CHAPTER SIXTEEN
SUPPLEMENTARY REGULATIONS FOR SPECIFIC USES

ARTICLE I, AIRPORTS, HELIPORTS AND HELIPADS:

16-1.1 **Generally**. No person shall hereinafter construct, maintain or operate any airport, heliport or helipad in Forsyth County without the owner thereof having first obtained a conditional use permit as hereinafter set forth.

16-1.2 **Types of Permits**.

(A) Limited Airport Use: Use of an airport by the owner thereof solely for private transportation purposes without charge or fee; provided, however, that no aircraft utilizing the airport exceeds the capacity for carrying a maximum of four adult passengers, and, provided further, that no aircraft utilizing the facility is powered or otherwise propelled by turbine or jet engines and further, that no aircraft is stored or hangared at the airport for a charge or fee, no flight or ground instruction is carried on at, or from, the airport, no instrument, air frame, or engine repair is undertaken at the airport for third parties for a charge or fee, and no fuel, supplies, or aircraft sales are undertaken at the airport.

(B) General Airport Use: Use of an airport by a person for other than private transportation purposes, use of an airport by aircraft with a capacity to carry more than four adult passengers, use of an airport by aircraft propelled by jet or turbine engines, use of an airport for any commercial activity prohibited in Section 16-1.2 (A) above.

(C) Heliport Use: Use of a heliport for routine and regular landings and takeoffs of one or more helicopters whether for private, non-commercial purposes or not.

(D) Helipad Use: Use of a helipad for landings and takeoffs of helicopters whether for private, non-commercial purposes or not.

16-1.3 **Permit Issuance, General Airport Uses**. The Board of Commissioners may issue a general airport use permit provided:

(A) The proposed airport site shall be of sufficient size to meet the Federal Aviation Administration requirements for the class of airport proposed.

(B) There shall be no existing or proposed flight obstructions such as towers, chimneys or other natural obstructions outside the proposed airport which would fall within the approach zone to any of the proposed airport runways or landing strips.

(C) There shall be sufficient distance between the end of each usable landing strip and the airport boundary to satisfy the requirements of the Federal Aviation Administration and in no event shall the landing strip, or strips, be less than 200 feet from any property line. In cases where air rights or easements have been acquired from the owners of abutting properties in which approach zones, satisfactory evidence thereof shall be submitted with the application.

(D) Adequate space for off-street parking shall be provided.

(E) Application shall be accompanied by a plan, drawn to scale, showing the proposed location of the airport; boundary lines; dimensions; names of the owners of abutting properties; proposed layout of runways; landing strips or areas, taxi strips, aprons, roads, parking areas, hangars, buildings, and other structures and facilities; the location and height of all buildings, structures, trees and overhead wires falling within the airport approach zone in less than five hundred (500) feet distance from the boundary lines of the airport; other pertinent data such as topography and grading plan, drainage, water, and sewage, etc.; such licenses and permits as may be required by the Federal Aviation Administration and the Georgia Department of Transportation for the class of airport proposed.

(F) All applications for general airport use permits shall be subject to the same notice and review procedures required for the enactment of amendments to this resolution.

(G) The Board of Commissioners shall have determined that all of the foregoing requirements have been satisfied, and further, that the benefits of and need for the proposed airport are greater than any possible depreciating effects and damages to the neighboring properties.

16-1.4 **Permit Issuance, Limited Airport Uses**. The Board of Commissioners may issue limited airport use permits provided all requirements of foregoing Section 16-1.3 have been satisfied and upon sworn affidavit by the applicant certifying that the airport shall be used only for the limited airport uses set forth in Section 16-1.2 (A) of this Resolution.

Limited airport use permits shall not be assignable or transferable and shall terminate automatically upon any usage in conflict with those permitted in Section 16-1.2 (A).

16-1.5 **Permit Issuance, Heliport and Helipad Use**. Heliports and helipads require conditional use permits in specified commercial, industrial and agricultural zoning districts. Heliports and helipads have unique land use impacts and must be consistent with public interest and safety. Such facilities must meet applicable safety standards of the Federal Aviation Administration, state safety standards, and fire suppression and safety standards of the Fire Marshal. The Board of Commissioners may issue heliport and helipad use permits at a fee to be set by the Board from time to time, provided all requirements of foregoing Section 16-1.3 have been satisfied and upon sworn affidavit by the applicants certifying that the heliport or helipad shall be used only for the uses set forth in Section 16-1.2(C) and (D) of this Code. Heliport and helipad use permits shall not be assignable or transferable and shall terminate automatically upon any usage in conflict with those permitted in Section 16-1.2(C) and (D). Helicopter landing areas shall be at least 200 feet from all property lines adjacent to residential and agricultural zoning districts and at least 50 feet from property lines in all other zoning districts. Air ambulances shall comply only with a 50 foot setback from all property lines. All take-off, landing, and parking areas for heliports must be surfaced with a dust proof material. The director or Board of Commissioners may require an acoustical report and a noise mitigation plan be approved and implemented prior to the issuance of any permit for a heliport or helipad.

ARTICLE II, COMMUNICATION TOWERS AND COMMUNICATION ANTENNA PERMITS:

16-2.1 **Purpose and Intent**. The purpose of this section is to establish guidelines for the siting of all wireless, microwave towers, common carrier towers, cellular, television and radio telecommunications towers and antennas. The regulations and requirements set forth herein are adopted for the following purposes:

(A) To provide for the location of communication towers and communication antennas in Forsyth County;
(B) To protect residential areas and land uses from potential adverse impacts of communication towers and antennas;
(C) To minimize adverse visual impacts of communication towers and antennas through careful design, siting, landscape screening and innovative camouflaging techniques;
(D) To accommodate the growing need for communication towers and antennas while minimizing the total number of towers within the community necessary to provide adequate personal wireless services to residents of Forsyth County;
(E) To promote and encourage shared use/co-location of existing and new communication towers as a primary option rather than construction of additional single-use towers;
(F) To consider public health, safety and welfare;
(G) To encourage the design and construction of towers and antennas to minimize adverse visual impacts;
(H) To avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

16-2.2 **Applicability**.

(A) All new communication towers and communication antennas in Forsyth County shall be subject to these regulations and all other applicable regulations. For purposes of measurement, communication tower setbacks and separation distances as set forth in this Article shall be calculated and applied irrespective of County and municipal jurisdictional boundaries.
(B) All communication towers and communication antennas legally existing on February 8, 1999 shall be considered legal non-conforming uses, allowed to continue their usage as they presently exist: provided however, anything other than routine maintenance, including without limitation, structural modifications including provisions for additional antennas or additional providers and/or new construction on an existing communication tower, shall comply with the requirements of this Article with the exception of separation distances. Routine maintenance shall be permitted on such existing towers.
(C) The performance and construction standards provided for in this Article shall apply to all new communication tower construction including such construction that shall occur in areas zoned under the Commercial Tower zoning designation established by Ordinance 30J, now repealed.
(D) All government towers with public safety systems or equipment shall be exempt from the requirements of this subsection. However, private facilities and structures proposed for placement on governmentally owned property shall not be exempt.
(E) This ordinance shall not govern any tower, or the installation of any antenna, that is thirty five (35) feet or less in height and is owned and operated by a federally-licensed amateur radio station operator from the operator's residence.

16-2.3 **General Requirements**.

(A) **Principal or Accessory Use**. A tower and/or antenna is considered a principal use if located on any lot or parcel of land as the sole or primary structure, and is considered an accessory use if located on a lot or parcel shared with a different existing primary use or existing structure. An existing use or structure on the same lot or parcel shall not preclude the installation of an antenna or tower. For purposes of determining whether the installation of a tower or antenna complies with zoning district requirements, including but not limited to set-back, buffer and other requirements, the dimensions of an entire lot or parcel shall control, even though the antenna or tower may be located on a leased area within such lot or parcel. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a non-conforming use or structure.

(B) **Inventory of Existing Sites**. To facilitate the co-location of antennas, each applicant seeking to locate a new tower, alternative tower structure or antenna, or to modify any such existing structure, shall provide to the department an inventory of existing towers or alternative tower structures. Applicants seeking to erect an amateur radio tower or antenna as defined by Federal Communications Commission (FCC) regulations, shall be exempt from this provision. The inventory shall include all such structures that are within the jurisdiction of the governing authority; within a municipality located, in whole or in part, within Forsyth County; and within a one mile border of Forsyth County, and shall include specific information about the location (latitude and longitude coordinates), height, design, tower type and general suitability for antenna co-location of each tower, and other pertinent information as may be required by the department. The department may share such information with other applicants for a Communication Tower permit under this Ordinance or other organizations seeking to locate towers or antennas within the jurisdiction of the governing authority, provided, however that the department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

16-2.4 **Application Requirements**.

(A) In addition to and in conjunction with the information required with a rezoning application, each application shall include a scaled site plan with topographical information, an elevation view, and other supporting drawings, calculations and documentation.

(B) The site plan must include setbacks, drives, parking, fencing, landscaping, adjacent uses, also the distances to all residences and schools, including daycare and nursery schools within 1000 feet, and any other information necessary to review the request.

(C) Documentation of radio frequency range, coverage area, and tower height requirements.

(D) Location and height of all existing towers owned by the applicant inside of and within one mile of the boundary of Forsyth County.

(E) New freestanding communication towers and communication antennas shall not be allowed unless the applicant makes an affirmative showing based on competent substantial evidence that:

(1) Existing towers and buildings do not technologically afford the applicant the ability to provide service to the service area of the applicant or service provider, or the cost or contractual provisions required by a tower owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable, and

(2) The geographical boundaries of the proposed service area cannot technologically be bifurcated to avoid the necessity for a freestanding tower/antenna, and

(3) There exists a present demand and formal commitment by wireless services providers to locate at the proposed site.

16-2.5 **Zoning Requirements**. Communication towers and communication antennas are considered conditional uses and upon proper application and approval may be permitted in zoning districts as specified in the Permitted Uses tables found in the individual zoning district chapters of this Code.

16-2.6 **Performance and Construction Standards**.

(A) **Structural Design**. New Communication towers/antennas and modifications to existing structures including, without limitation, the addition of height, antennas or providers shall be constructed in accordance with all applicable County Building Codes and shall meet or exceed current standards and regulations of all applicable Federal, State and Local authorities. Lattice tower structures are prohibited.

(B) **Setbacks**. Communication tower/antenna setbacks shall be measured from the base of the tower/antenna or protruding building structure at the base of the tower, whichever is closest to the

property line, to the property line of the parcel on which it is located. Communication towers/antennas and their accessory structures shall comply with the minimum lot and setback requirements of the district in which they are located. In cases where there is a conflict between the minimum lot setback and street setback requirements, the greater setback shall apply. Guy wires and support anchors are not required to meet setbacks, however they shall not extend outside of the property line and must be contained within the fenced area of the tower site.

(C) **Separation from Residential Uses**. Separation requirements for communication towers from residentially zoned lands or residential uses shall be a minimum of 500 linear feet. Communication tower separation shall be measured from the base of the tower to the closest point of off-site uses.

(D) **Separation Distances Between Communication Towers**. Separation distances between communication towers shall be applicable for and measured between the proposed tower and those towers that are existing and/or have received land use or building permit approval from the County. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. Minimum separation distances (listed in linear feet) shall be as follows:

TABLE 16.1

SEPARATION REQUIREMENTS BY TOWER TYPES			
Proposed Tower Types	**Lattice, Self-Supporting or Guyed**	**Monopole 75' in Height or Greater**	**Monopole Less Than 75' in Height**
Camouflaged or Monopole 75' in Height or Greater	7,920 feet	7,920 feet	6,600 feet
Camouflaged or Monopole Less than 75' in Height	6,600 feet	6,600 feet	6,600 feet
Lattice (providing said structure was approved prior to February 8, 1999.)	7,920 feet	7,920 feet	7,920 feet

(E) **Fencing**. A chain link fence or wall not less than six (6) feet in height, from finished grade equipped with an appropriate anti-climbing device shall be provided around each communication tower. Access to the tower shall be through a locked gate.

(F) **Landscaping**. The visual impacts of a communication tower shall be mitigated by landscaping. Where adequate vegetation is not present, tower facilities shall be landscaped with a landscape buffer which effectively screens the view of the tower compound. The use of existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or in supplement towards meeting landscaping requirements.

(1) Landscape buffers shall be a minimum of ten (10) feet in width and located outside the fenced perimeter of the tower compound; and

(2) A continuous hedge at least thirty (30) inches high at planting and capable of growing to at least thirty-six (36) inches in height within eighteen (18) months shall be planted in front of the above referenced buffer; and

(3) All landscaping shall be of the evergreen variety and shall conform with the buffer standards available for inspection at the department.

(G) **Height**.

(1) No freestanding communication tower/antenna shall exceed 200 feet in height from ground level.

(2) Where installed on top of a building, no communication tower/antenna shall extend greater than 20% over the building height.

(3) An existing communication tower may be modified to a taller height not to exceed 20 feet over the tower's existing height to accommodate the co-location of an additional communication antenna(s).

(a) The height change referred to in this subsection may only occur one time per communication tower.

(b) The additional height referred to in this subsection shall not require an additional distance separation. The communication tower premodification height shall be used to calculate such distance separations.

(H) **Illumination**. Communication towers/antennas shall not be artificially lighted except to assure human safety or as required by the Federal Aviation Administration.

(I) **Co-location**. Proposed communication antennas may and are encouraged to co-locate onto existing communication towers, provided such co-location is accomplished in a manner consistent with zoning and performance standards, new or additional conditional use approval is not required. If it is determined by the County that the proposed tower is situated in a location which will benefit the County's telecommunication systems, then the tower shall be engineered and constructed to accommodate the additional telecommunication equipment beneficial to the public system at a cost to the County no greater than the actual expense of the provider in so engineering and constructing the tower to meet the County's needs.

(1) Monopole communication towers shall be engineered and constructed to accommodate a minimum of one additional communication service provider.

(2) Lattice communication towers that were approved but not yet constructed prior to effective date of this Code shall be engineered and constructed to accommodate a minimum of two additional communication service providers.

(3) Camouflaged communication towers may be engineered and constructed without accommodating additional communication service providers.

(4) Communication towers located within electrical substations may be engineered and constructed without accommodating additional communication service providers. Such towers shall be monopole construction and shall be subject to all of the requirements of Article II, Communication Tower and Communication Antenna Permits.

(J) **Noninterference**. No communication tower or antenna shall interfere with public safety communication. Frequency coordination is required to ensure noninterference with public safety system and/or public safety entities.

(K) **Documentation**. Documentation to demonstrate conformance with the requirements of Performance Standards shall be submitted by the applicant with all requests to construct locate or modify a communication tower/antenna. A statement by the applicant as to how construction of the communication tower will accommodate co-location of additional antennas for future users shall be included with the documentation. Documentation evidencing a present commitment from service providers to locate at the proposed site shall also be included by applicant. Documentation demonstrating proof of appropriate liability insurance shall also be provided.

(L) **Signs and Advertising**. A small sign placed on the entrance gate of sufficient size, not to exceed four (4) feet in total area shall display the name of the person or corporation owning the tower, the name of the person or corporation owning the property (if different from tower owner) and a current mailing address with a name and phone number of a person to contact in case of an emergency. All other signage is prohibited and the use of any portion of a tower for sign or advertising purposes including, without limitation, company name, banners, or streamers, is prohibited.

(M) **Abandonment**. Without waiving the County's right to determine whether or not a communication tower has been abandoned, it shall be the joint duty of both the property owner and tower owner to notify the County in writing of any intent to abandon use of the tower. Said notice shall include steps that tower and/or property owner shall take to accomplish removal of the tower structures. In the event the use of any communication tower has been discontinued for a period of 180 consecutive days, the tower shall be deemed to have been abandoned. Upon such abandonment, the owner/operator of the tower shall have an additional 180 days within which to: (1) reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower; or (2) dismantle and remove the tower. The Owner of the real property shall be ultimately responsible for all costs of dismantling and removal and in the event the tower is not removed within 180 days of abandonment, the County may proceed to do so and assess the costs against the real property. The lien of such assessment shall bear interest, have priority and be collectable at the same rate and in the like manner as provided for by Georgia law. At the earlier of 181 days from the date of abandonment without reactivation or upon completion of dismantling and removal, any conditional use permit, waiver and/or variance approval for the tower shall automatically expire.

(N) **Finished Color**. Communication towers not requiring FAA painting/marking shall have either galvanized finish or be painted a non-contrasting blue, gray or black finish. The color should be selected so as to minimize the equipment's visibility.

(O) **Liability Insurance**. Liability insurance in an amount not less than $1,000,000 shall be maintained by the owner and operator of the facility until such facility is dismantled and removed from the parent site. Failure to maintain insurance coverage shall constitute a violation of this Code and grounds for revocation of conditional use approval. Proof of same shall be supplied to the department upon application.

(P) **Fees**.

(1) The fees for conditional use approval for a communication tower/antenna shall be the same as rezoning fees for the CBD category.

(2) The development permit fees shall be the same as for any commercial development.

(3) The building permit fees shall be set at $200.00 and shall cover the tower and associated equipment building. Any other permits required shall be charged at the prescribed rate at the time of development or construction.

(4) As with any conditional use or special exception application, the applicant shall be required to submit additional amounts as deemed sufficient and appropriate by the County in order to obtain any needed technological expertise so as to assist County staff in evaluation the request.

16-2.7 **Variance**. Any request for variance from the provisions of this article shall be presented directly to the Forsyth County Board of Commissioners.

ARTICLE III, HOME BUSINESSES:

16-3.1 **Classification of Home Businesses**. A home business may be classified as "professional home office" or "home occupation" based on the specific characteristics of and activities associated with said home business. A "professional home office" is more restricted than a "home occupation" as detailed below; with one principle distinguishing characteristic being that a professional home office does not permit non-residential employees. The determination as to whether a home business is classified as a "professional home office" or "home occupation" shall be made by the director as set forth herein.

(A) **Professional Home Offices**. Professional home offices are businesses that, by their nature, appearance and inherent operational activities and characteristics, are less intensive in character and activity and are, therefore, less likely to have a noticeable and negative impact on the residential or agricultural character of the subject property and surrounding neighborhood. Due to the less intensive nature of these activities, applications for professional home office need only be reviewed by staff for administrative approval and more than one (1) professional home office per residence may be granted. A professional home office shall comply with all of the following performance criteria and general requirements set forth in this article:

(1) Activities associated with a professional home office shall be conducted entirely within residential dwelling including an attached garage, or, one (1) detached garage when no attached garage exists; and

(2) The display, storage or parking of materials, goods, supplies, or equipment outside of the dwelling or within an accessory building (excluding an attached garage) is prohibited except as may be permitted in the Agricultural zoning districts as provided for in Chapter 17, Section 6.4; and

(3) There shall be no non-resident employees working upon the property for which a professional home office license has been granted; and

(4) There shall be only two customers on the premises; and

(5) No more than one (1) vehicle, used primarily as a passenger vehicle, shall be permitted in connection with the professional home office. Trucks with three or more axels, tractor trailers, heavy equipment, etc. are not allowed except as may be permitted in the Agricultural zoning districts as provided for in Chapter 17, Section 6.4; and

(6) The use of exterior signage is prohibited;

(B) **Home Occupations**. Home Occupations are businesses that, by their nature, appearance and inherent operational activities and characteristics, are potentially more intensive in character and activity and are, therefore, more likely to have a noticeable and negative impact on the residential or agricultural character of the subject and surrounding properties. Due to the more intensive nature of these

activities, only one (1) home occupation is allowed per residence. Home occupations shall comply with all of the following performance criteria and general requirements set forth in this article:

(1) Unless otherwise specifically approved by the Planning Commission, all activities associated with a home occupation shall be conducted entirely within the residential dwelling and/or in an enclosed accessory building or structure, provided said building meets all the requirements of this Code; and
(2) The display, storage or parking of materials, goods, supplies, or equipment outside of the dwelling is permitted in an enclosed accessory building except as may be permitted in the Agricultural zoning districts as provided for in Chapter 17, Section 6.4; and
(3) The number of part or full-time non-resident employees working upon the premises for which a home occupation license has been granted shall not exceed three (3) employees; and
(4) There shall only be only two customers on the premises at any given time; and
(5) There shall be no retail sales of goods not made on the premises; and
(6) No more than two (2) vehicles, used primarily as passenger vehicles, shall be permitted in connection with the home occupation. Trucks with three or more axels, tractor trailers, heavy equipment, etc. are not allowed except as may be permitted in the Agricultural zoning districts as provided for in Chapter 17, Section 6.4; and
(7) Exterior signs shall be limited to one (1) sign not greater than two (2) square feet in area and flush-mounted to the residential dwelling

(C) **Prohibited Home Business**.

(1) Any type of repair or assembly of vehicles or equipment with internal combustion engines or of large appliances or any other work related to automotive parts is prohibited.
(2) Group instruction, assembly or activity is prohibited.
(3) Call centers, and dispatch centers.
(4) Special events facilities, to include outdoor commercial recreation.
(5) Lodging services
(6) Private clubs

(D) **Home Occupations in Agricultural Zoning Districts**. All home occupation applications in Agricultural zoning districts shall require a public hearing before the Planning Commission, except if the following conditions are satisfied then staff approval shall be authorized:

(1) Minimum lot area. The parcel shall be a minimum of five (5) acres in size and zoned Agricultural (A1) or Agricultural-Residential (AG-RES).
(2) Hours. Hours of operation shall be limited between the hours of 7 a.m. to 7 p.m., seven (7) days a week.

16-3.2 **General Requirements and Performance Criteria**. Both professional home offices and home occupations shall comply with the following requirements prior to or as a result of compliance with any conditions of approval required for issuance of a professional home office or home occupation license. Nothing herein is intended to supersede restrictive covenants, or other private agreement or restriction, where the provisions of the covenant, private agreement or restriction impose duties and obligations more restrictive or standards that are higher than the requirements of these regulations.:

(A) All applicable state, federal, and local business and/or occupational licenses shall be obtained or applied for at the time of application for either a professional home office or home occupation license. All activities associated with a home occupation or professional home office and the residential dwelling, accessory building(s), structures(s), and overall property from which such home occupation/professional home office is being conducted shall comply with all applicable county and state building, fire, sanitary and health requirements and regulations. Non-compliance with any applicable requirement and/or regulations may be grounds for denial or revocation of a home occupation or professional home office application.
(B) The owner/proprietor of a home business shall be responsible for notifying the director of any changes to the conduct , nature or scope of the home business that render the business different from that included in the description provided as part of the application, or from any conditions or restrictions imposed as part of the license. Such changes may result in the discontinuation of the use, or the need for a new application and reclassification of the home occupation or professional home office.
(C) The home business shall be conducted from the owner's/proprietor's principle 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 16-4.21 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 shall have exterior finishes substantially similar to those on the principal dwelling.

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

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

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

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

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

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

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

16-4.4 **Vehicle Sales Dealership or Vehicle Rental Establishments**. Establishments that sell, rent, or lease vehicles must provide parking specifically identified and devoted to customers. Adequate space must be allocated, specifically identified, and reserved on the site for the unloading of vehicles brought to the site by car carriers. It shall be a violation to park vehicles for sale, rent, or lease in customer parking or unloading areas. When abutting a residential zoning district or office residential district, vehicle sales dealerships or vehicle rental establishments require submittal and approval of a photometric plan for lighting to ensure compatibility with adjacent land uses. Outside loudspeakers shall not be permitted.

16-4.5 **Churches, Temples, Synagogues, and 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.

16-4.5A **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 Fixtures;
(3) be designed so that any illuminated lighting faces are not visible to any residences within 600' of the face; and
(4) be designed so as to minimize light spillage to not more than one (1) foot-candle along any residential or agricultural property line and two (2) foot-candles at any public street right-of-way, commercial, or industrial property line.

(B) Prior to the issuance of any permits for outdoor commercial athletic fields, a photometric plan sufficient to allow the evaluation of the impacts of any field illumination to be used must be tendered. Notwithstanding the foregoing sentence, lighting designed solely as security lighting shall not constitute field illumination necessitating prior review.
(C) The property on which an outdoor commercial athletic field is located shall maintain a forty foot (40') exterior undisturbed buffer.
(D) The property on which an outdoor commercial athletic field is located shall maintain a fifty foot (50') exterior setback.
(E) Alcohol may not be consumed on the premises.
(F) Cleanliness of the entire site shall be maintained by removing any trash, rubbish, or other debris deposited on the site.
(G) Landscaping shall be maintained and dead or damaged plants shall be replaced.
(H) Damaged elements of any building (such as but not limited to broken windows) and the site (such as but not limited to curb stops, parking stripes, dumpster screening) shall be repaired or replaced of damaged, dilapidated or in disrepair.
(I) Should any single occupant premise become vacant for more than 60 days, and the owner fails to maintain the property in accordance with the conditions above and upon notification from the County for such failure, the owner shall be subject to citation by the appropriate County Code Enforcement Officer and shall be subject to the maximum fine permitted for ordinance violations for each violation of any provision of this ordinance.
(J) The application must identify if a sound amplification or distribution system, such as a public address system or outdoor speaker system, will be utilized. Projects incorporating sound amplification or distribution systems will be required to address off-site noise impacts through additional buffers, strategic location of speakers and other appropriate site and system modifications. Even when sound abatement measures are employed, the use of sound amplification and distribution systems shall nonetheless be limited to the hours of 8:00 am to 10:00 pm. Applicants are required to submit a written evaluation of noise impacts for proposals involving sound amplification or distribution systems and the written evaluation shall be prepared by an acoustical engineer or similar professional trained in sound analysis and sound mitigation. The evaluation shall include information identifying the type of sound amplification or distribution system to be used, the maximum decibels likely generated by the system, the anticipated sound spillage to adjacent properties, the extent to which abatement measures will reduce spillage, and the anticipated maximum decibels that will impact the nearest residential unit.

16-4.6 **Commercial Recreational Facilities, Outdoor**. Outdoor commercial recreational facilities are typically accompanied by substantial off-site impacts and therefore require public scrutiny and approval only as conditional uses. Uses that propose night lighting other than incidental security lighting shall be required to submit a photometric plan to enable the evaluation of impacts from illumination. A written evaluation of noise impacts is required at the time the following conditional uses are considered: stadiums, amphitheaters, and race tracks for animals and motor driven vehicles; such projects may be required to construct noise attenuation walls or otherwise address off-site noise impacts. Traffic impact statements are required for stadiums, amphitheaters, racetracks for animals or motor-driven vehicles, and recreational vehicle parks, and the adequacy of existing road infrastructure shall be considered as one of the bases for approval or denial of such conditional uses.

16-4.7 **Condominiums.** If an applicant files a rezoning application requesting to rezone to the Res6 district, the applicant must specifically identify on the site plan submitted that the proposed development is being developed as condominiums. All condominium developments must meet the performance standards of the applicable zoning district and conform to the following requirements:

(A) **Setbacks.** All buildings must be setback at least 10 feet from the edge of the Right of Way or Access and Utility Easement. There shall be an exterior setback of 50 feet.
(B) **Building Separation.** Minimum building separation is 15 feet.
(C) **Units Per Building.** For each condominium building there shall be no more than 6 units per building.
(D) **Streets.** All streets within a condominium development shall be built to County specifications and dedicated to the public; provided, however, that the rear of the condominiums may have vehicular access by way of a private access easement or alley.
(E) **As-builts.** Each condominium development or phase thereof shall have an asbuilt approved by the County, and the asbuilt shall be recorded with the Clerk of Court prior to a certificate of occupancy being issued for any unit or building.

16-4.8 **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
Res2	12,000	2 / acre	N/A	Not permitted***	Required	Required	Required	Single Family Detached
Res3	9,000	2.5 / acre	15 Percent	Not permitted***	Required	Required	Required	Single Family Detached
Res4	5,000	4 - 6/acre*	22 Percent	Permitted	Required	Required	Required	Single Family Detached/Attached Multifamily: Condominiums only Assisted Living Facility
Res6	3,000	6 - 8/acre*	40 Percent	Permitted	Required	Required	Required	Single Family Detached/Attached Multifamily Assisted Living Facility
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
Zoning District	**Minimum Lot Size for Single Family Detached**	**Maximum Density**	**Open Space**	**Support Services ** **	**Age Restriction**	**Accessibility Standards**	**Design Regulations**	**Permitted Uses**
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
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
MPD	3,000	10 - 22/acre*	20 Percent	Required	Required	Required	Required	Single Family Detached/Attached Multifamily Assisted Living Facility Skilled Nursing Facility

* 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 16-4.8B, are not permitted in Res2 and 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 beauty salon and barber shop.
- (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 Res2, Res3, Res4, Res6, CBD, O & I, UV, and MPD:
      (a) Exterior walls shall be clad in brick, stone, stucco, 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 (open space not required in Res2 district).
   (2) Single family attached in Res4, Res6, CBD, O & I, UV, and MPD:
      (a) Exterior walls shall be clad in brick, stone, stucco, 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 Res4 and Res6 developments.
      (d) 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 above listed materials on each façade of the building.
      (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, 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 above listed materials on each façade of the building.
      (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, 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 above listed materials on each façade of the building.

(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 six (6) units per acre for Res4 and eight (8) units per acre for Res6 may not be exceeded and a variance shall not be granted.

16-4.9 **Convenience Stores**. Convenience stores require a minimum lot area of one-half acre. Gasoline pump islands in NS and UV districts shall be located a minimum of fifty (50) feet from all public right-of-ways, and canopies over gasoline pump islands shall extend no closer than thirty-five (35) feet to any public right-of-way. Lighting shall not exceed twenty foot-candles under gasoline pump island canopies in NS districts or 30 foot-candles in UV districts. In NS and UV districts, a photometric plan is required to evaluate the amount of illumination the convenience store and gasoline pump island canopy underlighting will have on the neighborhood activity center and surrounding residential areas, and to ensure compliance with maximum illumination levels specified in this section.

16-4.10 **Demolition of Historic Structures**.

(A) Forsyth County has more than 400 properties that have been documented in the County's historic resources survey. Preservation and maintenance of historic structures contribute to the cultural heritage of the County and are therefore in the long-term interest of the County. It is the intent of this section to provide an opportunity for preservation, but not to preclude demolition of historic structures.

(B) Applications for land disturbance on sites containing a historical structure and that propose the demolition of structures shall be reviewed by the director. In cases where a building or structure proposed for demolition is documented in the County's historic resources survey, the following procedures shall apply:

(1) An automatic sixty (60) day delay on action regarding the demolition of the historic structure shall be invoked by the director to determine the significance of the historic building or structure and to allow time for the director to educate the property owner on potential rehabilitation programs and benefits as well as development options for preserving the building or structure. The automatic sixty (60) day delay on demolition of historic buildings and structures shall not apply to buildings or structures deemed by the director as in immediate danger to the health, safety, or welfare of the occupants, the owner, or the general public. During the sixty (60) day delay period, the director may issue the applicant's land disturbance permit so long as measures satisfactory to the director have been taken to protect the historic building or structure from harm.

(2) The director may complete, or request from the historic sites division of the Georgia Department of Natural Resources or another agency or professional person with expertise in historic preservation, an investigation of the historical or cultural value of the building or structure proposed for demolition. The desirability, economic feasibility, historical value, current condition, costs of restoration or repair, prospects for relocation to another site, and integration into development plans shall be considered in such an investigation.

(3) The director shall present the results of the investigation to the property owner within forty-five days. The property owner shall have until the expiration of the sixty (60) day delay period to consider options for the historic building or structure and to choose his or her option, which may include rehabilitation, relocation to another part of the site, arrangement for the sale or donation and relocation of the building or structure to another site, integration of the structure into development plans, or demolition of the structure. The director shall respect the decision of the property owner and issue the permit for demolition, as originally requested, if that is the choice of the property owner. The director shall keep a record of the disposition of historic buildings and structures for future updates to the historic resources survey of the County.

16-4.11 **Drive-Through Facilities**. Drive through facilities in neighborhood shopping (NS) districts are conditional uses because by their very nature they cater to the automobile and therefore detract from the pedestrian orientation of neighborhood activity centers. Drive-through facilities for fast food establishments and staffed bank teller facilities shall not be permitted in NS districts. In cases where conditionally permitted in NS or UV districts, drive-through facilities shall not be located within fifty (50) feet of public right-of-ways or within fifty (50) feet of a residential or office residential zoning district. Stacking lanes for drive-through facilities, where permitted, must 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. Stacking lanes shall be clearly identified through the use of striping, landscaping, and/or signs, and stacking lanes for fast-food establishments shall provide a means for vehicles to escape from the drive-through queuing stream.

16-4.12 **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.

16-4.13 **Horses**. In Res1, horses are permitted if a conditional use permit is obtained, and a lot is a minimum of two acres. The maximum number of horses may not exceed one horse per acre on any given lot. All structures, pens, or corrals for horses must be a minimum of 50 feet from the property line. In addition, the boarding of horses must in compliance with all of the rules and regulations of the Forsyth County Health Department and all applicable state and federal rules and regulations.

16-4.14 **Junk Vehicles**. No junk vehicles, 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; 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 an a lawful manner, when necessary to the operation of such business enterprise, or it shall be on property occupied and used for the repair, remodeling, or reconditioning of vehicles in accordance with other provisions of this Code; 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 or otherwise not in compliance with this Code shall constitute a public nuisance.

16-4.15 **Junk Yards**. Any junk yard operated or maintained in unincorporated Forsyth County, including automobile junk yards, shall be screened from public view 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 or otherwise not in compliance with this Code shall constitute a public nuisance.

16-4.16 **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.

16-4.17 **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, and only on a lot or parcel containing a minimum of one (1) acre. Only one manufactured/mobile home shall be located on a given lot, except as specifically provided in Section 16-4.18, Manufactured/Mobile Homes for Health Hardships.

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) 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.

(B) Foundation. The home must be set on an appropriate foundation system.

(C) Skirting. All manufactured/mobile homes shall be skirted or underpinned with brick, masonry, concrete, or siding of like or similar character to the manufactured home that completely encloses the perimeter of the undercarriage.

(D) Hauling Mechanisms. The transportation mechanisms, including wheels, axles, and hitch, must be removed.

(E) 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.

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

16-4.18 **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.

16-4.19 **Removal.** A location and utilization of the manufactured/mobile home approved pursuant to section 16-4.18 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.

16-4.20 **Mini-Warehouses**.

(A) **Area**. The minimum lot size for a mini-warehouse development shall be two acres, and the maximum developed area for a mini-warehouse 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 mini-warehouse building shall be more than two hundred (200) feet long. In the Heavy Commercial (HC) and Business Park (BP) districts, mini-warehouses are limited to single-story buildings. Multi-story buildings are permitted for mini-warehouses in the Highway Business (HB) and Commercial Business District (CBD) districts.

(C) **Access**. Access to mini-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) **Parking**. Leasing office parking shall be provided at a standard of one space per (forty) 40 mini-storage units, plus one space for the facility manager, with a minimum of two on-site parking spaces.

(E) **Right-of-way Screening Required**. Fencing adjacent to a public right-of-way shall be required in the form of an architecturally finished wall or solid, opaque wooden fence.

(F) **Outdoor Storage**. Outdoor storage is prohibited unless an open storage yard is permitted in the zoning district in which the development is located.

(G) **Hours of Operation**. Mini-warehouse developments shall not be accessible to the general public (excluding on-site managers) between the hours of midnight and 5:00 a.m.

16-4.21 **Outdoor Lighting.** Outdoor lighting shall 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.

(A) **Fixture Type**.

(1) Commercial and Industrial Zoning Districts. All outdoor lighting shall be Full Cutoff Fixtures except the following:

(a) Pedestrian light fixtures fourteen (14) feet in height or less may be Cutoff or Semi-Cutoff Fixtures.

(b) Uplighting of flags, steeples, monuments, buildings and landscaping must use narrow beam, shielded luminaries. Illuminance at the level of the illuminated object shall not exceed ten (10) foot-candles.

(2) Residential and Agricultural Zoning Districts. All street lights shall be Full Cutoff, Cutoff or Semi-Cutoff Fixtures.

(B) **Light Spillage**.

(1) Commercial and Industrial Zoning Districts. Outdoor lighting shall 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.

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

(C) **Height**.

(1) Commercial and Industrial Zoning Districts. Outdoor lighting in commercial and industrial zoning districts shall be limited to thirty-five (35) feet in overall height except under the following conditions when such lighting shall be limited to twenty-five (25) feet in overall height:

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

(b) Project contains both commercial and residential uses.

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

16-4.22 **Poultry Houses**. In the A1, Agricultural District, poultry houses shall be setback a minimum of one hundred (100) feet from any property line.

16-4.23 **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.

16-4.24 **Storage of Petroleum Products and Explosives**. Any storage of petroleum products or explosives must be approved by the County Fire Chief. No such storage area shall be permitted until the necessary permits and approvals are received from the Georgia State Fire Marshal and/or federal agency, as may be required. No such storage area shall be located within five-hundred (500) feet of a residential or office residential zoning district.

16-4.25 **Timber Harvesting.** Timber harvesting shall be permitted subject to the following requirements:

(A) The timber harvest shall be in accordance with a forest management plan for the tract prepared by a registered forester. The required contents of a forest management plan shall be as set forth in guidelines to be established by the Forsyth County arborist and as approved by the Forsyth County Director of Planning and Community Development.

(B) The property shall be a minimum of ten (10) acres in size.

(C) There shall be a fifty (50) foot exterior timber harvesting setback around the entire perimeter of the property, which shall remain undisturbed with the exception of approved access to the property from the road.

(D) All stream buffers shall remain undisturbed except for haul road and skid trail crossings.

(E) Timber harvesting shall be restricted to thinning only. A minimum basal area of thirty (30) square feet per acre shall remain on the property following the harvest. Remaining trees on site must be left in

good condition with no injuries to the trunk, crown or root system. Required buffers and setbacks shall not be included in calculating the minimum basal area to remain. Clear cutting shall not be allowed.

(F) All trees to be removed shall be marked at four and one-half (4.5) feet above the ground and at ground level so as to be identifiable before and after harvest.

(G) Trees thirty (30) inches in diameter or larger as measured at four and one-half (4.5) feet above the ground shall not be removed and their critical root zone shall be protected. The following species are exempt from this restriction: pine (*Pinus spp*.), poplar (*Liriodendron tulipifera*) and sweetgum (*Liquidambar styraciflua*).

(H) Logging slash shall be scattered across the site or piled no higher than two (2) feet.

(I) All activity on the site shall be in compliance with the Forsyth County Soil Erosion and Sedimentation Control Ordinance, all Best Management Practices as described in the Georgia Forestry Commission document "Recommended Best Management Practices for Forestry in Georgia" and the U.S. Clean Water Act, Section 404, EPA, 40 CFR, Part 232.3(c)(6).

(J) A plan and supporting documentation meeting the minimum requirements of the Department of Planning and Community Development shall be submitted for review and approval prior to timber harvesting activity. Any associated plan review fees must be paid with the submittal of the plan.

(K) The director may approve exceptions to address disease or insect infestations documented by a registered forester or certified arborist.

(L) In no event shall any provision of this section have application to timber harvesting that qualifies as forestry land management practices or agricultural operations as defined in O.C.G.A. 12-7-17, not incidental to development, on tracts which are zoned for forestry, silvicultural or agricultural purposes, or that are unzoned.

16-4.26 **Townhouses**. Townhouse subdivisions are not subject to the minimum lot width standards specified in Table 11.2(a) and Table 11.2(b), but shall conform to the following requirements:

(A) **Subdivision Plat Approval Required**. Each townhouse development or phase thereof shall require subdivision plat approval in accordance with Chapter 18 of this ordinance and resolution.

(B) **Streets**. All streets within a townhouse development shall be built to County specifications and dedicated to the public; provided, however, that the rear of townhouses may have vehicular access by way of a private access easement or alley.

(C) **Lot Size**. Each single family attached dwelling unit must be on a lot of at least 2,500 square feet.

(D) **Minimum Lot and Unit Width**. Each lot shall be at least twenty-four (24) feet wide. The minimum width of each unit shall also be twenty-four (24) feet.

(E) **Setbacks**. On interior lots the side setback on the side containing the common wall is reduced to zero. The site setback on the side opposite the common wall must meet the requirement for the side yard for the zoning district in which it is located.

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

16-4.27 **Transportation and Utility Facilities**. These facilities are permitted only as conditional uses because of various off-site impacts that may result there from, including but not limited to, generation of waste, danger of explosion, crash, or bodily injury and dangers to adjacent land uses, substantial surface, air, or water traffic, noise exceeding levels fit for safety to the human ear, offensive or unpleasant odors, noxious gases and fumes, excessive temporary or sustained vibration, electromagnetic radiation, environmental degradation through spillage of chemicals or fuels, and aesthetic effects, among others. Prior to the approval of any use defined as a transportation and utility facility, the applicant shall submit a project impact statement that addresses the potential for effects cited in this section and, where such effects are found to be present when such activities are initiated, measures that will mitigate such effects. The County may consult with state and/or federal agencies with or without direct regulatory authority over such uses and shall be allowed an additional sixty (60) days beyond normal processing times for such conditional uses described in this section.