

Aircraft: Any machine that may be heavier or lighter than air, which is used or designated for navigation or flight in the air. This definition does not include helicopters.

Airport: Any area of land, water, or mechanical structure which is used for the landing and takeoff of aircraft and includes any appurtenant structures and areas which are used or intended to be used for airport buildings, other airport facilities, rights-of-way, or easements, but not to include heliports.

Alteration: Any change in the supporting members of a building or structure such as bearing walls columns, and girders, except such emergency change as may be required for safety purposes; any addition to a building; any change in use; or, any movement of a building from one location to another.

Alley: A strip of land dedicated to public use providing vehicular and pedestrian access to the rear of properties which abut and are served by a public road or street.

Alternative tower structure: Clock towers, bell towers, steeples attached to places of worship, water towers, light/power poles, electric transmission towers, man-made trees (without accessory buildings/structures), and similar natural or man-made alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Apartment House: A structure containing three or more dwelling units.

Aquifer: Any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well.

Assisted Living Facility: A residential facility that provides assistance with non-medical aspects of daily activities in an atmosphere of separate, private living for seniors. Twenty-four hour supervision is provided and is designed for seniors who need some level of support for daily living. Personal care services include, but are not limited to, meals, housekeeping, transportation, laundry, grooming, medication management and other functions of daily living. These facilities may be freestanding or part of a CCRC.

Auction: A public sale of property to the highest bidder; or a facility dedicated to a public sale of property to the highest bidder.

Automobile Services Establishment, Major: An establishment providing major repair or body work services, including, but not limited to, collision repair, other body work, painting services, tire recapping; any services that would otherwise be considered minor automobile services, but are not performed in fully enclosed service bay(s) with operable door(s). Towing services shall constitute a permissible accessory use to this type of establishment provided no open storage yard or impound storage occurs on the property.

Automobile Services Establishment, Minor: An indoor establishment with fully enclosed service bay(s) with operable door(s) for performing indoor vehicle repair and maintenance, including but not limited to brakes, oil changes, lubrication, transmission, engine, belts, hoses, inspections, and tire mounting and installation. Any establishment performing such services other than in fully enclosed service bay(s) with operable door(s) shall be deemed a major automobile services establishment. Towing services shall constitute a permissible accessory use to this type of establishment provided no open storage yard or impound storage occurs on the property.

Bed and Breakfast Inn: A private owner occupied residence with one (1) to three (3) guestrooms offering temporary lodging and one (1) or more meals to the traveling public while away from their normal places of residence. The bed and breakfast is subordinate and incidental to the main residential use of the building. Individual guests are prohibited from staying overnight at a particular bed and breakfast establishment for more than ten (10) days in any one (1) year period.

Backyard Chicken: A female hen or pullet raised for the purpose of companionship as a pet, a source of eggs and/or meat, but not for commercial purposes.

Bedroom: A room intended for, or capable of, being used for sleeping and is at least seventy square feet in area. A room designated on building plan submittals as a “den,” “study,” “loft,” “bonus room,” or other extra room satisfying the criteria in this definition and is not a kitchen, living room, or bath, and which may contain closets or access to a bathroom, may be considered a bedroom for purposes of computing bedroom area and building code compliance.

Block: An area of land within a subdivision that is entirely surrounded by public streets, public lands, railroad rights-of-way, watercourses, or other well defined and fixed boundaries.

Block Corner: The corner of any subdivision block where two streets intersect.

Board: Board of Commissioners

Boarding House: A dwelling unit or part thereof in which, for compensation, lodging and meals are provided; personal and financial services may be offered as well. However, a Dwelling Unit that is rented for periods of less than thirty (30) days shall not convert the use to a Boarding House use if the owner or custodian of same has applied for and obtained a Short-term Rental Conditional Use Permit pursuant to the provisions of this Code.

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

Land-Disturbing Activity: Any grading, scraping, excavating, or filling of land; clearing of vegetation; and any construction, rebuilding, or alteration of a structure. Land-disturbing activity shall not include activities such as ordinary maintenance and landscaping operations, individual home gardens, yard and grounds upkeep, repairs, additions or minor modifications to a single family dwelling, and the cutting of firewood for personal use.

Land Reclamation: The return of land that has been disturbed by mining activities to productive use. Reclamation procedures may include addition of topsoil, return of vegetative cover, planting of trees and restoration of landforms.

Land Use Existing Prior to the Promulgation of the Etowah River Corridor Protection District (as applied to the Etowah River Corridor Protection District): Any land use or land-disturbing activity, including all human endeavors directly associated with such use or activity, which, prior to the promulgation of the Etowah River Corridor Protection District falls within one of the following categories:

1. is completed;
2. is under construction;
3. is fully approved by the governing authority;
4. all materials have been submitted for approval by the governing authority; or
5. is zoned for such use and expenditures in excess of \$2,500.00 have been made in preparation for construction in accordance with such zoning.
6. Within the Etowah River Corridor Protection District, industrial and commercial land uses existing prior to the promulgation of the Etowah River Corridor Protection District are exempt from these criteria provided that:
 - (a) Industrial and commercial uses of river corridors shall not impair the drinking quality of the river; and
 - (b) Industrial and commercial activity within the river corridor shall meet all state and federal environmental rules and regulations.

Letter of Credit: A type of subdivision improvement guarantee whereby a subdivider secures an instrument from a bank or other institution or from a person with resources sufficient to cover the cost of improvements required by the County. The instrument pledges the creditor to pay the cost of improvements in case of default by the subdivider.

Light Trespass: The shining of light produced by a light fixture beyond the boundaries of the property on which it is located.

Livestock: Domesticated animals, including but not limited to cattle, goats, sheep, llamas and alpacas raised for profit or personal use. Specifically excluded from the definition of livestock are pigs, poultry, hogs and horses.

Local Government: Forsyth County Board of Commissioners.

Lot: A portion or parcel of land separated from other portions or parcels by description (such as on a subdivision plat of record or a survey map or plat) or described by metes and bounds, and intended for use, transfer of ownership, or for building development. A lot shall not include any portion of a dedicated right-of-way.

Lot, Corner: A lot abutting upon two or more streets at their intersection.

Lot, Depth: The average horizontal distance between the front and rear lot lines.

Lot, Double Frontage: A lot other than a corner lot that has frontage upon two or more streets that do not intersect at a point abutting the property.

Lot, Flag: A tract of land or lot where access to the public road is by a narrow strip of land not meeting minimum lot width requirements in the particular zoning district which the tract or lot is located.

Lot, Through: See Lot, Double Frontage.

Lot Frontage: The width in linear feet of a lot where it abuts the right-of-way of any street.

Lot Line: Any line bounding a lot as herein defined. Lot lines for unusual lot configurations may be determined by the planning director.

Lot Line, Front: A lot line which abuts or intersects a right-of-way or easement used for primary access to the lot.

Lot Line, Rear: Lot line(s) that do not intersect and are generally opposite and parallel to the front lot line.

Lot Line, Side: Lot line(s) that intersect or are generally perpendicular to the front lot line.

Lot of Record: A lot which is part of a subdivision approved by Forsyth County in accordance with land subdivision requirements, a plat of which has been recorded in the records of the Clerk of the Forsyth County Superior Court; or a parcel of land, the deed of which was recorded in the same office prior to September 24, 1973.

Lot Width: The shortest distance between side lot lines measured at the required front setback.

Manufactured Home: A new or pre-owned structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, when erected on site,

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

TABLE 11.1(b)
USES PERMITTED IN RESIDENTIAL DISTRICTS*

P = Permitted
C = Conditional
X = Not Permitted

Uses	Res1	Res2	CR2	Res3	Res4	Res6	MHP
Accessory apartment, attached	C	C	C	C	C	X	X
Accessory apartment, detached	C	C	C	C	C	X	X
Active recreational facilities	P	P	P	P	P	P	P
Agricultural production of field crops, fruits, nuts, and vegetables	P	X	X	X	P	X	X
Accessory uses and structures determined by the director to be normally incidental to one or more permitted principal uses	P	P	P	P	P	P	P
Adult Entertainment & Adult Materials Establishments	X	X	X	X	X	X	X
Apiaries	P	P	P	P	P	P	P
Backyard Chickens	P (Note 8)	P (Note 8)	X	P (Note 8)	X	X	X
Bed and breakfast inns	X	X	X	X	X	X	X
Boarding houses	X	X	X	X	X	X	X
Campgrounds	X	X	X	X	X	X	X
Cemeteries	C	C	C	C	C	C	C
Club or lodge, nonprofit 10,000 square feet or less in aggregate size	C (Note 3)	C (Note 3)	C (Note 3)	C (Note 3)	C (Note 3)	C (Note 3)	C (Note 3)
Club or lodge, nonprofit more than 10,000 square feet in aggregate size	X	X	X	X	X	X	X
Communication towers	X	X	X	X	X	X	X
Conservation areas	P	P	P	P	P	P	P
Conservation subdivision	P (Note 2)	P (Note 2)	X	P (Note 2)	X	X	X
Country clubs, including golf courses and clubhouses including restaurants and golf pro shops as accessory uses	C (Note 3)	C (Note 3)	C (Note 3)	C (Note 3)	C (Note 3)	X	X
Day care home, family	C	C	C	C	C	C	C
Day care centers	C	C	C	C	C	C	C
Dwellings, single-family detached	P	P	P	P	P	P (Note 5)	X
Dwellings, single-family attached (townhouses)	X	X	X	X	P	P	X

Table 11.1(b)

- (1) In cases where a use is proposed but is not listed in this table, the director shall make an administrative determination as to whether or not the use is permitted in the zoning district or districts in question. The director will compare the proposed use to substantially similar uses to determine if the proposed use will be considered a prohibited, permitted, or conditional use. In making such determinations, the director shall consult the purpose and intent statements of the zoning district or districts in question, in addition to comparing the use in question to uses specifically listed in this table.
- (2) Guidelines for Conservation Subdivisions are found in Chapter 19, Conservation Subdivisions.
- (3) All accessory uses shall be identified in the conditional use permit application and on the associated site plan. Accessory uses proposed to be added after the initial conditional use permit approval shall require a new conditional use permit.
- (4) In addition to the receiving County approval, all applicable state and federal approvals must be obtained.
- (5) Single Family Detached is permitted but density is limited to 5 units to the acre.
- (6) Regulations for home businesses are found in Chapter 16, article 3.
- (7) Places of worship for which a CUP, rezoning or development permit application is being processed, that have been approved but not constructed, that are under construction, or that have received a Certificate of Occupancy prior to February 2, 2017, are exempt from the size cap. In addition, property immediately adjacent to the property on which a place of worship that is exempt pursuant to this note is located, that is purchased after February 2, 2017, is also exempt from the size cap. For properties exempted from the size cap pursuant to this note, the requirements for places of worship 10,000 square feet or less in aggregate size (either conditional use permit (C) or not permitted (X)) shall apply for each zoning district. For purposes of this chart, “aggregate size” shall mean total square footage of all structures on the property on which the place of worship is located.
- ~~(7)~~(8) Regulations for the keeping of backyard chickens are found in Section 16-4.4.

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

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

Notes

Table 15.1

- (1) The performance standards applicable to the A1 and AG-RES districts shall apply to development approved as conservation subdivisions.
- (2) In cases where a use is proposed but is not listed in this table, the director shall make an administrative determination as to whether or not the use is permitted in the zoning district or districts in question. The director

- (G) If the detached accessory apartment is a manufactured home, then it must meet applicable requirements for manufactured homes as specified in this chapter.
- (H) Unless incorporated into an existing accessory structure (e.g., garage), detached accessory apartments shall be allowed in rear yards only.
- (I) The addition of a detached accessory apartment shall count in density calculations.

16-4.4 Backyard Chickens. In zoning districts where permitted, the following shall apply:

- (A) The minimum lot size for the keeping of backyard chickens shall be eighteen thousand five hundred (18,500) square feet.
- (B) There shall be a maximum ratio of one (1) chicken per three thousand (3,000) square feet of the property.
- (C) Chicken coops, chicken houses and/or roosting structures shall not require a building permit.
- (D) All coops, houses and/or roosting structures shall be situated no closer to the front lot line than the residence on the property. The structures shall be a minimum of thirty (30) feet from any property line, and a minimum of five (5) feet from the owner's residence. These setback requirements shall supersede those of the zoning district.
- (E) The area shall be kept in a neat and sanitary condition and must be cleaned on a regular basis to prevent offensive odors, attraction of flies and/or vermin, the creation of an environment otherwise injurious to the public health and safety, or that would obstruct the free use of property so as to interfere with the comfortable enjoyment of life or property by members of the neighborhood or other persons.
- (F) Roosters and any other crowing chickens are prohibited.
- (G) Feed, feed supplements and medications shall be kept in fully enclosed, rodent-proof containers.
- (H) Chickens shall be contained within the coop, house, and/or roosting structure whenever unattended. When the owner is present in the yard, chickens shall be kept in a fenced enclosure that is maintained in such a manner as to keep them from causing damage, accidents or injury to any neighboring property or person. The fence shall be at least four (4) feet in height.
- (I) The provision must be made for the storage and removal of hen droppings and any dead birds. All stored droppings used for composting shall be fully covered or placed in an enclosure. Such enclosures must be setback a minimum of fifty (50) feet from all property lines. All other droppings not used for composting or fertilizing shall be removed. In addition, the coop, enclosure, and surrounding area must be kept free from trash and accumulated droppings. Dead chickens must be disposed of in a sanitary manner.

16-4.54 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.

16-4.65 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.

16-4.76 **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.

16-4.87 **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.

16-4.98 **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.

dwelling units if justification for the reduction can be provided based on the number and types of services and activities to be provided on-site or other factors which affect parking demand.

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

TABLE 16.4 DENSITY BONUS TABLE

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

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

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

Res4 and Res6 Districts may be granted up to two (2) additional units per acre provided that a minimum of twenty-five percent (25%) of the total number of units are assisted living units. A maximum allowed density of 4.5 units per acre for Res4 and eight (8) units per acre for Res6 may not be exceeded and a variance shall not be granted.

16-4.109 **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.

16-4.110 **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.

16-4.12¹ **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.

16-4.13² **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.

16-4.14³ **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.

16-4.15⁴ **Hotels, Motels, and Extended Stay Hotels and Motels.** The following requirements must be met:

- (A) Facilities shall feature a minimum of two (2) of the following amenities:
 - (1) Health or fitness club of at least 250 square feet
 - (2) Swimming pool
 - (3) A minimum of two meeting rooms of at least 350 square feet each
 - (4) Daily hot breakfast

- (B) Guests shall be required to pass through an inside lobby, which is supervised by an on-premises employee at all hours the facility is open, in order to access guestrooms. Motels and Extended Stay Motels shall be exempt from this requirement.
- (C) Establishments offering less than one hundred (100) guest rooms shall feature a lobby of at least seven hundred and fifty (750) square feet; those offering one hundred (100) guest rooms or more shall feature a lobby of at least one thousand (1000) square feet.
- (D) Occupancy by any individual guest shall be limited to no more than thirty-five continuous days and shall not reset based on the guest relocating to another room or the guest “checking out” or otherwise terminating occupancy for less than seven (7) days.

16-4.165 **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 in 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.

16-4.176 **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.

16-4.187 **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.

16-4.198 **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 16-4.19, 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

16-4.20~~19~~ **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.

16-4.21~~0~~ **Removal.** A location and utilization of the manufactured/mobile home approved pursuant to section 16-4.19 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.

16-4.22~~1~~ **Micro-breweries and Micro-distilleries.**

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

16-4.23~~2~~ **Mobile Food Units.**

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

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

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

16-4.243 **Mobile Vendors.**

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

16-4.254 **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.

16-4.265 **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.

16-4.276 **Poultry Houses.** In the A1, Agricultural District, poultry houses shall be setback a minimum of one hundred (100) feet from any property line.

16-4.287 **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.

16-4.298 **Seasonal Sales and Temporary Vending.**

- (A) All seasonal sales and temporary vending activities shall be subject to the requirements of this section unless explicitly exempted by any of the following criteria:
 - (1) Fund-raising sales activities conducted by a nonprofit organization.
 - (2) All sales activities conducted as part of an event sponsored by a government agency or in conjunction with a special event alcohol permit issued by Forsyth County.
 - (3) Any sales activity explicitly exempted through official action of the Board of Commissioners.
- (B) **Temporary Sales Permit.** The issuance of a Temporary Sales Permit by the Department of Planning and Community Development shall be required before the commencement of any seasonal sales or temporary vending activities:
 - (1) **Validity.** A Temporary Sales Permit shall be valid for a period of no more than 45 consecutive days. Up to four (4) permits may be issued per calendar year, per tax parcel.
 - (a) Permits may not be issued consecutively on the same parcel; a period of 15 days must elapse between the expiration of one permit and the issuance of another.
 - (b) No applicant, individual, or entity may be issued more than one (1) permit per tax parcel per calendar year.
 - (2) **Application Requirements.** The following items shall be provided to the department by the applicant prior to the issuance of a Temporary Sales Permit.
 - (a) A Forsyth County business license issued for the current year.
 - (b) Written permission from the property owner to locate on the property and to utilize restrooms for customer and employee use.
 - (c) A site plan showing the designated area on the property for the seasonal sales or temporary vending activities.
 - (d) All applicable approvals, permits, and/or licenses required by any other local, state, or federal governmental organization or entity having jurisdiction over the subject matter.
 - (e) The department may require additional information and documentation as deemed necessary by the director to promote the health, safety, welfare, morals, convenience, order, and prosperity of Forsyth County and its citizens and to provide for attractive, economically viable areas for business and industry.
- (C) **General Requirements.** The following regulations shall apply to all sales activities governed by this section except for those exempted in section (A) above.
 - (1) No sales or related activities shall disrupt controlled vehicular ingress and egress or occupy required off-street parking spaces.

- (2) No sales or related activities shall disrupt pedestrian ingress and egress or occupy required internal sidewalks.
 - (3) No display shall be erected or installed, nor shall any activities take place within a required side or rear setback, a county or state right-of-way, or within fifty (50) feet of a county or state road.
 - (4) Vendors and merchants shall not call attention to the operation of said activities through the following means: creating sounds, playing music, making amplified announcements or similar means. At all times the use shall comply with the County's noise control requirements set forth in the Forsyth County Noise Ordinance.
 - (5) Vendors and merchants shall at all times comply with the Forsyth County Sign Ordinance and all parts of this code that regulate signage.
- (D) The department may recommend to the Board of Commissioners the adoption of additional policies related to these activities and uses as deemed necessary promote the health, safety, welfare, morals, convenience, order, and prosperity of Forsyth County and its citizens; and to provide for attractive, economically viable areas for business and industry

16-4.30~~29~~ **Self-Service Storage.**

- (A) **Area.** The minimum lot size for a self-service storage development shall be two acres, and the maximum developed area for a self-service storage development shall be four acres.
- (B) **Storage Unit Specifications and Uses.** Individual storage units shall not exceed eight hundred (800) square feet and may not be used for the storage of hazardous materials or toxic substances. The use of individual storage units for living, sales, or hobbies is prohibited. No individual self-service storage building shall be more than two hundred (200) feet long. In the Heavy Commercial (HC) and Business Park (BP) districts, self-service storage developments are limited to single-story buildings. Multi-story buildings are permitted for self-service storage developments in the Highway Business (HB) Commercial Business District (CBD) district, the Restricted Industrial District (M1), and the Heavy Industrial District (M2).
- (C) **Access.** Access to self-service storage developments is limited to passenger vehicles and two-axle trucks (no semis are permitted). Interior drives between buildings shall be a minimum of twenty (20) feet wide.
- (D) **Right-of-way Screening Required.** Fencing adjacent to a public right-of-way shall be required for self-service storage mini-warehouses, in the form of an architecturally finished wall.
- (E) **Outdoor Storage.** Outdoor storage is prohibited unless an open storage yard is permitted in the zoning district in which the development is located.
- (F) **Hours of Operation.** Self-service storage developments shall not be accessible to the general public (excluding on-site managers) between the hours of midnight and 5:00 a.m.
- (G) **Separation Distances Between Self-Service Storage businesses.** Separation distances between self-service storage businesses shall be applicable for and measured between the lot of the proposed self-service storage businesses and the lot of any existing self-service storage business. A self-service storage business shall be deemed to exist when it has received land development or building permit approval from the County. Separation distances shall be measured by a straight line connecting the closest distance between the lots. The minimum separation distance shall be three fourths ($\frac{3}{4}$) of a mile. No two self-service storage businesses shall be located on the same lot. The above separation requirements do not apply to renewal of a license or to applicants seeking a new license for a location previously licensed by Forsyth County as a self-service storage business.

16-4.31~~0~~ **Reserved.**

16-4.32~~1~~ **Short-term Rental.**

- (A) Short-term Rentals may be permitted only in agriculturally and agricultural-residentially zoned properties, and only upon application for and receipt of a conditional use permit.
- (B) In addition to the General Considerations for Decision and the Special Considerations for Decision set forth in Section 8-5.5 of this Unified Development Code, the Board shall consider and may condition approval of an application for a conditional use permit based on the following:
 - (1) Overnight occupancy and the number of guests expected to occupy the premises;
 - (2) Daytime occupancy and the number of guests permitted on the premises;
 - (3) The number of bedrooms;
 - (4) The capacity of the paved or impervious surface parking lot;
 - (5) Lot size;
 - (6) Distance from the structure to be used as a Short-term Rental from all neighboring property lines;and

- (7) Sewer capacity and/or size and condition of the on-site septic system, as applicable.
- (C) No conditional use permit granted for a Short-term Rental shall become effective until January 1, 2020, and use of any property as a Short-term Rental may not commence until the effective date of the conditional use permit.
- (D) Pursuant to Board of Commissioner action taken on May 21, 2019, those modifications to the Unified Development Code approved April 18, 2019 regarding Short Term Rentals shall not be subject to enforcement or citation until January 1, 2020. This paragraph shall be retroactive to May 21, 2019.
- 16-4.33~~2~~ **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.
- 16-4.34~~3~~ **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.

16-4.354 **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.