent	Required	Required	Required	Required	Single Family Detached 20% max Single Family Attached Multifamily Assisted Living Facility Skilled Nursing Facility	Per zoning district
<u>MPD</u>	3,000	10 – 22 /acre*	20 Percent	Required	Required	Required	Required	Single Family Detached/Attached Multifamily Assisted Living Facility Skilled Nursing Facility	Per zoning district

* Refer to Density Bonus Table for density range options (Table 16.4).

** Refer to Support Services list for primary and secondary services.

*** Support Services, as defined in 16-4.31B, are not permitted in Res3 as a collection of services for the purpose of daily living assistance. Individual services, otherwise not prohibited in the underlying zoning district, will be allowed.

At the time of a conditional use permit (CUP) application, the applicant shall indicate via site plan and any other appropriate means, the proposed resident housing types and locations, as well as density per housing type. The site plan shall also depict the location and square footage of any commercial development, open space/recreational areas, and any other planned features. Commercial development shall be intended for the use and convenience of residents of the principal use. Public water and sanitary sewer are required for all senior housing developments. Proof of availability of adequate sewer capacity, including the size and location of connection points, must be submitted as a part of the conditional use permit (CUP) application. Changes that comprise adjustments to density or housing types in excess of ten percent (10%) once a conditional use permit (CUP) is granted, necessitate a reapplication.

(B) Support Services. Support services are required in all commercial districts, master planned districts, and in assisted living facilities. Such services shall include at least six (6) of the following primary services and at least four (4) of the following secondary services must be offered as a condition of occupancy in the development.

(1) Primary Services:

- (a) One (1) meal per day at an on-site dining facility.
- (b) 24-hour on call medical care.
- (c) On-site Licensed Practical Nurse (LPN).
- (d) An on-call Registered Nurse (RN) to perform medical functions on an as needed basis (administer shots, medications, etc.).
- (e) On-site medical facilities.
- (f) Linen and housekeeping services.
- (g) Security system and monitoring service which includes an emergency call system with 24-hour on-site response (senior apartments shall include door alarms for individual dwelling units and intercom service to front door, apartment entry and front desk; residential care and nursing facilities shall include wall mounted switches, wireless pendants for residents, and/or intercom service).
- (h) Transportation service, accessible to all residents, which shall be maintained and operated by the facility. Transportation must be operational when occupancy reaches no greater than twenty percent (20%). Service shall offer regular and frequent daily service on a scheduled basis (i.e. weekly shopping, dining, entertainment trips).
- (i) Periodic lawn and home maintenance (lawn care, painting repairs, etc.).

(2) Secondary Services:

- (a) Physical therapy facilities and sessions.
- (b) Delivery of prescribed medications on a regular schedule.
- (c) Small scale pharmacy.
- (d) Care Technician services - bathing, changing clothes, etc.
- (e) On-site salon.
- (f) On-site meals for residents who desire more than one (1) meal per day in a dining facility as provided by the mandatory association dues.
- (g) Fitness Center (exercise rooms and/or pool).
- (h) Indoor recreation space (game/entertainment rooms, recreation center, auditorium or meeting hall, etc.).
- (i) Outdoor recreation space (golf course, bowling green, playing fields, outdoor fitness areas, walking trails, lawn and picnic areas, community garden, etc.).
- (j) Library.
- (k) Worship center/chapel.
- (l) Private dining room and/or guest suite for family visits.

(C) Age Restriction. Senior housing shall, at a minimum, have ninety percent (90%) of the occupied units be inhabited by at least one (1) person fifty-five (55) years or older. The organization established for the management of the development shall comply with the U. S. Department of Housing and Urban Development (HUD) rules for verification of occupancy and shall maintain procedures for routinely determining the occupancy of each unit. Such procedures may be part of a normal leasing or purchasing agreement and must provide for regular updates as required by HUD.

(1) Deed Restrictions: Approval of a conditional use permit (CUP) for a development consisting of age restricted housing shall be conditioned upon either the placement of restrictive covenants on the deeds or the developer/organization established for the management of the development, ensuring and enforcing compliance. These restrictions shall run in perpetuity with the land and in either case:

- (a) Occupancy shall be limited to persons in accordance with age restrictions as noted in the section above as well as state and federal housing guidelines, and that
- (b) No further development of the parcel, including increasing the number of dwelling units or enlarging the permitted buildings, is allowed without first applying for and receiving a revised conditional use permit (CUP).

(D) Accessibility Standards. All senior housing individual dwelling units, with the exception of assisted living and skilled nursing facilities, shall incorporate accessibility standards which must include the following minimum features:

- (1) At least one (1) step-free entrance to the main floor at either the front or side of the structure; if only one (1) is provided, it shall not be from a patio or raised deck.
- (2) Main floor shall include a kitchen, entertaining area, and master bedroom with full bathroom.
- (3) Every door on the main floor shall provide a minimum of thirty-four (34) inches of clear passage.
- (4) Blocking shall be installed in the master bath around toilet, tub, and shower for placement or future placement of grab bars.

(E) Design Regulations. Senior housing residential units shall incorporate the following design standards according to the designated zoning district.

- (1) Single family detached in Res3, Res4, Res6, CBD, O & I, UV, and MPD:
 - (a) Exterior walls shall be clad in brick, stone, stucco, fiber cement board and batten, and/or fiber cement horizontal siding and/or shakes/shingles.
 - (b) A paved five (5) foot 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 (5) foot 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 (50) feet, the first twenty-five (25) feet 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 (50) feet, the first twenty-five (25) feet being an exterior buffer, shall be required in CBD, O & I, UV, and MPD zoning districts. The exterior buffer shall meet Forsyth County Buffer Standards, but such requirement shall be exempted along the entire road frontage on which the primary entrance is located.
- (F) **Parking.** Senior housing parking requirements in all districts:
- (1) The required number of parking stalls is one (1) per senior housing unit including rooms within assisted living and skilled nursing facilities. Garages for detached housing units will be considered as satisfying the parking stall requirement. This may be reduced to one (1) stall per one and one half (1.5) dwelling units if justification for the reduction can be provided based on the number and types of services and activities to be provided on-site or other factors which affect parking demand.
- (G) **Density Bonus Options.** Density may be increased where a density range is shown in Table 16.3. Density bonus options shall be approved by the Board of Commissioners as part of the conditional use permit (CUP) application process. These options are outlined in Table 16.4.

TABLE 16.4 DENSITY BONUS TABLE

	<u>Zoning District</u>			
	<u>CBD</u>	<u>O & I</u>	<u>UV</u>	<u>MPD</u>
<u>Base Density*</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>Assisted Living Units (5-19%)**</u>	<u>+2</u>	<u>+2</u>	<u>+2</u>	<u>+2</u>
<u>Assisted Living Units (20%)**</u>	<u>+3</u>	<u>+3</u>	<u>+3</u>	<u>+3</u>
<u>Assisted Living Units (20-29%)**</u>	<u>+3</u>	<u>+3</u>	<u>+3</u>	<u>+3</u>
<u>Assisted Living Units (30-49%)**</u>	<u>+4</u>	<u>+4</u>	<u>+4</u>	<u>+4</u>
<u>Assisted Living Units (50% or more)**</u>	<u>+6</u>	<u>+6</u>	<u>+6</u>	<u>+6</u>
<u>Skilled Nursing Facility</u>	<u>+10</u>	<u>+10</u>	<u>+10</u>	<u>+10</u>
<u>Maximum Allowed Density</u>	<u>22</u>	<u>22</u>	<u>22</u>	<u>22</u>

* Once a CUP is approved, the base density may not be exceeded without site plan approval for assisted living units and/or a skilled nursing facility.

** Percentages are based on the total number of units and are the minimum necessary to achieve a bonus density. Please note that the maximum allowed density may not be exceeded and a variance shall not be granted.

Res4 and Res6 Districts may be granted up to two (2) additional units per acre provided that a minimum of twenty-five percent (25%) of the total number of units are assisted living units. A maximum allowed density of four and one half (4.5) units per acre for Res4 and six (6) units per acre for Res6 may not be exceeded and a variance shall not be granted.

16-4.32 **Sheds.** In A1 zoning districts, sheds shall be allowed without a building permit provided that the shed meets the following requirements:

- (A) The shed shall be no larger than two hundred (200) square feet,
 (B) The shed shall not be outfitted for or serviced by any electrical, mechanical, or plumbing system, and
 (C) The shed shall comply with all setbacks.

All other sheds shall require building permits.

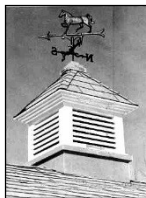
- (2) Shared Parking on adjacent property. Flexible parking design, to include shared parking arrangements, are encouraged. See chapter 17 of this Code.
- (3) Pervious Parking. Gravel parking surfaces may be permitted for uses which require parking an average of less than three days per week during a month; places of worship (not schools); and outdoor recreational facilities with low parking demand. Pervious parking pavers are permitted for all uses. The use of pervious pavers must be approved by the County Engineer. Any conversion from pervious parking to impervious parking surfaces requires the approval of the county engineer and may require additional modifications.
- (4) Automobile Screening. All parking areas shall be screened from public view with evergreen shrubs. Shrubs shall be no less than three (3) feet in height as measured from the top of curb of the parking area.
- (5) Accessory uses of parking lots and loading areas. Parking and loading areas shall not be used for the sale, storage or repair or dismantling of any equipment, materials or supplies. Semi-tractor trailers may not be used for on-site sales.
- (6) Accessible parking spaces. Accessible parking spaces shall comply with all requirements of the State of Georgia.
- (7) Parking space and aisle specifications. Parking space and aisle specifications shall comply with chapter 17-2.8, with the exception that the percentage of compact auto parking spaces, may equal up to thirty (30) percent of the entire parking area.
- (E) **Service, refuse collection and dumpsters.** Service areas, storage areas, and refuse enclosures shall be oriented away from view from the right-of-way and screened from public areas. Service areas and loading areas shall be separated from the primary vehicular and pedestrian circulation areas. All refuse enclosures shall be enclosed on three sides by a brick, masonry, or cementitious wall. Chain link fencing is prohibited.
- (F) **Off-Street Loading areas.** Loading and unloading areas shall be located and designed so that delivery vehicles can maneuver safely to and from the public right-of-way without obstructing or interfering public right-of-way or any parking space or parking lot aisle.
 - (1) No area allocated to loading facilities may be utilized to satisfy requirements for off-street parking, nor shall any portion of any off street parking area be used to satisfy the area requirements for loading.

TABLE 21-6.A Loading Area Requirements

Gross leasable Area of Building	Number of Spaces
5,000 – 19,999	1
20,000 – 39,999	2
40,000 -129,999	3
130,000 +	4

- (2) Loading area minimum dimensions shall be twelve (12) feet x fifty-five (55) feet, with fourteen (14) feet of height clearance.
- (G) **Bicycle Parking Facilities.** All commercial and public uses shall provide one bicycle parking space for every fifty (50) vehicle parking spaces provided; with a minimum of two stalls (a rack) per business address, where the structure is larger than 5000 square feet.
- (H) **Mechanical Systems.** HVAC, utility cabinets, and other mechanical systems must be screened in a manner that is architecturally comparable to the building. Parapet heights should remain in proportion to the overall height of the building.
- (I) **Architectural and Landscape lighting.** In addition to article 16-4.~~26~~25 Outdoor Lighting, architectural lighting may be used to highlight special features and to enhance ground level pedestrian areas. Lighting an entire building façade or major portion thereof is prohibited.

- (6) Commercial buildings shall include articulation of the primary entry area which shall feature no fewer than two of the following elements:
 - (a) Overhangs
 - (b) Canopies
 - (c) recesses/projections
 - (d) arcades
 - (e) corniced parapets over the door
 - (f) peaked roof forms
 - (g) arches
 - (h) display windows
 - (i) integral planters or wing walls that incorporate landscaped areas and/or places for sitting
- (7) Exterior facades of a free standing building located on an outparcel of a larger commercial development and/or accessory commercial structures shall be considered primary facades and shall employ architectural, site, and landscaping design elements which are integrated with and common to those used on the primary structure on the site. However, such guidelines do not apply to any façade(s) facing service courts or other areas generally not visible to the public. Common design elements shall include colors, architectural details and materials associated with the main structure or structures on the larger development.
- (8) **Roof features.** Rooflines on commercial buildings shall incorporate roof features (extensions, and/or projections such as gable, hip, parapet, dormers or others) that achieve visual interest through variation along one third of the entire horizontal length of roofline. These features shall conform to the following specifications where applicable:
 - (a) Roof features shall not exceed the average height of the supporting walls.
 - (b) The average height of parapets shall not exceed 15% of the height of the supporting wall and shall not at any point exceed one-third of the height of the supporting wall. Parapets shall feature three dimensional cornice treatments.
 - (c) The roof pitch of sloped roofs shall be a minimum of 4:12.
 - (d) Roof styles for multi-building complexes shall be compatible and consistent with roof designs for the entire complex.
 - (e) Appropriately sized and designed gable vents, cupolas and/or weathervanes in keeping with an equestrian motif, shall be incorporated into the roofline. Illustrative examples are shown in the following photographs:



- (9) Material and/or color changes on commercial buildings generally shall occur at a change of plane. Piecemeal embellishment and frequent changes in material shall be avoided.
- (10) New residential development shall use a variety of techniques to avoid the monotonous appearance of identical homes. Such techniques may employ among others, the use of differing front elevations, architectural styles, building exteriors or other techniques to provide a more pleasing appearance to the subdivision. No vinyl or aluminum siding shall be allowed.
- (11) New residential development shall respect the scale and character of adjacent residential neighborhoods through attention to views, building scale and orientation, proximity to adjacent uses, location of driveways, noise, lighting and landscape.
- (B) **Exterior Lighting.** All lighting shall be designed to integrate with the overall development character. A lighting plan is required to be submitted at the time of application for a building permit that addresses and conforms to all provisions set forth in this section. The lighting plan shall address fixture design and location. In addition to 16-4.2625, the following shall apply:
 - (1) Lighting shall be architecturally integrated with the style, material, and color of on-site structures.

- (2) Mounting heights and shielding shall be utilized to effectively control glare and light trespass. Light fixtures over 14' in height shall be full cutoff fixtures. Pedestrian light fixtures 14' in height or less may be cutoff or semi-cutoff fixtures. See 16-4.2625 for light spillage and height regulations.
 - (3) Lighting shall not blink, flash, or oscillate.
 - (4) All outside illumination of any building and/or surrounding landscape, except for security purposes, is prohibited after 11:00 P. M. or when the business closes, whichever is later.
 - (5) All lighting fixtures on a project site shall be from the same family of fixtures with respect to design, materials, finish, color, and color of light and shall complement the architectural theme and materials established by the primary buildings. Compatibility of fixture styles shall be approved by staff.
 - (6) Architectural lighting of building facades: Building illumination and architectural lighting shall be indirect in character and shall respect and reinforce the architectural treatment of the building.
 - (a) Upward aimed building façade lighting shall not exceed 900 lumens and shall not require shields. All upward aimed lights shall be fully confined from projecting into the sky by eaves, roofs, or overhangs.
 - (b) Building façade lighting exceeding 900 lumens shall be shielded, aimed downward, and shall be mounted as flush to a wall as possible.
 - (c) All lighting shall be fully contained within the vertical surface of the wall being illuminated.
 - (d) Highly polished surfaces such as glass, marble, glazed tile, glazed brick, porcelain Enamel, and highly reflective metals shall not be lighted directly to minimize reflective glare.
 - (7) Swivel-mounted luminaries and wall packs are prohibited.
 - (8) Landscape lighting shall only be utilized to accent landscaping, be pointed away from the property line, and fixtures shall contain extension shields to minimize glare and light source visibility.
- (C) **Screening.** In addition to regulations set for in Chapter 12, the following standards shall apply to commercial development:
- (1) All ground mounted mechanical, HVAC, electric and communications transformers and like systems shall be screened from view from any public right-of-way and any residential use by one of the following: placement behind the building, 100% opaque fencing, an earthen berm, and/or a vegetative screen planted according to County buffer standards.
 - (2) Flat roofs, roof mounted equipment and other accessories shall be screened from public view by a parapet, gable roof, roof screen, or architectural feature. Roof equipment and roof screens shall be finished to match the roof or parapet wall.
 - (3) Loading areas shall be screened from the public right-of-way and any residential use by placement behind the main building, an earthen berm and/or vegetative screen planted according to County buffer standards.
 - (4) Drive-throughs and stacking lanes, when contiguous to any public right-of-way, residential use, or pedestrian gathering area shall be obscured from view by placement behind the building, an earthen berm and/or vegetative screen planted according to County buffer standards.
 - (5) All parking areas shall be screened from view with evergreen shrubs. Shrub height shall be no less than three (3) feet as measured from the top of curb of the parking areas.
 - (6) Outside storage is prohibited, except for seasonal sales of holiday trees, nursery supplies, and pumpkins. In no instance shall outdoor display obstruct sidewalks or otherwise impede pedestrian movement to the establishment's entrance.
 - (7) Storage of shopping carts shall be indoors and/or located adjacent to the building where the carts are utilized. Storage/enclosure shall be made out of masonry to match the exterior building materials. Parking lot corrals are allowed.
 - (8) Chain link or coated chain link fence is prohibited along road frontage for Castleberry Road and Bethelview Road. If fences are not located along road frontage, but are visible from the right-of-way, fences must be screened by vegetation for their full length and height.
- (D) **Color.** Color shades shall be used to unify and integrate the overall development project.
- (1) Vending and ice machines, lock boxes, and other dispensing equipment visible from the public right-of-way shall use only earth tone and/or neutral colors. Fuel dispensing units visible from

- (2) Lighting shall be unobtrusive and refrain from adverse impact of adjacent properties and public right-of-ways. See 16-4.26~~25~~ for fixture type, light spillage, and height regulations.
 - (3) Exposed neon and fluorescent lighting is not permitted except for open and closed signs.
 - (4) For drive-under canopies and fuel dispensing units, the luminaries shall be recessed into the canopy ceiling so that the bottom of the luminaries does not extend below the ceiling.
 - (5) Promotional beacons, search lights, laser source lights, strobe lights or any similar light when projected above the horizon, and lighting used for causing sky glow to attract attention in excess of the lighting used to provide safety, security and utility are prohibited. Projects that want to integrate lines or rows of lights within a defined pedestrian plaza may seek administrative approval upon submission of lighting specifications. Such lights shall not be placed permanently on building exteriors.
 - (6) Pedestrian street lights, not to exceed fourteen (14) feet in height, shall be installed along SR 141/Peachtree Parkway from Majors Road to SR 9/Atlanta Highway per GDOT approved lighting plan.
- (D) **Screening.** In addition to regulations set forth in Chapter 12, the following standards shall apply:
- (1) Accessory site features including, but not limited to, meters, meter boxes, electrical transformers, and other equipment located on the ground shall be screened from view from public rights-of-way, residential uses, or any residential or agricultural zoning category by placement behind the main building, 100% opaque fencing, berm and/or a vegetative screen planted according to County buffer standards.
 - (2) Flat roofs, roof mounted equipment and other accessories shall be screened from view from the public rights-of-way, residential uses or any residential or agricultural zoning category by a parapet, gable roof, roof screen, or other architectural feature. Roof equipment and roof screens shall be finished to match the roof or parapet wall. When the relationship between building roofs and adjoining public streets and/or residential developments make screening of roof equipment impossible (e.g. road higher than roof), a parapet of no less than four feet in height shall be installed.
 - (3) Loading areas shall be screened from the public rights-of-way, residential uses, or any residential or agricultural zoning category by placement behind the main building or appropriately scaled wall, the use of earthen berms that are no less than 5 feet in height and/or a vegetative screen planted according to County buffer standards.
 - (4) Drive-throughs and stacking lanes, when contiguous to any public right-of-way, residential use, or pedestrian gathering area shall be obscured from view by an earthen berm and/or a vegetative screen planted according to County buffer standards.
 - (5) Storage of shopping carts shall be located adjacent to the building where the carts are utilized. Storage/enclosure shall be made out of masonry to match the exterior building materials. Parking lot corrals are allowed.
 - (6) Walls or fences, required or otherwise, when visible from the right-of-way shall complement the exterior materials of the primary structure on site. Tarps and banner signs shall not be attached to fencing material.
 - (7) Chain link fencing is prohibited on SR 141/Peachtree Parkway/Bethelview Road frontage. Chain link fencing may be allowed along the sides and rear of property fronting SR 141/Peachtree Parkway/Bethelview Road if it is screened with evergreen trees, shrubs, and/or decorative fencing for the full length and height of the fence.

21-8.7 **Signage.** This section establishes minimum standards to promote and ensure a cohesive and unified identification program within the overlay district. A detailed signage plan is required to be submitted that addresses and conforms to all provisions set forth in this section. The signage plan shall address sign dimensions, materials, height, color scheme, lighting, and location of each sign on the building and on the ground. In addition to Ordinance 74 (Sign Ordinance), the following shall apply:

- (A) Freestanding sign structure/base materials shall match the principal building material.
- (B) Wall signs shall not cover architectural features or details, and not extend beyond the roof line or outer edges of the building.
- (C) Where there is more than one sign on a site; signs shall be complementary to each other in shape and related components and type of construction materials.
- (D) Any exterior light source shall be completely shielded and directed solely on the sign and not upon any other object or adjacent properties.
- (E) Wall mounted raceways shall be painted to match the adjoining wall surface.

- (f) Corniced parapets over the door
- (g) Peaked roof forms
- (h) Arches
- (i) Glass entry
- (j) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting
- (4) Freestanding accessory structures shall have architectural detailing and design elements consistent with the primary buildings of the development complex to provide a cohesive design.
- (5) Burglar bars, fiberglass awnings, and steel-roll down curtains are prohibited except at the structure's rear. Burglar bars are prohibited on the rear if visible from a public street. Burglar bars are also prohibited on the rear of an outparcel building if visible from the main structure.
- (C) **Color.** All exterior painted surfaces on commercial and vertical mixed-use structures visible from the public right-of-way shall be painted in neutrals and earth tones. Neutrals refer to blacks, whites, beiges or grays while earth tones refer to browns, umbers, sienna, terracotta and brick tones. Fluorescent colors and those bright in intensity are prohibited. Glass, metal, natural stones, architectural accents on commercial and vertical mixed-use structures, surfaces on which logos, murals, and named-corporate Arena sponsors are maintained, and sign faces are excluded from the color requirements.
- (D) **Exterior Lighting.** All lighting fixtures for commercial development shall be designed to integrate with the overall development character.
 - (1) With the exception of lighting located within the area designated as the Gathering Entertainment District, lighting shall be architecturally integrated with neutral or earth tone colors.
 - (2) Parking lot lighting shall be no more than thirty-five (35) feet in height.
 - (3) Lighting shall be unobtrusive and refrain from adverse impact on adjacent properties outside of the Overlay District and public rights-of-way. See UDC 16-4.~~26~~ 25 for fixture type and light spillage.
 - (4) Exposed neon and fluorescent lighting are not permitted.
 - (5) For drive-under canopies, the luminaries shall be recessed into the canopy ceiling so that the bottom of the luminaries do not extend below the ceiling.
 - (6) Promotional beacons, search lights, laser source lights, strobe lights or any similar light when projected above the horizon, and lighting used for causing sky glow to attract attention in excess of the lighting used to provide safety, security and utility are prohibited. Projects that want to integrate lines or rows of lights within a defined pedestrian plaza may seek administrative approval upon submission of lighting specifications. Such lights shall not be placed permanently on building exteriors.
- (E) **Screening.** The following standards shall apply:
 - (1) Unless prohibited by a utility provider, accessory site features including, but not limited to, meters, meter boxes, electrical transformers, and other equipment located on the ground shall be screened from view from public rights-of-way or residential uses by placement behind the main building, sixty percent (60%) opaque fencing, berm and/or a vegetative screen planted according to County buffer standards.
 - (2) Flat roofs, roof mounted equipment and other accessories shall be screened from view from the public rights-of-way or residential uses by a parapet, gable roof, roof screen, or other architectural feature. Roof equipment and roof screens shall be finished to match the roof or parapet wall. When the relationship between building roofs and adjoining public streets and/or residential developments make screening of roof equipment impossible (e.g. road higher than roof), a parapet of no less than four (4) feet in height shall be installed.
 - (3) Walls or fences, required or otherwise, when visible from the public right-of-way, shall complement the exterior materials of the primary structure on site. Tarps and banner signs shall not be attached to fencing material.
 - (4) Chain link fencing is prohibited on Ronald Reagan Boulevard and Union Hill Road frontage. Chain link fencing may be allowed along the sides and rear of property fronting Ronald Reagan Boulevard if it is screened with evergreen trees, shrubs, and/or decorative fencing for the full length and height of the fence.
 - (5) A minimum thirty-five (35) foot landscaped area measured from the back of curb shall be installed and maintained along Sub-Area 1's frontage on Ronald Reagan Boulevard. Improvements to facilitate the Big Creek Greenway may be located within this landscaped area. Details of the landscape area plantings shall be specified in the Landscaping Plan.
 - (6) A minimum seventy-five (75) foot landscaped area measured from the back of curb shall be installed

composition and design criteria set forth below shall be installed within the landscape strip immediately adjacent to the proposed future rights-of-way of SR 20/Buford Highway.

- (a) For all properties, fencing shall be four board style black fences consisting of a minimum one (1) inch thick, four (4) inch wide fence board affixed to four (4) inch posts spaced a maximum of ten (10) feet apart. The board fences shall be a minimum of four (4) feet and a maximum of six (6) feet in height. Natural stone or brick masonry columns may be used in the fence design. Fences shall be constructed using high quality materials in accordance with section 21-11.5(I) to ensure low repair and maintenance cost.
- (b) Individual lots of record within residential or agricultural districts are exempt from this requirement.
- (4) All landscape strips are required to contain a combination of vegetative ground cover, herbaceous ornamentals, and low to mid-level shrubs in addition to large canopy trees. Shrubs shall be a minimum of two (2) feet high every five (5) feet on center at time of planting.—A minimum of three (3) canopy trees per fifty (50) linear feet is required. Each tree shall have a minimum two (2) inch caliper and be at least eight (8) feet high at time of installation, Tree and shrub placement may be grouped and staggered rather than following a regulated line along the road frontage. Trees shall count towards the tree density requirements as outlined in Ordinance 98 (Tree Protection and Replacement Ordinance).
- (5) For all lot corners abutting right-of-way on two sides, extending a minimum of fifty (50) linear feet from the corner point on each side paralleling the rights-of-way, a minimum of four (4) enhanced rows of plant material to include a combination of shrubs and perennials in addition to groundcover other than turf shall be required. Spacing of plant material shall be adequate to provide a dense, full appearance. These understory plantings shall be integrated with the canopy tree requirements.
- (6) If the developer opts to provide an additional five (5) feet to the landscape strip to satisfy Section 17-5.7(C) of this Code, then the total width of the front landscape strip shall be thirty (30) feet or forty (40) feet subject to Subsection (D)(3), above. A minimum of 10 feet of the required landscape strip, as applicable, shall be located behind utility easements so plant material will not be disturbed after installment.
- (7) Ground mounted equipment, such as power transformers and pole-mounted lights, are prohibited within required landscape parking islands.
- (8) **Landscape Installation and Maintenance.** Certification by a registered landscape architect verifying that landscaping meets the standards of this code and the approved plans must be submitted. In addition, the contractor responsible for landscape installation must certify that all plant material has been installed per the approved plans. These certifications must be submitted prior to the approval of the as-built and/or final plat. The Property Owner shall be responsible for maintenance of required landscaping.
- (9) All dead and damaged plant material within landscaped areas must be replaced with a similar species within one month. If weather conditions are not appropriate for replanting, the property owner may postpone replacement for up to six (6) months. Replacement trees and shrubs shall be of similar size to the original installation size of the trees or shrubs being replaced.
- (10) **Performance Security.** When planting stock availability is low or weather conditions are not appropriate for planting new trees, shrubs, and/or perennials, the property owner may postpone planting for up to six (6) months, provided that performance security is posted with Forsyth County in accordance with the conform to the following specifications where applicable:
 - (a) Security shall be submitted to the department with appropriate documentation showing stock availability and weather conditions necessitating the postponement of planting.
 - (b) Security shall be in an amount equal to one hundred and ten (110%) percent of the cost of materials, installation, and guarantee, as demonstrated by a signed contract between the owner and a landscape contractor.
- (11) Notwithstanding any other provision in the UDC, the landscape strip requirements in the Buford Highway Overlay District, as applied to property located west of GA 400, may be administratively varied up to a twenty-five percent (25%) reduction, based upon the following:
 - (a) Applicant may submit a variance application to the department for administrative approval by the director;
 - (b) An administrative variance shall be issued if the following conditions are satisfied;
 - (i) The spirit and intent of the Overlay is otherwise achieved by the reduced landscape strip;