

for such failure, the owner shall be subject to citation by the appropriate County Code Enforcement Officer and shall be subject to the maximum fine permitted for ordinance violations for each violation of any provision of this ordinance.

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

(A) Fences and freestanding walls (per the requirements in Chapter 16-4.12)

(B) Uncovered entrance platforms

(C) Steps and patios which are on grade

~~(D)~~ (D) [Roofed areas provided over common mailbox facilities](#)

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

(A) Gutters

(B) Overhangs

(C) Footers

(D) Sills

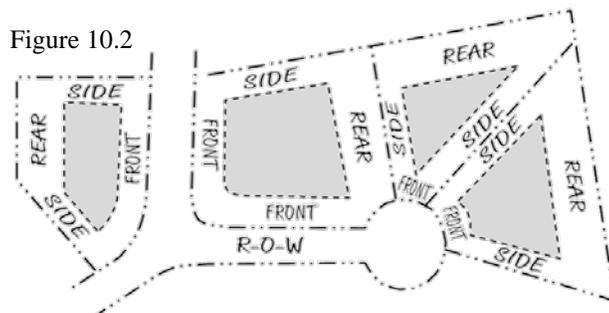
(E) Belt courses

(F) Cornices

(G) Chimneys

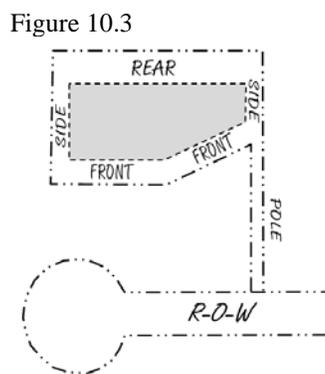
(H) Other architectural features as determined by the director.

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



Source: Gwinnett County, GA

(A) Flag lots. The lot line(s) adjacent and perpendicular to the “pole” of a flag lot shall be determined to be the front lot line(s) for purposes of setback calculation.



Source: Gwinnett County, GA

and provided the subdivider agrees to a proposal by the Director of Engineering to share in the cost arrangements for over-sizing improvements. A formula may be developed by the County to provide for a sharing of the cost of other improvements needed to serve the subdivision when certain of the improvements are necessary to serve other developments in the vicinity.

18-5.21 **Fire Flow and Fire Access.** Fire hydrants with appropriate water pressure at appropriate intervals throughout the subdivision or to a land development shall be provided by the subdivider or land developer as required by the County Fire Department. Minimum required fire flows are 750 GPM for residential and 1,500 GPM for commercial/industrial unless otherwise specified by the Fire Chief or his designee. Residential fire flow shall be no less than 1,000 GPM when the distance between structures is less than 20 feet. Fire lanes shall be provided as required by the County Uniform Fire Code and where necessary to protect the area and provide emergency access.

18-5.22 **Subdivision Improvement Guarantees.** In order to protect the County and prospective purchasers of and residents in a subdivision, the subdivider/developer shall provide to the County financial security to guarantee the installation of public improvements. The subdivider's or developer's financial guarantee may be any of the following: (1) An escrow of funds with the County; (2) An escrow with a bank or savings and loan association upon which the County can draw; (3) An irrevocable letter of commitment or credit upon which the County can draw; (4) A performance bond for the benefit of the County upon which the County can collect; (5) A certificate of deposit with assignment letter; and (6) Any other form of guarantee approved by the Board of Commissioners that will satisfy the objectives of this section. The guarantee shall be in an amount to secure the full costs, as determined by the County, of constructing or installing the improvements and utilities required. All drainage facility construction shall be guaranteed for a minimum of three (3) years.

18-5.23 **Common Area.** In residential developments, a common area must be provided in any subdivision planned for fifty (50) units or more, excluding CR2 subdivisions, which shall require common area regardless of the number of planned units. This area shall be provided at the rate of no less than five (5) percent of the total area of land within the proposed subdivision unless otherwise indicated in the residential performance standards tables. Common area shall be located and designed to ensure it is capable of being used and enjoyed by the residents for active or passive recreation. This area shall be accessible via pedestrian connections and include some combination of walking trails, bikeways, neighborhood pocket parks, community gardens, civic gathering places, and passive and/or active recreation facilities.

18-5.24 **Maintenance of Common, Non-Public Facilities.** Where the subdivision has an incorporated property owner's association for management, the title of all common areas, drainage easements and amenities areas not accepted for dedication to the public shall be conveyed to the association for management and maintenance upon the earlier of (1) when management of the subdivision is transitioned from the developer to a property owners' association or like entity, or (2) at the time of final build out of all residential units. This language shall not place an affirmative obligation on the county to monitor the transfer of title of common areas, drainage easements and amenity areas; but shall authorize county action and enforcement in the event of reported failures of compliance. Where a property owners' association is not incorporated, deed restrictions shall be recorded and referenced on the final subdivision plat. Inspection and Maintenance of these facilities shall be monitored in accord with the Forsyth County Addendum to the Georgia Stormwater Management Manual, Section 4.2.2. If there exists a conflict between this paragraph and Forsyth County's stormwater management regulations, specifically including Section 4.2.2 of the Addendum, the stricter inspection and maintenance obligations shall control.

18-5.25 **Utilities.** Electric power lines, telephone lines, cable telephone line, fiber optic cable, and similar utilities shall be underground.

[18-5.26 **Common Mailbox Facilities.** Common mailbox areas must include a roofed area to provide shelter to the patron from the elements. Such structures are exempt from setback requirements as noted in section 10-1.15\(D\).](#)