

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Business Service Establishment: A facility engaged in support functions to establishments operating for a profit on a fee or contract basis including but not limited to: advertising agencies, consumer credit and/or collection agency, photocopying, blueprinting and duplication services, mailing agencies, computer and data processing services, detective agencies, consulting firms, accounting, auditing and bookkeeping services, personal supply services, employment agencies, and interior decorators.

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

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

Car Wash: A business establishment engaged in the washing and/or waxing of any vehicle either by the patron, by others, by automated machinery or by some combination thereof.

Car wash, Self-Service: A business establishment which provides for the washing and/or waxing of any vehicle by the customer. Customers exit the vehicle in order to clean the vehicle. The business shall be considered a drive-through.

Car wash, Staffed: A business establishment which provides for the washing and/or waxing of any vehicle either by employees, automated machinery or any combination thereof. Employees may provide additional services such as drying or detailing. The business shall be considered a drive-through.

Center Line: That line surveyed and monumented by the governing body as the center line of the street; or if such center line has not been surveyed, it shall be that line running midway within the pavement of the road or that line running midway within the travel way if unpaved.

Certification: A signed, written statement from the proper County authority stating that specific constructions, inspections, or tests where required have been performed and that such comply with the applicable requirements of this Code or regulations adopted pursuant thereto.

Clinic: An institution or professional office, other than a hospital or nursing home, where persons are counseled, examined, and/or treated by one or more persons providing any form of healing or medical health service. Persons providing these services may offer any combination of counseling, diagnostic, therapeutic or preventative treatment, instruction, or services, and which may include medical, physical, psychological, or mental services and facilities for primarily ambulatory persons. A clinic allows lodging and care in cases of medical necessity.

Club or Lodge, Nonprofit: A building or premises used by non-profit associations or organizations of an educational, fraternal, or social character. Representative organizations include elks, veterans of foreign wars, and lions. The term shall not include casinos, nightclubs, bottle clubs, or other establishments operated or maintained for profit.

Co-location: The placement of antennas of two or more service providers upon a single tower or other structure.

Commercial Athletic Field, Outdoor: Any commercial enterprise that provides access to athletic fields to the general public for a fee, and where activity on the athletic fields, including, but limited to, soccer, baseball, softball, football, lacrosse, cricket or similar sports, occurs wholly outdoors. Stadiums and other types of covered fields are expressly excluded from this definition.

Commercial Recreational Facility, Indoor: A use that takes place within an enclosed building that involves the provision of sports and leisure activities to the general public for a fee, including but not limited to the following: assembly halls, auditoriums, meeting halls, art galleries and museums, amusement halls, ice and roller skating rinks, physical fitness centers and health clubs.

Commercial Recreational Facility, Outdoor: A use of land and/or buildings that involves the provision of sports and leisure activities to the general public for a fee, including but not limited to the following: stadiums, amphitheaters, circuses and carnivals, fairgrounds, drive-in theaters, golf driving ranges, miniature golf courses, batting cages, race tracks for animals or motor-driven vehicles, trout ponds, equestrian centers and horse and pony riding rinks, botanical and zoological gardens, recreational vehicle parks, ultra-light flight parks, and bungee jumping. A golf course and private club that is built as part of a single-family residential subdivision and that operates in a quasi-public manner is not considered to be an outdoor commercial recreational facility.

Communication Antenna: An antenna designed to transmit or receive communications as authorized by Federal Communications Commission.

Communication Tower: Any structure that is designed and constructed primarily for the purpose of supporting communication (transmission or receiving) equipment, including but not limited to self-supporting lattice towers, guy towers, or monopole towers. The term communication tower includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telecommunication towers, satellite fiber optic towers, man-made trees (with accessory buildings/structures) and other similar structures. The term communication tower shall not include amateur radio operators' equipment, as licensed by the Federal Communications Commission. No tower shall exceed 200 feet in height (including antenna) when freestanding, or twenty (20) percent above the building height when placed on top of buildings.

Community Onsite Sewage Management System: A method of sewage treatment which may be similar to a Septic Tank System, but a Community Onsite Sewage Management System routes sewage, wastewater, or effluent (whether for storage, pumping and transporting, percolation, or continuation of the function or process of a Septic Tank or Septic Tank System) from one or more lots to a drain field, collection point, settling tank, back-up drain field, or other equipment or component for sewage disposal or storage which is located on another lot, tract or property. Treatment or partial treatment of sewage shall not disqualify a system from falling within this definition. Community Onsite Sewage Management Systems are prohibited

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

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

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

County Health Department: The Forsyth County Health Department.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Distillery: A premises where distilled spirits are manufactured.

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

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

Drive-in: ~~A retail or service enterprise wherein service is provided or goods are sold to the customer within a motor vehicle and outside of a principal building.~~

Drive-through: ~~A retail or service establishment wherein service is provided or goods are sold to the customer while the customer remains in their vehicle or remains in an on-site waiting area during the course of the transaction. The term shall not include fuel stations, nor establishments without stacking lanes that provide short term parking for Curbside pick-up.~~

Recycling Collection Point: An incidental use that serves as a neighborhood drop-off point for temporary storage of recyclables.

Recycling Plant: A facility in which recyclables are reprocessed and treated to return such products to a condition in which they may be used again in new products.

Relocated Residential Structure: A detached, single family dwelling that is moved or disassembled into more than one structure and moved to another site, whether temporary or permanent.

Reservation: A method of holding land for future public use by showing proposed public areas on a subdivision plat.

Reserve Strip: A strip of land across the end of, or along the edge of, a street, alley, or lot for the purpose of controlling access which is reserved or held until future street extension or widening.

Residence for Caretaker or Night watchman: A dwelling designed or intended for occupancy by a person(s) owning, employed in, or dealing with, and responsible for the security and maintenance of the land on which it is situated.

Research Laboratory: A facility for scientific laboratory research in technology-intensive fields, including but not limited to biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfer, and radiation research facilities, computer software, information systems, communication systems, transportation, geographic information systems, multi-media and video technology. Also included in this definition are facilities devoted to the analysis of natural resources, medical resources, and manufactured materials, including environmental laboratories for the analysis of air, water, and soil; medical or veterinary laboratories for the analysis of blood, tissue, or other human medical or animal products, and forensic laboratories for analysis of evidence in support of law enforcement agencies.

Residential Zoning District: Any R1R, CR1, R1, R2R, R2, R3, R4, LR, Res1, Res2, CR2, Res3, Res4, Res6 MHP or any district described in Chapter 11 of this Code.

Retail Trade Establishment, Enclosed: Any business offering goods and products for sale to the public, which may include the incidental repair of such goods and products, that operates entirely within a structure containing a roof and walls on all sides, except for outdoor display or other use during business hours and accessory storage in enclosed, subordinate buildings. These include but are not limited to the following: hardware, paint, glass and wallpaper stores, grocery and miscellaneous food stores including retail bakeries, apparel, shoe, and accessory clothing stores, furniture, upholstery, floor covering, household appliance and home furnishing stores, musical instrument stores, radio, television, and computer stores, record, tape, and compact disc stores, eating and drinking places not involving ~~drive-in~~ or drive-throughs ~~facilities~~, drug stores, apothecaries and proprietary stores, liquor stores and bottle shops, used merchandise stores, sporting goods stores and bicycle shops, art and stationery stores, hobby, toy, and game shops, jewelry, gift, novelty, souvenir and antique shops, camera and photographic supply stores, luggage and leather goods stores, sewing, needlework, and piece goods stores, catalogue and mail order stores, newsstands, florists, automotive parts stores not involving repair, video rental and sales stores, and watch and clock sales and repair shops.

Retaining Wall: A wall, terraced combination of walls, or similar structure located at a grade change to hold the soil on the up-hillside from slumping, sliding, or falling. Retaining walls are not integral to the structure and do not provide direct physical contact for the support of a building or structure.

Right-of-Way: An area of land not on a lot that is dedicated for public or private use to accommodate a transportation system and necessary public utility infrastructure, including but not limited to water lines, sewer lines, power lines and gas lines. In no case shall a right-of-way be construed to mean an easement.

River Bank: The rising ground, bordering a river, which serves to confine the water to the natural channel during the normal course of flow.

River Corridor Protection Plan: That part of Forsyth County Comprehensive Plan which deals with the river corridor protection requirements specified in rules of the Georgia Department of Natural Resources and state law, as appropriate.

Road: See Street.

Roadside Stand: A structure, or portion thereof, for the shelter, display, and sale of agricultural products produced on the premises, with no space for customers within the structure itself.

Salvage Yard: A place of business primarily engaged in the storage, sale, dismantling or other processing of uses or waste materials which are not intended for reuse in their original forms. Typical uses include paper and metal salvage yards, used tire storage yards, or retail and/or wholesale sales of used automobile parts and supplies.

Seasonal Sales: A temporary use that entails the retail sale of items other than from a structure that are, by their nature, sold during a peak season, for no more than 45 consecutive days, including such items as fruits, vegetables, Christmas trees, pumpkins, firewood, fireworks, or other similar items as determined by the director of

TABLE 12.1
PERMITTED USES IN COMMERCIAL AND OFFICE DISTRICTS*

P = Permitted, C = Conditional, X = Not Permitted

Use	Commercial and Office Zoning Districts								
	NS	UV	CBD	HB	HC	BP	O&I	OR	OCMS
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	P	P
Adult entertainment and adult materials establishments	X	X	X	X	X	X	X	X	X
Apiaries	P	P	P	P	P	P	P	P	P
Automobile service establishment, major	X	X	X	C	P	X	X	X	X
Automobile service establishment, minor	X	X	C	P	P	X	X	X	X
Bar, lounge, nightclub	X	C	C	C	X	X	X	X	X
Bed and breakfast inns	X	C	C	C	X	X	X	X	C
Bowling alley	X	C	C	C	X	X	X	X	X
Build-to-rent	X	C (Note 6)	C (Note 6)	X	X	X	C (Note 6)	X	X
Business service establishments, not exceeding 2,500 square feet of gross floor area	P	P	P	P	X	P	C	C	P
Business service establishments of 2,500 square feet or more of gross floor area	C	P	P	P	X	P	X	X	P
Campgrounds	X	X	C	C	X	X	X	X	X
Car Wash, self-service	X	X	C	C	P	X	X	X	X
Car Wash, staffed	X	X	C	C	P	X	X	X	X
Cemeteries	X	X	P	P	X	X	X	X	X
Clinics	X	P	P	P	X	C	P	C	P
Club or lodge, nonprofit 10,000 square feet or less in aggregate size	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)
Club or lodge, nonprofit more than 10,000 square feet in aggregate size	C (Note 1)	C (Note 1)	P (Note 1)	P (Note 1)	C (Note 1)	C (Note 1)	C (Note 1)	C (Note 1)	C (Note 1)
Colleges, universities, and trade and technical schools 10,000 square feet or less in aggregate size	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)
Colleges, universities, and trade and technical schools more than 10,000 square feet in aggregate size	C (Note 1)	C (Note 1)	P (Note 1)	P (Note 1)	C (Note 1)	C (Note 1)	C (Note 1)	C (Note 1)	C (Note 1)
Commercial athletic fields, outdoor	X	X	C	C	C	X	X	X	C
Commercial recreational facility, indoor	X	P (Note 1)	P (Note 1)	P (Note 1)	X	C (Note 1 and 2)	C (Note 1 and 2)	X	P (Note 1)

Use	Commercial and Office Zoning Districts								
	NS	UV	CBD	HB	HC	BP	O&I	OR	OCMS
Commercial recreational facility, outdoor	X	X	C (Note 1)	C (Note 1)	C (Note 1)	X	X	X	C (Note 1)
Communication towers and antennas	C	C	C	C	C	C	C	C	C
Conservation areas	P	P	P	P	P	P	P	P	P
Conservation subdivisions	X	X	X	X	X	X	X	X	X
Contractor's establishments	X	X	C	C	C	C	X	X	X
Convenience stores, with or without gasoline pumps	C	C	C	C	X	X	X	X	C
Day care centers	P	P	P	P	X	P	P	P	P
Drive-throughs, facilities excluding car washes	EX	C	P	P	X	X	X	X	C
Dwellings, single-family detached	X	X	X	X	X	X	X	X	X
Dwellings, single-family attached (townhouses)	X	X	X	X	X	X	X	X	X
Dwellings, two-family (duplexes)	X	X	X	X	X	X	X	X	X
Dwellings, multi-family	X	X	X	X	X	X	X	X	X
Electronic game playing centers	X	C	C	C	X	X	X	X	X
Finance, insurance and real estate establishments, less than 5000 square feet of gross floor area per establishment	P	P	P	P	X	P	P	X	P
Finance, insurance and real estate establishments of 5000 square feet or more of gross floor area per establishment	X	P	P	P	X	P	P	X	P
Fuel stations	C	C	C	C	C	X	X	X	C
Heliports and Helipads	X	X	C	C	C	X	X	X	X
Hospitals and related health services not otherwise specified	X	X	P	P	X	X	C	X	P
Hotel	X	C	C	C	X	X	X	X	C
Hotel or Motel, Extended Stay	X	C	C	C	X	X	X	X	C
Junk yards	X	X	X	X	C	X	X	X	X
Kennels, Animal Hospitals and Veterinary Clinics with outdoor facilities such as pens, kennels, runs, etc.	X	X	C	C	C	X	X	X	X
Kennels, Animal Hospitals and Veterinary Clinics without outdoor facilities	X	X	P	P	P	X	X	X	X
Machine shops	X	X	C	P	P	P	X	X	X
Major subdivisions for non-residential uses	P	P	P	P	P	P	P	P	P
Manufacturing, processing, and assembling	X	X	C	C	C	P	X	X	X

Use	Commercial and Office Zoning Districts								
	NS	UV	CBD	HB	HC	BP	O&I	OR	OCMS
Massage parlor	C	C	C	C	X	X	C	C	C
Micro-brewery	X	X	P	C	C	X	X	X	X
Micro-distillery	X	X	P	C	C	X	X	X	X
Minor subdivisions for non-residential uses	P	P	P	P	P	P	P	P	P
Miscellaneous service establishments	X	C	C	C	X	C	X	C	C
Motel	X	C	C	C	X	X	X	X	C
Offices	P	P	P	P	P	P	P	P	P
Open air businesses	X	C	C	C	P	X	X	X	X
Open storage yards	X	X	C	C	C	C	X	X	X
Pawn shops	X	C	C	C	C	X	X	X	X
Personal care homes and institutionalized living facilities, serving ten persons or less	C	P	P	P	X	X	C	C	P
Personal care homes and institutionalized living facilities, serving more than ten persons	X	P	P	P	X	X	C	X	P
Personal service establishments, not exceeding 2,500 square feet of gross floor area per establishment	P	P	P	P	X	P	C	C	P
Personal service establishments greater than 2,500 square feet of gross floor area per establishment	X	P	P	P	X	P	X	X	P
Place of worship 10,000 square feet or less in aggregate size (Note 5)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)
Place of worship more than 10,000 square feet in aggregate size (Note 5)	C (Note 1)	C (Note 1)	P (Note 1)	P (Note 1)	C (Note 1)				
Pool Hall	X	C	C	C	X	X	X	X	X
Public and semi-public uses	P	P	P	P	P	P	C	P	P
Residence for caretaker or night watchman	X	X	C	C	P	P	X	X	X
Restaurants, including outside seating areas but not including drive-ins or drive-throughs facilities	P	P	P	P	P	P	C	C	P
Retail trade establishments, enclosed	P	P	P	P	P	P	X	X	P
Schools, private and parochial, 10,000 square feet or less in aggregate size	X	C (Note 1)	C (Note 1)	C (Note 1)	X	X	C (Note 1)	X	C (Note 1)
Schools, private and parochial, more than 10,000 square feet in aggregate size	X	C (Note 1)	C (Note 1)	C (Note 1)	X	X	X	X	C (Note 1)

TABLE 14.1
PERMITTED USES IN INDUSTRIAL AND MINING DISTRICTS*

P = Permitted

C = Conditional

X = Not Permitted

Uses	Industrial and Mining Zoning Districts		
	Restricted Industrial District (M1)	Heavy Industrial District (M2)	Mining Operations District (MINE)
Accessory uses and structures determined by the Board to be normally incidental to one or more permitted principal uses	P	P	C
Acid manufacturers	X	C	X
Adult entertainment and adult materials establishments	C (Note 1)	C (Note 1)	X
Ammonia, bleach, and chlorine manufacturers	X	C	X
Animal rendering and recycling plants	X	C	X
Apiaries	P	P	P
Apparel manufacturing	P	P	X
Asphalt plants	X	C	C
Automobile services establishment, major	P	P	X
Automobile services establishment, minor	P	P	X
Bar, lounge, nightclub	C	X	X
Bottling and canning plants	P	P	X
Bowling alley	C	X	X
Breweries and distilleries	C	C	X
Build-to-rent	X	X	X
Camera and photographic equipment manufacturing	P	P	X
Car Wash, self-service	P	P	X
Car Wash, staffed	P	P	X
Cement, lime gypsum or plaster of paris manufacturers	X	C	C
Ceramic production facilities	C	P	X
Coal and tar products manufacturers	X	C	X
Coating of cans, coils, fabrics, vinyl, metal furniture, appliance surfaces, wire, paper, and flat wood paneling	X	C	X
Cold storage plants and frozen food lockers	C	P	X
Commercial recreational facilities, indoor	P	C	X

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

Uses	Industrial and Mining Zoning Districts		
	Restricted Industrial District (M1)	Heavy Industrial District (M2)	Mining Operations District (MINE)
Pool Hall	C	X	X
Printing, blueprinting, publishing, and book binding facilities	P	P	X
Public and semi-public uses	P	P	P
Pulp mills	X	C	X
Recycling and recovery facilities	C	C	X
Research laboratories, and ancillary manufacturing	C	C	C
Restaurants, not including drive-in or drive-throughs facilities	P	P	X
Retail Trade Establishments	X	X	X
Salvage yards	C	P	X
Schools, private, parochial, vocational—Technical and business 10,000 square feet or less in aggregate size	P (Note 2)	X	X
Schools, private, parochial, vocational—Technical and business more than 10,000 square feet in aggregate size	P (Note 2)	X	X
Shooting range, indoor	C (Note 4)	C (Note 4)	X
Shooting range, outdoor	C (Note 4)	C (Note 4)	C (Note 4)
Short-term Rental	X	X	X
Sign fabrication and painting shops	P	P	X
Solid waste transfer stations	C	C	C
Solvent metal cleaning	X	C	X
Stock yards and slaughterhouses	X	C	X
Storage, self-service, climate controlled	C	C	X
Storage, self-service, courtyard	C	C	X
Storage, self-service, mini-warehouse	C	C	X
Temporary structures and uses	C	C	C
Textile manufacturing and processing	P	P	X
Theaters	C	X	X
Tire retreading and recapping facilities	C	P	X
Transportation, communication, and utility facilities, except truck terminals	C	C	C
Truck terminals	C	C	C
Uses not specified in this table	(Note 5)	(Note 5)	(Note 5)

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.

16.4.12 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.~~ Reserved.

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

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

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

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

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

16.4.15 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 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.

CHAPTER SEVENTEEN

PARKING AND LOADING REGULATIONS

ARTICLE I. PURPOSE AND APPLICABILITY:

17-1.1 Purpose and Intent.

- (A) Establish requirements for minimum off-street parking and loading areas in proportion to the need created by each use;
- (B) To reduce congestion in the streets and to ensure that uses and functions of public rights-of-ways are not interrupted;
- (C) Establish certain maximum as well as minimum requirements for parking spaces to reduce development costs and ensure that excess impervious surfaces are not constructed, while providing for additional parking spaces additions when a demonstrated need exists;
- (D) To promote flexible approaches to the provision of off-street parking, including in some cases, as appropriate, use of on-street parking, shared parking arrangements, smaller spaces for compact cars, and unimproved overflow or spillover parking areas.
- (E) To encourage the provision of bicycle parking and park and ride facilities, where warranted.
- (F) To establish design and improvement specifications for the development of parking lots, access aisles, parking decks, and connections of parking lots and decks to public streets.
- (G) To ensure that parking areas will be compatible with abutting residential districts.

17-1.2 Applicability. This chapter shall apply to any new building constructed; for new uses or conversions of existing, conforming buildings; and for enlargements of existing structures. In addition, this chapter shall apply to any development providing five (5) or more off-street parking spaces. This chapter shall not be construed as to require additional parking spaces to be furnished for an existing building which is repaired, altered, maintained, or modernized, where no significant structural alterations are made and the size of the building is not increased; provided, however, that when the occupancy of any building is changed to another use, parking shall be provided to meet the requirements of this chapter for the new use.

ARTICLE II. REQUIRED PARKING:

17-2.1 Required Minimum Number of Parking Spaces. No existing facility used for off-street parking shall be reduced in capacity to less than the minimum required number of spaces, or altered in design or function to less than the minimum standards, unless specifically provided for in this chapter. Buildings, structures, and uses shall meet the following:

TABLE 17.1	
MINIMUM NUMBER OF OFF-STREET PARKING SPACES REQUIRED	
Use	Parking Spaces Required (Per Gross Floor Area Devoted to the Use, or Per Employee on Largest Shift, Except as Otherwise Specified)
Commercial Uses	
Art gallery	One per 400 square feet
Auto parts store	One per 400 square feet plus one per employee
Automobile service and repair	Two per service bay
Bank, credit union, savings and loan	One per 300 square feet (also see stacking requirements for drive-throughs facilities)
Barber shop or beauty parlor	One and one-half per operator's chair, plus one per employee
Bed and breakfast inn	Two for the owner-operator plus one per guest bedroom
Billiard hall/amusement arcade	One per 200 square feet
Bowling alley	Two for each alley, plus one per each employee

ARTICLE VI, SPECIAL PARKING REQUIREMENTS:

17-6.1 Accessible Parking Spaces.

Number Required. The required number of accessible parking spaces shall be as provided in Table 17.2 below. Accessible parking spaces shall be included in the total number of required spaces and not in addition to the minimum parking requirements. Accessible parking spaces shall comply with all requirements of the State of Georgia, including, but not limited to location, dimensions, and identification of accessible spaces.

TABLE 17.2 ACCESSIBLE PARKING SPACES	
Total Required Parking Spaces	Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20 plus 1 for each 100 over 1000

17-6.2 Stacking Spaces and Lanes for Drive-Throughs Facilities. Stacking spaces shall be provided for any ~~use having a~~ drive-through ~~facility or areas~~ establishment having drop-off and pick-up areas, ~~in accordance with the following~~ ~~Financial institutions with drive through windows, restaurants with drive through facilities, car washes (automated or staffed facilities), drive through photo finishing booths, and drive through coffee sales facilities, and any other uses with drive through facilities shall provide three stacking spaces~~ ~~Three (3) stacking spaces for each drive-through window or drive through service facility~~ communication/mechanical device shall be provided beginning at the first window or device. ~~Stacking spaces shall begin at the window or communication/mechanical device (e.g., order board) first~~ encountered by the vehicle user. The following general standards shall apply to all stacking spaces, stacking lanes, and drive-throughs ~~facilities~~:

- (A) Stacking spaces and lanes ~~for drive through stations~~ shall not impede on and off site traffic movements, shall not cross or pass through off street parking areas, and shall not create a potentially unsafe condition where crossed by pedestrian access to a public entrance of a building.
- (B) ~~Drive through~~ Stacking lanes shall be separated from off-street parking areas. Individual lanes shall be striped, marked or otherwise distinctly delineated.
- (C) All drive-throughs ~~facilities~~ shall be provided with a bypass lane with a minimum width of ten (10) feet.

17-6.3 Semi-Tractor Trailer Parking. For those uses which cater to the parking of semi-tractor trailers, designated off-street parking spaces shall be required in proportion to the use as determined by the director. All parking spaces designated for semi-tractor trailer parking shall be at least fourteen (14) feet in width and sixty (60) feet in length.

17-6.4 Commercial Vehicles in Agricultural Zoning Districts. One commercial vehicle and attached licensed and tagged trailer per acre, with a maximum of two, shall be allowed to be parked in connection with a residential dwelling unit in the Agricultural zoning districts if owned by the occupants of the dwelling unit or owned by a firm, corporation or entity for which a dwelling unit occupant is employed provided they meet the conditions listed herein. Nothing in this Section shall be deemed to supersede the non-conforming uses provisions in Chapter 10 of this Code.

- (A) Commercial vehicle. A commercial vehicle means any self-propelled licensed motor vehicle used on a highway in commerce to transport passengers or property and has a gross vehicle weight rating or gross combination weight rating of 26,000 or more pounds.
- (B) Minimum lot area. The parcel must be a minimum of one acre in size and zoned Agricultural (A1) or Agricultural-Residential (AG-RES).

(J) Motor Vehicle Stacking

(1) Table 21-6.B Stacking Capacity Requirements

Use	Minimum Vehicle Stacking Capacity per drive-through lane
Car Wash – full service <ins>self-service or staffed</ins>	4 vehicle spaces
Food Service	4 vehicle spaces
All other uses	3 vehicle spaces

(2) Each stacking space shall be a minimum of nine (9) feet in width and eighteen (18) feet in length.

(3) ~~Drive-through~~ Stacking lanes must be striped and marked.

(4) All ~~drive-throughs~~ facilities shall be provided with a by-pass lane a minimum width of nine (9) feet.

(5) Drive-through window(s) are prohibited on the side of a building facing a residential district.

(K) **Screening of Open Storage Yards.** All areas devoted to outside storage of vehicles, merchandise or equipment shall be screened from view from the right of way. Screening may be accomplished by vegetation, a masonry wall, fence or combination of fencing and vegetation. Fences or walls may not exceed eight (8) feet in height. Chain link fencing is prohibited.

(L) **Outdoor display of vehicles, equipment, and merchandise.** Open storage or display of vehicles, equipment, and merchandise to be rented, leased or sold shall not be visible along no more than fifty (50) percent of the frontage of the property abutting the right of way, excluding approved driveways.

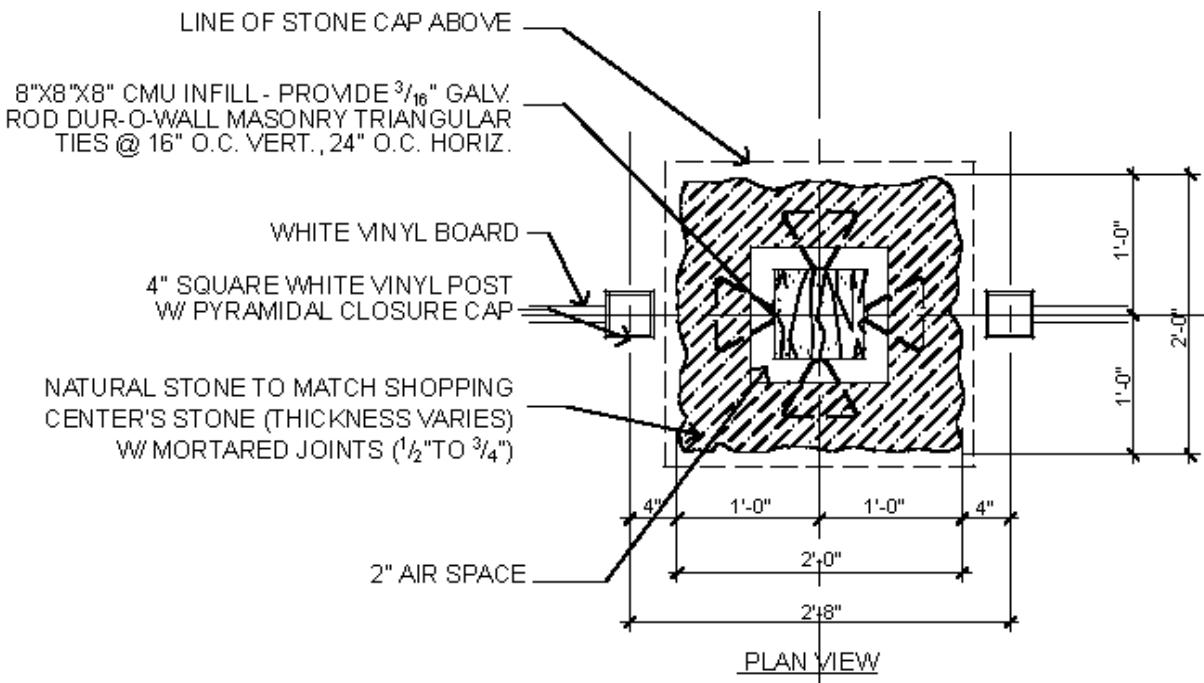
(M) **Canopies.** A variety of business offer patrons the safety and convenience of canopies.

(1) The overall height of canopies should not exceed twenty (20) feet.

(2) All elements of islands or canopies that are not operational should be architecturally integrated by use of color, material, and architectural detailing.

(3) Lighting under canopies shall not exceed thirty (30) foot-candles.

(N) **Setback Reduction.** The front yard building setback requirements (Table 21.6) may be reduced without requiring a variance in cases where one or more existing building located wholly or partially within five hundred (500) feet on either side of the proposed building, fronting on the same street of such block, is less than the minimum required front yard building setback as shown on a survey provided by the applicant. In such cases, the setback on such lots may be less than the required setback, but not less than the average of the existing setbacks on the aforementioned lots, or a distance of fifteen (15) feet from the closest edge of the future right-of-way line, whichever is greater.



(B) **Pedestrian and Bicycle Circulation.** Pedestrian connections and walkways shall be provided throughout commercial and mixed use developments.

- (1) Commercial buildings shall provide organized circulation for pedestrians with a clear walkway, no less than 5 feet in width, from the public sidewalk or right-of-way to main entrances of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, street crossings, transit stops, building and store entry points.
- (2) All internal pedestrian walkways shall be distinguished from driving surfaces through the use of color and durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
- (3) Sidewalks, no less than five (5) feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least six (6) feet from the facade of the building to allow for landscaping.
- (4) Commercial establishments shall design drive-throughs facilities to minimize vehicular/pedestrian conflicts.
- (5) Commercial establishments shall provide bike racks, benches and/or other street furniture to encourage alternative transportation use.

21-7.6 **Architectural Design Standards.** The architectural design standards established herein apply to all development requiring a land disturbance permit. They are intended to achieve a base level of quality for architectural and landscape design that is responsive to its context and contributes to the overall character of the overlay district. The architectural criteria listed below establish minimum design standards for buildings within the overlay district in order to reduce the impacts of development on adjacent properties. The highest quality of architectural design and innovation is encouraged. These standards are in addition to the design criteria contained in Chapters 11 and 12:

- (A) **Building Materials and Architectural Treatments.** The following design standards, guidelines, and enhancements are established to create a sense of architectural consistency throughout the overlay district, ensure high quality architectural design, and maintain a sense of rural character.
 - (1) Commercial development shall adhere to an equestrian design theme through the incorporation of at least two of the following design elements: roofline features (gable vents, cupolas, weathervanes, metal pennant flags), façade details (faux or functional barn motif window and door treatments, equestrian designed wall mounts), and landscape (equestrian bollards, water feature, outdoor art installation in addition to required equestrian fencing). Design possibilities include, but are not limited to, those indicated in the photographs below and those listed in Table 21.1.

and conforms to all provisions set forth in this section. The lighting plan shall address fixture design and location. In addition to 16-4.26, the following shall apply:

- (1) Lighting shall be architecturally integrated with the style, material, and color of on-site structures.
- (2) Mounting heights and shielding shall be utilized to effectively control glare and light trespass. Light fixtures over 14' in height shall be full cutoff fixtures. Pedestrian light fixtures 14' in height or less may be cutoff or semi-cutoff fixtures. See 16-4.26 for light spillage and height regulations.
- (3) Lighting shall not blink, flash, or oscillate.
- (4) All outside illumination of any building and/or surrounding landscape, except for security purposes, is prohibited after 11:00 P. M. or when the business closes, whichever is later.
- (5) All lighting fixtures on a project site shall be from the same family of fixtures with respect to design, materials, finish, color, and color of light and shall complement the architectural theme and materials established by the primary buildings. Compatibility of fixture styles shall be approved by staff.
- (6) Architectural lighting of building facades: Building illumination and architectural lighting shall be indirect in character and shall respect and reinforce the architectural treatment of the building.
 - (a) Upward aimed building façade lighting shall not exceed 900 lumens and shall not require shields. All upward aimed lights shall be fully confined from projecting into the sky by eaves, roofs, or overhangs.
 - (b) Building façade lighting exceeding 900 lumens shall be shielded, aimed downward, and shall be mounted as flush to a wall as possible.
 - (c) All lighting shall be fully contained within the vertical surface of the wall being illuminated.
 - (d) Highly polished surfaces such as glass, marble, glazed tile, glazed brick, porcelain Enamel, and highly reflective metals shall not be lighted directly to minimize reflective glare.
- (7) Swivel-mounted luminaries and wall packs are prohibited.
- (8) Landscape lighting shall only be utilized to accent landscaping, be pointed away from the property line, and fixtures shall contain extension shields to minimize glare and light source visibility.

(C) **Screening**. In addition to regulations set for in Chapter 12, the following standards shall apply to commercial development:

- (1) All ground mounted mechanical, HVAC, electric and communications transformers and like systems shall be screened from view from any public right-of-way and any residential use by one of the following: placement behind the building, 100% opaque fencing, an earthen berm, and/or a vegetative screen planted according to County buffer standards.
- (2) Flat roofs, roof mounted equipment and other accessories shall be screened from public view by a parapet, gable roof, roof screen, or architectural feature. Roof equipment and roof screens shall be finished to match the roof or parapet wall.
- (3) Loading areas shall be screened from the public right-of-way and any residential use by placement behind the main building, an earthen berm and/or vegetative screen planted according to County buffer standards.
- (4) Drive-thru~~oughs~~-facilities and stacking lanes, when contiguous to any public right-of-way, residential use, or pedestrian gathering area shall be obscured from view by placement behind the building, an earthen berm and/or vegetative screen planted according to County buffer standards.
- (5) All parking areas shall be screened from view with evergreen shrubs. Shrub height shall be no less than three (3) feet as measured from the top of curb of the parking areas.
- (6) Outside storage is prohibited, except for seasonal sales of holiday trees, nursery supplies, and pumpkins. In no instance shall outdoor display obstruct sidewalks or otherwise impede pedestrian movement to the establishment's entrance.
- (7) Storage of shopping carts shall be indoors and/or located adjacent to the building where the carts are utilized. Storage/enclosure shall be made out of masonry to match the exterior building materials. Parking lot corrals are allowed.

(5) Promotional beacons, search lights, laser source lights, strobe lights or any similar light when projected above the horizon, and lighting used for causing sky glow to attract attention in excess of the lighting used to provide safety, security and utility are prohibited. Projects that want to integrate lines or rows of lights within a defined pedestrian plaza may seek administrative approval upon submission of lighting specifications. Such lights shall not be placed permanently on building exteriors.

(6) Pedestrian street lights, not to exceed fourteen (14) feet in height, shall be installed along SR 141/Peachtree Parkway from Majors Road to SR 9/Atlanta Highway per GDOT approved lighting plan.

(D) **Screening.** In addition to regulations set forth in Chapter 12, the following standards shall apply:

- (1) Accessory site features including, but not limited to, meters, meter boxes, electrical transformers, and other equipment located on the ground shall be screened from view from public rights-of-way, residential uses, or any residential or agricultural zoning category by placement behind the main building, 100% opaque fencing, berm and/or a vegetative screen planted according to County buffer standards.
- (2) Flat roofs, roof mounted equipment and other accessories shall be screened from view from the public rights-of-way, residential uses or any residential or agricultural zoning category by a parapet, gable roof, roof screen, or other architectural feature. Roof equipment and roof screens shall be finished to match the roof or parapet wall. When the relationship between building roofs and adjoining public streets and/or residential developments make screening of roof equipment impossible (e.g. road higher than roof), a parapet of no less than four feet in height shall be installed.
- (3) Loading areas shall be screened from the public rights-of-way, residential uses, or any residential or agricultural zoning category by placement behind the main building or appropriately scaled wall, the use of earthen berms that are no less than 5 feet in height and/or a vegetative screen planted according to County buffer standards.
- (4) Drive-thru~~oughs~~-facilities and stacking lanes, when contiguous to any public right-of-way, residential use, or pedestrian gathering area shall be obscured from view by an earthen berm and/or a vegetative screen planted according to County buffer standards.
- (5) Storage of shopping carts shall be located adjacent to the building where the carts are utilized. Storage/enclosure shall be made out of masonry to match the exterior building materials. Parking lot corrals are allowed.
- (6) Walls or fences, required or otherwise, when visible from the right-of-way shall complement the exterior materials of the primary structure on site. Tarps and banner signs shall not be attached to fencing material.
- (7) Chain link fencing is prohibited on SR 141/Peachtree Parkway/Bethelview Road frontage. Chain link fencing may be allowed along the sides and rear of property fronting SR 141/Peachtree Parkway/Bethelview Road if it is screened with evergreen trees, shrubs, and/or decorative fencing for the full length and height of the fence.

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

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

ARTICLE XI, BUFORD HIGHWAY OVERLAY DISTRICT:

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

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

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

- (A) Theaters, except if otherwise located within a planned commercial or mixed use development.
- (B) Electronic game playing centers
- (C) Adult entertainment centers
- (D) Adult novelty stores
- (E) Pawn shops
- (F) Pool halls
- (G) Tattoo parlors
- (H) Massage parlors, except massage establishments that provide massage services as well as facials, chemical peels, muscle stretch and therapy services, aromatherapy and foot treatments.
- (I) Landfills
- (J) Transfer stations
- (K) Trailer parks
- (L) Temporary buildings except construction trailers in commercial and industrial districts
- (M) Electronic message boards/Changeable copy signs, with the exception of fuel stations, including any upgrades to preexisting signs regardless of general allowance of such upgrades in the Forsyth County Sign Ordinance and this Code.
- (N) Chemical storage facilities
- (O) Panhandling
- (P) Self-service car washes ~~facilities~~
- (Q) Building supply yards
- (R) Fuel tank lease and sales establishments
- (S) Large scale retail, as defined in section 21-6.4(A) on any parcel of less than seven (7) acres between Nuckolls Road and Echols Road and on parcels of any size between Echols Road and the county line bordering Gwinnett County.
- (T) Vehicle rental establishments, vehicle sales dealerships and parking decks on any parcel of less than seven (7) acres between Nuckolls Road and Echols Road and vehicle rental establishments, vehicle sales

streets and/or residential developments make screening of roof equipment impossible (e.g. road higher than roof), a parapet of no less than five (5) feet in height shall be installed.

- (3) All dumpsters and compactors shall be enclosed on three sides by materials and architectural elements to match the primary structure and gated on the fourth side.
 - (a) The enclosure shall be at least one (1) foot taller than the highest point of the dumpster or compactor.
 - (b) The gate shall be composed of decorative metal or other durable materials which shall reach the height of the three sided enclosure and with colors coordinated with those of the primary structure. Chain link material is prohibited.
 - (c) All dumpsters and compactors shall be equipped with lids.
- (4) Loading areas shall be screened from rights-of-way, residential uses, or any residential or agricultural zoning category by placement behind the main building or appropriately scaled wall, the use of earthen berms that are no less than five (5) feet in height and/or a vegetative screen planted according to County buffer standards.
- (5) Businesses requiring a fleet of service vehicles shall park such vehicles behind the building or otherwise provide adequate screening to ensure the vehicles are not visible from the public right-of-way.
- (6) Drive-throughs ~~facilities~~ and stacking lanes for any facility type, when contiguous to any right-of way, residential use, or pedestrian gathering area shall be obscured from view by an earthen berm and/or a vegetative screen, that is no less than six (6) feet in height planted according to County buffer standards.
 - (a) Stacking lanes and bypass lanes shall be designed in a manner so that vehicle queuing does not interfere with access driveways, interparcel connections, or maneuverability in and out of off-street parking spaces. No drive-through shall exit directly onto the right-of-way.
 - (b) Car wash openings shall be oriented away from the right-of-way.
- (7) Storage of shopping carts shall be located indoors. Where indoor storage is not feasible, shopping carts shall be located adjacent to the building and screened by an enclosure made of masonry to match the exterior building materials.
 - (a) Shopping cart corrals in parking areas shall be curbed within parking islands so that additional railings are not required for secure cart positioning.
 - (b) Parking islands that contain cart corrals must include four hundred (400) square feet of landscaped space.
 - (c) One (1) identifying sign at the rear of each corral is permitted for visibility within the parking lot.
- (8) Walls or fences when visible from the right-of-way, or from any residential property, shall complement the exterior materials of the primary structure on site.
- (9) In order to decrease noise and disturbance to residential areas, all fencing visible from residential properties shall be shielded from view by an earthen berm with a vegetative screen that is no less than six (6) feet in height, planted according to County buffer standards.

21-11.7 **Signage.** The following regulations are the minimum standards intended to promote an appropriate and cohesive identification program within the Buford Highway Overlay District. A detailed signage plan is required to be submitted that addresses and conforms to all provisions set forth in this section. The signage plan shall address sign dimensions, materials, height, color scheme, lighting, and location of each sign on the building and on the ground. In addition to Ordinance 74 (Sign Ordinance), the following shall apply:

- (A) Monument sign structures and base materials shall be compatible with the color, texture, material, and architectural design of the principal building.
- (B) Freestanding signs shall adhere to standards outlined in the chart below:

(4) Either a pump island curb or bollard is required for protection of fuel dispensing units.

(E) **Canopy.**

- (1) Lighted or painted bands of corporate color are prohibited.
- (2) The sides (fascia) of the canopy shall extend below the canopy roof 12 inches to minimize the direct view of the light from adjoining property.
- (3) Lighting shall not be mounted on the top of the canopy and the sides shall not be illuminated either internally or externally. This requirement does not pertain to signage attached to the canopy that is internally illuminated.
- (4) Canopies in NS and UV districts shall not extend closer than 35 feet to any right-of-way.

(F) **Display and Storage.**

- (1) All display items for sale shall be located within the main building or within designated areas that are screened from rights-of-way.
- (2) Promotional displays shall not impede pedestrian ingress and egress or vehicular traffic sight lines.
- (3) Soft drinks, candy, cigarettes and other similar item dispensers may not be located outside the main building unless the dispenser is enclosed or set behind a masonry partition that matches the principal building in material and color.

(G) **Landscaping.** One continuous row of evergreen trees shall be planted for fifty (50%) percent of the entire length of pump island areas that are adjacent to rights-of-way. Such trees shall be planted no farther apart than ten (10) feet on center.

21-11.9 **Vehicle Sales, Service, Parts and Repair Facilities.** Establishments that sell, lease or rent vehicles and those that provide vehicle service, parts and/or repair must provide parking specifically identified and devoted to customers. Multilevel parking decks or structures are permitted, provided that such decks/structures 1) have the same architectural treatment as the principal building(s) of the establishment, 2) have a height that does not exceed the height of the principal building(s), and 3) are set back a minimum of 150 feet from all residentially zoned properties. Adequate space must be allocated, specifically identified, and reserved on the site for the unloading of vehicles brought to the site by vehicle carriers. No trailers or vehicles shall be parked in customer parking or unloading areas with the intention of advertising the trailer or vehicle for sale or rent. Outside loudspeakers shall not be permitted. In addition, such facilities shall comply with the following:

(A) **Architectural Design.**

- (1) A facility that shares access with a commercial center shall be designed to reflect the design elements of that center.
- (2) Business identity, either by awnings, accent bands, paint or other applied color schemes, signage, parapet details and other design embellishments shall not be a dominant architectural feature.
- (3) Building accents shall be expressed through differing materials and architectural detailing rather than through applied finishes such as paint.

(B) **Display and Storage.**

- (1) All accessory retail merchandise such as vehicle parts, tires, lubricants, fuels, or other materials shall be stored within the building(s).

(C) **Business Office.**

- (1) A permanent structure for the use of a business or sales office is required for all vehicle sales, leasing and rental establishments.

21-11.10 **Vehicle Service, Parts and Repair Facilities, Not Including Vehicle Sales.** The following regulations shall apply to all vehicle service, parts and repair facilities, including car washes (self-service or staffed facilities, whether they are automated or staffed establishments), when not combined with vehicle sales, leasing or rental activities.

(A) **Access and Internal Circulation.**

- (1) Access to service bays shall be from the side or rear of the establishment or related screening devices or methods such as landscaping shall be used to partially screen the view from the right-of-way into service work areas.

(B) **Architectural Design.**

- (1) A facility that shares access with a commercial center shall be designed to reflect the design elements of that center.
- (2) Business identity, either by awnings, accent bands, paint or other applied color schemes, signage, parapet details and other design embellishments shall not be a dominant architectural feature.
- (3) Building accents shall be expressed through differing materials or architectural detailing and not through applied finishes such as paint.

ARTICLE XII, COAL MOUNTAIN OVERLAY DISTRICT:

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

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

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

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

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

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

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

- (3) Drive-thruough~~ough~~ facilities and stacking lanes, when contiguous to any public right-of-way, residential use, or pedestrian gathering area shall be obscured from view by an earthen berm and/or a vegetative screen planted according to County buffer standards.
 - (a) Stacking lanes and bypass lanes shall be designed in a manner so that vehicle queuing does not interfere with access driveways, interparcel connections, or maneuverability in and out of off-street parking spaces. No drive-through shall exit directly onto the right-of-way.
 - (b) Car wash openings shall be oriented away from the right-of-way.
- (4) For permitted open air businesses, no chain link fence shall be visible from the right-of-way.
- (5) Businesses requiring a fleet of service vehicles shall park such vehicles behind the building or otherwise provide adequate screening to ensure the vehicles are not visible from the public right-of-way.
- (6) Storage of shopping carts shall be located indoors. Where indoor storage is not feasible, shopping carts shall be located adjacent to the building and screened by an enclosure made of masonry to match the exterior building materials.
 - (a) Shopping cart corrals in parking areas shall be curbed within parking islands so that additional railings are not required for secure cart positioning.
 - (b) Parking islands that contain cart corrals must include four hundred (400) square feet of landscaped space.
 - (c) One (1) identifying sign at the rear of each corral is permitted for visibility within the parking lot.
 - (d) Ground mounted equipment, such as power transformers and pole-mounted lights, are prohibited within required landscape parking islands.

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

- (A) Temporary signs, including inflatable or forced-air signs, tarps, banners, sign dancers, and any sign mounted on wheels, are prohibited within the boundary of the Coal Mountain Overlay. Permanent and temporary signs in windows are also prohibited.
- (B) Wall signs and monument signs shall not be of the singular plastic insert or panel sheet variety. Channel letters are strongly encouraged for both monument and wall signs. If internally illuminated, lettering shall be individually formed and lighted.
- (C) Monument sign structure and base materials shall be compatible with the color, texture, material, and architectural design of the principal building.
- (D) Freestanding signs shall adhere to standards outlined in the chart below:

Table 21.12A

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