

## CHAPTER FIFTEEN

### AGRICULTURAL AND CONSERVATION DISTRICTS

#### ARTICLE I, AGRICULTURAL DISTRICT (A1):

15-1.1 **Purpose and Intent.** Land designated as agricultural constitutes a valuable natural resource whose protection is in the public interest. The Agricultural District is established to maintain those areas with land characteristics such as soil moisture, temperature and content suitable for farming (fields, pastures, farmsteads, specialty farms), dairy, livestock, forestry operations and other agricultural activities; to protect land used or needed for food production and other agricultural uses from encroachment by untimely and unplanned residential, commercial or industrial development; and to permit the continuation of agricultural uses in areas where it remains viable.

The agricultural district is intended to provide for the continuation of agriculture as a viable land use and component of the local economy until market conditions and public services support conversion of agricultural land to rural or suburban residential land subdivisions and uses, or other uses. The Agricultural District also helps to preserve the rural, open space character that exists in many portions of the County. Such areas are accessed only by rural roads, do not have existing public sanitary sewerage facilities, are predominantly rural in character, and consist substantially of larger unsubdivided and undeveloped tracts.

15-1.2 **Permitted Uses.** As provided in Table 15.1. Certain specific uses are regulated by Chapter 16.

15-1.3 **Performance Standards.** As provided in Table 15.2.

#### ARTICLE II, AGRICULTURAL PROTECTION DISTRICT (A2):

~~15 2.1 — **Purpose and Intent.** Creation of Agricultural Protection Districts is voluntary to individuals and groups of individuals desiring to seek long term protection for active farming use of the land. This district is established to allow qualifying property owners of agricultural land and timberland who successfully apply to the County Board of Tax Assessors for preferential assessment of bona fide agricultural property use assessment under O.C.G.A. Section 48-5-7.1 to simultaneously seek a reclassification to a zoning district that specifically recognizes such preferential status.~~

~~Tangible real property which is devoted to bona fide agricultural purposes may be assessed for ad valorem property tax purposes at 75 percent of the value which other tangible real property is assessed and is taxed on a levy made by the tax jurisdiction according to said assessment. For purposes of this article, "tangible real property which is devoted to bona fide agricultural purposes" is tangible real property, the primary use of which is good faith commercial production from or on the land of agricultural products, including horticultural, floricultural, forestry, dairy, livestock, poultry, and apiarian products and all other forms of farm products.~~

~~15 2.2 — **Permitted Uses.**~~

~~(A) Property devoted to farming or commercial production of agricultural products or timber, including the following: raising, harvesting, or storing crops; feeding, breeding, or managing livestock or poultry; production of plants, trees, fowl, or animals; and production of aquaculture, horticulture, floriculture, forestry, dairy, livestock, poultry, and apiarian products. Property permanently affixed to the real property which is used in connection with the owner's production of agricultural products or timber for storage and processing can also be included in the preferential assessment and agricultural protection zoning district. Home occupations and professional home offices on portions of property devoted to single family dwellings and manufactured homes.~~

~~(B) Single family dwellings, manufactured homes, and industrialized housing, on the same tract as property qualifying as preferential assessment. Although single family dwellings may not qualify as preferential assessment pursuant to state law and may be parceled out by the County Tax Assessor for purposes of differential taxation, said single family dwellings and their accessory uses (including attached accessory apartments) shall nevertheless be allowed within the agricultural protection zoning district.~~

~~15 2.3 — **Performance Standards.** As provided in Table 15.2.~~

~~15 2.4 — **Special District Requirements.** A2 districts include uses of land primarily for active farming activities and may result in odors, noise, dust, and other effects which may not be compatible with adjacent single-family development. Future developers, builders, or property owners with land adjacent in non A2 zoning districts shall be provided with a "Notice of A2 Adjacency" at the time of an application for a zoning change of property~~

~~adjacent to A2, or at the time of an application for a building or occupancy permit for property adjacent to an A2 district. Prior to action on either the zoning change or the issuance of a building or occupancy permit on property abutting land in an A2 zoning district, the applicant therefor shall be required to sign a waiver on a form prepared by the Director which will indicate that the applicant understands that a use is ongoing adjacent to his existing or proposed use which may produce odors, noise, dust, and other effects which may not be compatible with the applicant's development. Nevertheless, understanding the effects of adjacent A2 uses, the applicant agrees by executing the form to waive any objection to those effects and understands that his zoning and/or his permits are issued and processed in reliance on his agreement not to bring any action asserting that the adjacent A2 use constitutes a nuisance against local governments and adjacent landowners whose property is zoned A2. Any such notice or acknowledgment provided to or executed by a landowner adjoining land zoned A2 shall be a public record.~~

### **ARTICLE III, AGRICULTURAL-RESIDENTIAL DISTRICTS (AG-RES):**

15-32.1 **Purpose and Intent.** Agricultural-Residential districts are established to provide for rural farm or very low density, development in areas where agricultural pursuits and low-density residential uses can coexist without conflict. Agricultural-Residential districts do not allow intensive agricultural uses such as hog farms and poultry houses that could have malodorous effects on residential uses. Subdivision road improvements for curb and gutter, required by Chapter 18 of this Code, do not apply to properties within Agricultural-Residential districts.

15-32.2 **Permitted Uses.** As provided in Table 15.1. Certain specific uses are regulated by Chapter 16.

15-32.3 **Performance Standards.** As provided in Table 15.2.

### **ARTICLE IV, CONSERVATION DISTRICT (CONS):**

~~15 4.1 **Purpose and Intent.** Creation of Conservation Districts is voluntary to individuals and groups of individuals desiring to seek a reduction in taxes in exchange for the long term protection of conservation lands. This district is established to allow qualifying property owners of environmentally sensitive land who apply to the County Board of Tax Assessors for conservation use assessment under O.C.G.A. Section 48-5-7.4 to simultaneously seek a reclassification to a conservation zoning district.~~

~~Conservation use property is assessed at forty (40) percent of current use value which gives a reduced assessment to the owner of this type property when compared to other property assessed at forty (40) percent of fair market value. This favorable tax treatment is designed to protect these property owners from being pressured by the property tax burden to convert their land from agricultural use to residential or commercial use, hence the name "conservation use" assessment. In return for the favorable tax treatment, the property owner must keep the land undeveloped in a qualifying use for a period of ten years or incur stiff penalties. Owners who breach their conservation use covenant must pay back to the taxing authorities twice the savings they have received over the life of the covenant up to the point it was breached.~~

~~15 4.2 **Permitted Uses.**~~

~~(A) Property certified as environmentally sensitive property pursuant to Chapter 391-2-18, Rules of the Georgia Department of Natural Resources, Environmental Protection Division, including, as defined in this Code, steep mountain slopes, wetlands, significant groundwater recharge areas, habitats for endangered or threatened species, and river corridors.~~

~~(B) Home occupations and professional home offices on the portion of property devoted to single family dwellings and manufactured homes.~~

~~(C) Single family dwellings, manufactured homes, and industrialized housing, on the same tract as property qualifying as conservation use assessment. Although single family dwellings may not qualify as conservation use assessment pursuant to state law and may be parceled out by the County Tax Assessor for purposes of differential taxation, said single family dwellings and their accessory uses (including attached accessory apartments) shall nevertheless be allowed within the conservation zoning district.~~

~~15 4.3 **Performance Standards.** As provided in Table 15.2.~~

~~15 4.4 **Application Requirements.** As an incentive to property owners to file for conservation zoning, the following preferential application requirements will apply to such applications. There shall be no filing fee for rezoning to the CONS zoning district. An application made to and approved by the County Tax Assessor for purposes of conservation use assessment shall be deemed sufficient application for a CONS zoning district; provided, however, that the Director may request from the applicant such additional information (e.g., boundary survey and legal description) as may be necessary to properly effectuate the zoning change. The Director may elect~~

~~to bundle similar requests for CONS zoning applications and schedule them together for processing on a quarterly basis. In acting on such requests for CONS zoning, approval of an application for conservation use assessment by the County Tax Assessor, or evidence that such application and land described therein meets applicable County administrative requirements and the requirements of state law and administrative rules, shall be sufficient evidence to justify approval of the CONS zoning district and such applications shall not be unreasonably denied.~~

~~Upon notice from the County Tax Assessor that property zoned CONS no longer meets the requirements of state law and County ordinances pertaining to conservation use assessment, the Director shall by administrative action initiate a change of the zoning of said property from the CONS district to AG1, Agricultural District, or said property's zoning classification as it existed prior to being rezoned to CONS. Any such rezoning applications initiated by the Director shall be processed in accordance with applicable zoning procedures as adopted in this Code pursuant to state law.~~

**TABLE 15.1**  
**USES PERMITTED IN AGRICULTURAL**  
**AND CONSERVATION DISTRICTS**

**P = Permitted**  
**C = Conditional**  
**X = Not Permitted**

Uses	A1	A2	AG-RES	CONS
Accessory apartments, attached	P	<del>Only these uses specified in Section 15-2.2 are permitted.</del>	P	<del>Only these uses specified in Section 15-4.2 are permitted.</del>
Accessory apartments, detached	C		C	
Accessory uses and structures determined by the Director to be normally incidental to one or more permitted principal uses, including but not limited to barns, grain storage facilities, and implement sheds.	P		P	
Agricultural uses including the production of field crops, fruits, nuts, and vegetables	P		P	
Agricultural experiment stations	C		X	
Auction facilities for agricultural products	C		X	
Bed and breakfast inns	C		X	
Boarding homes for agricultural workers	C		X	
Campgrounds	C		X	
Cemeteries	P		P	
Churches, temples, synagogues, and places of worship, including cemeteries as accessory uses.	<u>C</u> (Note 3)		<u>C</u> (Note 3)	
Clubs, lodges, fraternal institutions and other places of assembly for non-profit membership groups	C		X	
Communication towers and antennas	C		C	
Dairies	C		C	
Dwellings, single-family detached, farm related and subordinate to the principal use of the property for agricultural uses.	P		P	
Explosives storage	C		X	
Farm supply stores and feed and grain stores	C		X	
Forest uses associated with production, management and harvesting of timber	P		P	
Golf Courses/Country Clubs	C		C	
Heliports and Helipads	C		X	
Hog farms	C	X		
Home occupations	C	C		
Horse stables, commercial	C	X		
Horse stables, non-commercial	P	P		
Industrialized housing	P	X		
Kennels, Animal Hospitals, Veterinary Clinics	C	X		
Landfills, inert waste	X	X		
Livestock raising, not including poultry and hogs	P	X		

Uses	A1	A2	AG-RES	CONS
Manufactured or mobile homes, farm related and subordinate to the principal use of the property for agricultural uses	P		X	
Major residential subdivisions involving a new public or private street and no more than seven (7) lots	P		X	
Major subdivisions meeting the definition of "conservation subdivision," for single family detached dwellings or manufactured homes (Note 1)	X		P	
Major subdivisions for single family detached dwellings or manufactured homes	X		P	
Minor residential subdivisions (Note 1)	P		P	
Nurseries and greenhouses: wholesale and retail sale of trees, plants, and shrubs	P		P	
Poultry houses	P		X	
Processing operations related to agriculture	X		X	
Professional home offices	P		P	
Public and semi-public buildings, structures and uses	P		P	
Relocated residential structures	P		X	
Roadside stands for the sale of produce and agricultural products produced on the premises	P		P	
Schools, private, parochial, vocational-technical, business, etc.	X		X	
Uses not specified in this table	(Note 2)		(Note 2)	

Notes

Table 15.1

- (1) The performance standards applicable to the A1 and AG-RES districts shall apply to development approved as conservation subdivisions.
- (2) In cases where a use is proposed but is not listed in this table, the Director shall make an administrative determination as to whether or not the use is permitted in the zoning district or districts in question. The Director will compare the proposed use to substantially similar uses to determine if the proposed use will be considered a prohibited, permitted, or conditional use. In making such determinations, the Director shall consult the purpose and intent statements of the zoning district or districts in question, in addition to comparing the use in question to uses specifically listed in this table.
- (3) ~~Churches are permitted uses in the A1 and AG-RES Districts.~~ If a church or its customary accessory use(s) are adjacent to a residential use or residentially zoned property, an undisturbed buffer of at least fifty (50) feet wide shall be provided along the property lines adjacent to said use or zoning. 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. ~~Prior to development of any associated accessory uses, approval of the site plan must be granted by the Board of Commissioners. If the accessory use is a school, a conditional use permit is required and all requirements for conditional use permits must be met.~~

**TABLE 15.2**  
**PERFORMANCE STANDARDS FOR AGRICULTURAL**  
**~~AND CONSERVATION~~ DISTRICTS**

<b>Performance Standard</b>	<b>A1</b>	<b><del>A2</del></b>	<b>AG-RES</b>	<b><del>CONS</del></b>
Minimum lot area for zoning to the district	No min.	<del>No min.</del>	No min.	<del>No min.</del>
Minimum lot size	1 acre	<del>1 acre</del>	2 acre	<del>2 acre</del>
Maximum gross density for dwellings	1 unit per acre	<del>1 unit per acre</del>	1 unit per two acres	<del>1 unit per two acres</del>
Minimum lot width	150 feet	<del>100 feet</del>	150 feet	<del>150 feet</del>
Maximum height (number of stories)	5 stories	<del>5 stories</del>	2 stories	<del>2 stories</del>
Maximum height (feet)	50	<del>50</del>	35	<del>35</del>
Minimum front building setback/ front yard from dedicated right-of-way	50 feet	<del>50 feet</del>	50 feet	<del>50 feet</del>
Minimum side building setback/ side yard	25 feet	<del>25 feet</del>	25 feet	<del>25 feet</del>
Minimum rear building setback/ rear yard	25 feet	<del>25 feet</del>	25 feet	<del>25 feet</del>
Minimum buffer on side and rear (Note 1)	25 feet	<del>N/A</del>	25 feet	<del>N/A</del>
Minimum exterior setback(Major subdivisions only)	50 feet	<del>50 feet</del>	50 feet	<del>50 feet</del>
Minimum heated floor area per dwelling unit, square feet	700	<del>700</del>	700	<del>700</del>

Notes:

- (1) This requirement only applies to commercial uses in these districts. The Director shall make the determination of a proposed use is considered commercial.

**ARTICLE V, AGRICULTURAL RECREATION DISTRICT REPEALED:**

~~The Agricultural Recreation District is hereby deleted. Any property designated Agricultural Recreation by the official zoning map of Forsyth County at the time of the adoption of this chapter shall be designated A1, Agricultural District, but shall be allowed to continue as a legal, non conforming use with all uses and other privileges permitted at the time the subject property was rezoned Agricultural Recreation as provided in the official zoning files of the Department of Planning and Development. Any such uses permitted and existing on a given site zoned Agricultural Recreation at the time of adoption of this chapter shall not be deemed nonconforming and shall be permitted to be expanded, subject to the conditions of zoning or performance standards specified in this Code for the A1 district, whichever are the least restrictive.~~