

ARTICLE IX. RONALD REAGAN/UNION HILL OVERLAY DISTRICT

21-9.1 Purpose. The purpose and intent of the Forsyth County Board of Commissioners (the “Commission”) in establishing this overlay district is as follows:

- (A) To support flexibility and innovation for regional mixed-use developments encompassing more than 150 acres of land through the complementary integration of office, retail, restaurants, commercial, entertainment, hotel, residential and recreational land uses.
- (B) To encourage pedestrian circulation, integrate open space, and create a regional retail and mixed-use development.
- (C) To enhance the long term economic viability of the southern portion of Forsyth County by encouraging regional retail and mixed-use development that increases the tax base and generates a substantial employment base;
- (D) To foster a more balanced relationship between commercial and residential growth to ensure a stable and healthy tax base in Forsyth County, and
- (E) To encourage an efficient and sustainable community development plan.

21-9.2 Boundaries and Description of Area. The boundaries of the approximate 164-acre Ronald Reagan/Union Hill Overlay District (the “Overlay”) shall be as shown on the Official Overlay District Map of Forsyth County, as established and adopted pursuant to Section 9-1.4 of the Forsyth County Unified Development Code (the “UDC”). All property within the Overlay shall be developed in phases, per sub-area regulations and all other standards in accordance with this Article and generally in accordance with the master development plan (the “Plan”) for the Overlay. The Plan is intended to provide a conceptual context in which property within the Overlay may be developed in accordance with this Article. The reassignment of land uses for buildings depicted on the Plan shall not require a formal plan amendment unless such land use reassignment constitutes a major plan amendment, as set forth in Section 21-9.11 of this Article. Approval of a sketch plat, as set forth in Chapter 8, Article V of the UDC, or any other similar site plan approval shall not be required for new development within the Overlay.

21-9.3 Relationship to Underlying Zoning and Other Regulations. The provisions of this Article are supplemental to the zoning district in which the property is located. All properties within the boundaries of the Overlay shall meet the development requirements of the underlying CBD zoning district, or other zoning district if the CBD zoning district is changed for the property, or zoning conditions specific to the property or as such may be amended, and in addition shall meet all of the provisions of this Article. The provisions of this Article shall be the only overlay provisions applicable within the boundaries of the Overlay. In the event of a conflict or inconsistency between the provisions of this Article and any other provision of the UDC, the Forsyth County Tree Protection and Replacement Ordinance (the “Tree Ordinance”), the Forsyth County Sign Ordinance (the “Sign Ordinance”), the Forsyth County Noise Ordinance (the “Noise Ordinance”), or the GA400 Buffer (UDC § 10-1.10), this Article shall govern the development of the property within the boundaries of the Overlay. In addition, the provisions of the South Forsyth Commercial Design Standards (UDC Chapter 12, Article XIII) and the provisions of the Southeast Forsyth Design Standards (UDC § 11-9.7) shall not apply to properties within the Overlay.

21-9.4 Sub-Area 1 (Regional Mixed-Use). This sub-area is intended to provide a high density, regionally-marketed retail and mixed-use development as identified on the Plan.

- (A) **Permitted Uses**
 - (1) Commercial Recreation Facility, Outdoor.
 - (2) Commercial Recreation Facility, Indoor.
 - (3) Multi-purpose Arena and Recreation Areas (as defined in the Memorandum of Understanding between Forsyth County, Georgia and The Gathering at South Forsyth, LLC Related to the Proposed Gathering Arena/Mixed-Use Project dated March 26, 2024).
 - (4) All uses permitted under CBD (Commercial Business District) zoning, subject to Section 21-9.8(N) of this Article.
 - (5) All conditional uses permitted under CBD (Commercial Business District) zoning, subject to Section 21-9.8(N) of this Article.
 - (6) Multi-family dwelling units subject to the following:
 - (a) The minimum heated floor space for studio units shall be four hundred and fifty (450) square feet.
 - (b) The minimum heated floor space for one-bedroom units shall be six hundred (600) square feet.
 - (c) The minimum heated floor space for all other units shall be eight hundred and fifty (850) square feet.
 - (7) Townhome units or detached single-family units with a minimum heated floor space of one thousand eight hundred (1,800) square feet.
 - (8) Ground level or second-story retail trade establishments, entertainment, and restaurants in multi-story buildings otherwise occupied by residential or office uses.
- (B) **Building Height Limits**
 - (1) Buildings containing office, entertainment, recreation, hotel and/or residential uses may also include

[parking uses and shall be limited to a maximum of sixteen \(16\) stories, not to exceed a maximum height of two hundred \(200\) feet.](#)

(2) [Parking decks shall be limited to a maximum height of eight \(8\) levels.](#)

(C) **Buffers and Setbacks**

(1) [Setback from Georgia Highway 400.](#) A minimum setback of forty (40) feet from the right-of-way from Georgia Highway 400 must be maintained.

(2) [Minimum landscape strips and frontage planting strips required by the UDC shall not be required along or adjacent to property lines or lease lines. Landscape strips and frontage planting strips shall not be required along any property line or lease line where existing or proposed buildings are, or will be, constructed directly abutting both sides of a common property line or lease line. The purpose of this provision is to allow for a continuous building façade across property lines that would otherwise be interrupted by a landscape strip.](#)

(3) [Minimum setbacks required by the UDC shall not be required along or adjacent to property lines or lease lines. Setbacks shall not be required along any property line or lease line where existing or proposed buildings are, or will be, constructed directly abutting both sides of a common property line or lease line. The purpose of this provision is to allow for a continuous building façade across property lines that would otherwise be interrupted by a setback.](#)

(D) **Multi-purpose Arena and Recreation Areas.** The areas identified on the Plan as the Multi-purpose Arena and Recreation Areas shall not be subject to the regulations contained in this Chapter; any other provision of the UDC; the Forsyth County Tree Ordinance; the Forsyth County Noise Ordinance; the Forsyth County Alcohol Ordinance's regulations regarding limitations on any percentage or ratio of sales of alcohol; or the Forsyth County Sign Ordinance, but shall instead be subject to the building materials, architectural treatments, lighting, landscaping, and signage plans as well as any limitations on noise (if any) specifically addressed in a development agreement to be reviewed and approved by the Board of Commissioners prior to issuance of a land disturbance permit for any area within the Overlay.

21-9.5 **Sub-Area 2 (Village Commercial and Mixed-Use).** This sub-area is intended to provide for a mix of community scale uses that may include office, hotel, commercial, retail, drug store, bank, restaurant, residential, and recreational land uses as identified on the Plan.

(A) **Permitted Uses**

(1) [All uses permitted under CBD \(Commercial Business District\) zoning, subject to Section 21-9.8\(N\) of this Article.](#)

(2) [All conditional uses permitted under CBD \(Commercial Business District\) zoning, subject to Section 21-9.8\(N\) of this Article.](#)

(3) [Ground level retail trade establishments and restaurants in multi-story buildings otherwise occupied by residential or office uses.](#)

(4) [Multi-family dwelling units subject to the following:](#)

(a) [The minimum heated floor space for one-bedroom units shall be six hundred \(600\) square feet.](#)

(b) [The minimum heated floor space for all other units shall be nine hundred \(900\) square feet.](#)

(5) [Townhome units or detached single-family units with a minimum heated floor space of one thousand eight hundred \(1,800\) square feet.](#)

(B) **Building Height Limits**

(1) [Hotels on parcels located within six hundred \(600\) feet of Union Hill Road shall be limited to a maximum height of eight \(8\) stories, not to exceed a maximum height of one hundred and thirty \(130\) feet. All other buildings may include parking facilities and shall be limited to a maximum of six \(6\) stories, not to exceed a maximum height above grade of ninety \(90\) feet, exclusive of any integrated parking levels.](#)

(2) [Parking decks shall be limited to a maximum height of four \(4\) levels.](#)

21-9.6 **Sub-Area 3 (Residential with Limited Commercial).** This sub-area is intended to maximize the diversity of housing choices within the Overlay by providing a more traditional multi-family residential community node with flexibility to allow limited attached and/or detached single-family residential and commercial uses, the latter to include retail, bank, drug store, restaurant, and/or office uses, as identified on the Plan.

(A) **Permitted Uses**

(1) [All uses permitted under CBD \(Commercial Business District\) zoning, subject to Section 21-9.8\(N\) of this Article.](#)

(2) [All conditional uses permitted under CBD \(Commercial Business District\) zoning, subject to Section 21-9.8\(N\) of this Article.](#)

(3) [Multi-family dwelling units subject to the following:](#)

(a) [The minimum heated floor space for one-bedroom units shall be six hundred \(600\) square feet.](#)

(b) [The minimum heated floor space for all other units shall be nine hundred \(900\) square feet.](#)

(4) [Townhome units or detached single-family units with a minimum heated floor space of one thousand eight hundred \(1,800\) square feet.](#)

21-9.7 Architectural Design Standards. The architectural design standards established herein apply to all commercial and vertical mixed-use development requiring a land disturbance permit with the exception of areas designated as the Multi-purpose Arena and Recreation Areas. 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 commercial development on adjacent properties. The highest quality of architectural design and innovation is encouraged. These standards replace the design criteria contained in UDC Chapter 12.

(A) Facades and Exterior Walls.

- (1) Front facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least two percent (2%) of the length of the facade. No uninterrupted length of any facade shall exceed two hundred (200) horizontal feet.
- (2) **Minimum Wall Articulation.** Front facade design shall provide varying wall offsets and other architectural features to create horizontal (wall) and vertical building articulation. Along with the wall plane requirements in (1) above, at least one (1) of the following treatments shall be incorporated:
 - (a) Change in texture or color.
 - (b) Change in pattern or material.
 - (c) An equivalent element that subdivides the wall into pedestrian scale proportions.

(B) 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 and to ensure high quality architectural design.

- (1) Exterior building materials on all commercial development shall consist of a minimum of twenty-five percent (25%) per vertical wall plane of brick, natural or a decorative masonry unit pre-cast stone, and/or glass. If multiple establishments are contained within one (1) contiguous structure, the percentage pertains to the entire facade rather than individual facade fronts.
- (2) Accent wall materials on all commercial development shall not exceed seventy-five percent (75%) per vertical wall plane. Accent building materials include, but are not limited to, exterior finish insulation systems (EFIS), stucco, and painted dimension wood. If multiple establishments are contained within one (1) contiguous structure, the percentage pertains to the entire facade rather than individual facade fronts. Vinyl siding is prohibited.
- (3) The principal entry area of a building shall be articulated and should express greater architectural detail than other portions of the building. Entries shall include at least one (1) of the following or similar architectural elements:
 - (a) Overhangs
 - (b) Canopies
 - (c) Recesses/projections
 - (d) Columns
 - (e) Arcades
 - (f) Corniced parapets over the door
 - (g) Peaked roof forms
 - (h) Arches
 - (i) Glass entry
 - (j) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting
- (4) Freestanding accessory structures shall have architectural detailing and design elements consistent with the primary buildings of the development complex to provide a cohesive design.
- (5) Burglar bars, fiberglass awnings, and steel-roll down curtains are prohibited except at the structure's rear. Burglar bars are prohibited on the rear if visible from a public street. Burglar bars are also prohibited on the rear of an outparcel building if visible from the main structure.

(C) Color. All exterior painted surfaces on commercial and vertical mixed-use structures visible from the public right-of-way shall be painted in neutrals and earth tones. Neutrals refer to blacks, whites, beiges or grays while earth tones refer to browns, umbers, sienna, terracotta and brick tones. Fluorescent colors and those bright in intensity are prohibited. Glass, metal, natural stones, and sign faces are excluded from the color requirements.

(D) Exterior Lighting. All lighting fixtures for commercial development shall be designed to integrate with the overall development character.

- (1) With the exception of lighting located within areas designated as the Multi-purpose Arena and Recreation Areas, lighting shall be architecturally integrated with neutral or earth tone colors.
- (2) Parking lot lighting shall be no more than thirty-five (35) feet in height.
- (3) Lighting shall be unobtrusive and refrain from adverse impact on adjacent properties outside of the Overlay District and public rights-of-way. See UDC 16-4.26 for fixture type and light spillage.

- (4) Exposed neon and fluorescent lighting are not permitted.
- (5) For drive-under canopies, the luminaries shall be recessed into the canopy ceiling so that the bottom of the luminaries do not extend below the ceiling.
- (6) 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.
- (E) **Screening.** The following standards shall apply:
 - (1) Unless prohibited by a utility provider, 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 or residential uses by placement behind the main building, sixty percent (60%) 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 or residential uses 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 (4) feet in height shall be installed.
 - (3) Walls or fences, required or otherwise, when visible from the public 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.
 - (4) Chain link fencing is prohibited on Ronald Reagan Boulevard and Union Hill Road frontage. Chain link fencing may be allowed along the sides and rear of property fronting Ronald Reagan Boulevard if it is screened with evergreen trees, shrubs, and/or decorative fencing for the full length and height of the fence.
- (F) **Exemptions.** The Director may exempt all or parts of the design standards in this section for commissioned buildings by an architect for any portion of the Overlay District when the design constitutes a unique, one-of-a-kind building that meets or exceeds the intent of these design standards, as demonstrated by architectural elevations.

21-9.8

- General Regulations.**
 - (A) At least fifteen percent (15%) of the area within the Overlay, exclusive of public roads, public rights-of-way, and inter-parcel access easements, shall be set aside as open space.
 - (B) **The following elements may be included in the calculations of open space within the Overlay:**
 - (1) Conservation areas.
 - (2) All buffers, setbacks, and other areas not containing any buildings or pavements.
 - (3) Plazas, fountains, squares and other similar pedestrian amenities.
 - (4) Wetlands, creeks, streams and tributaries, drainage areas, detention ponds, and floodplain.
 - (5) Areas within multi-family residential developments designed and intended for the use and enjoyment of all residents or the use and enjoyment of the public.
 - (C) **Calculation of Minimum Loading Spaces.**
 - (1) One (1) off-street loading space shall be provided for the first five thousand (5,000) square feet of gross floor area or fractional part thereof for retail uses for which a loading space is required. One (1) additional space shall be required for each additional seventy-five thousand (75,000) square feet of gross floor area or fractional part thereof for retail uses.
 - (2) One (1) off-street loading space shall be provided for the first five thousand (5,000) square feet of gross floor fractional part thereof for office uses for which a loading space is required. One (1) additional space shall be required for each additional one hundred thousand (100,000) square feet of gross floor area or fractional part thereof for office uses.
 - (3) Unless otherwise approved by the Director, loading spaces shall be a minimum of ten (10) feet wide, thirty (30) feet long, with fourteen (14) feet of height clearance.
 - (D) **Surface Parking Standards.**
 - (1) Any parking area exceeding twenty-five (25) spaces shall provide a minimum of ten percent (10%) of the total parking area as landscape islands. Landscape strips located between a parking area and a private street, driveway or public road shall count toward meeting this requirement.
 - (2) At minimum, landscape islands shall be located at the end of every other parking bay and, on average, every one hundred and fifty (150) linear feet of continuous parking space width.
 - (3) Landscape islands for single parking bays shall contain a minimum of one hundred and fifty (150)

square feet. Landscape islands for double parking bays shall require a minimum of one hundred and fifty (150) square foot islands on each side or one (1) continuous landscape island of three hundred (300) square feet on one (1) side.

- (4) Each parking landscape area shall contain turf grasses, shrubs, trees, or other landscape material in any combination, but must consist of at least two (2) plant types. Landscape islands shall be located to effectively avoid large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic.
- (5) All trees planted in landscape islands and landscape areas shall be a minimum of two (2) inches in caliper measured thirty-six (36) inches above ground, shall be a minimum of six (6) feet in height, and shall be drought tolerant.
- (6) The Multi-purpose Arena and Recreation Areas are excluded from the requirements of this subsection.
- (7) Shared parking may be provided based upon a shared parking study prepared by a traffic engineering firm that documents parking requirements and supports the use of shared parking. The Multi-purpose Arena and Recreation Areas may and is anticipated to utilize shared parking.
- (8) Parallel parking along and within private driveways is allowed.

(E) **Physical Relationships Between Buildings and Uses.**

- (1) Buffers shall not be required between non-residential uses and residential uses internal or external to the Overlay.
- (2) Minimum setbacks or other spatial separations required by the UDC shall not be required between buildings within the boundaries of the Overlay.
- (3) Minimum setbacks shall be zero (0) feet from a private driveway.
- (4) Minimum setbacks shall be zero (0) feet from common property lines shared with abutting properties that are zoned for residential development, which are outside of the boundaries of the Overlay with the exception of Sub-Area 3 in which the minimum building setbacks shall be twenty (20) feet.
- (5) Condominium developments and townhouse developments may be located on public roads, private streets, or private driveways.
- (6) Streets providing access to any county-owned facility shall be public streets built to Forsyth County standards. The developer shall also build public and private residential roads and streets to Forsyth County standards. Private streets built to county standards may be dedicated to the public at the developer's option. Private driveways are allowed subject to the resolution approved by the Board of Commissioners.

(F) **Residential Units.**

- (1) Residential units shall adhere to the limitations outlined below.
 - (a) The maximum number of multi-family dwelling units within the boundary of the Overlay, exclusive of existing units as of January 9, 2024, shall be one thousand and eight hundred (1800), which may be distributed among each of the three (3) sub-areas in accordance with the limitations outlined below. In no circumstance shall the aggregate number of multi-family dwelling units total more than one thousand eight hundred (1800).
 - (i) Up to one thousand eight hundred (1800) of the one thousand eight hundred (1800) multi-family dwelling units allowed may be constructed within Sub-Area 1.
 - (ii) Up to three hundred (300) of the one thousand eight hundred (1800) multi-family dwelling units allowed may be constructed within Sub-Area 2.
 - (iii) Up to three hundred and seventy-five (375) of the one thousand eight hundred (1800) multi-family dwelling units allowed may be constructed within Sub-Area 3.
 - (b) The maximum number of single-family dwelling units within the boundary of the Overlay, exclusive of existing units as of January 9, 2024, shall be one hundred and fifty (150), which may be distributed among each of the three (3) sub-areas in accordance with the limitations outlined below. In no circumstance shall the aggregate number of single-family dwelling units total more than one hundred and fifty (150).
 - (i) Up to one hundred and fifty (150) of the one hundred and fifty (150) single-family dwelling units allowed may be constructed within Sub-Area 1.
 - (ii) Up to one hundred and fifty (150) of the one hundred and fifty (150) single-family dwelling units allowed may be constructed within Sub-Area 2.
 - (iii) Up to one hundred and fifty (150) of the one hundred and fifty (150) single-family dwelling units allowed may be constructed within Sub-Area 3.

(2) Buildings containing condominiums or apartments may include more than six (6) residential units.

(G) **Landscaping.**

- (1) Street trees are allowed to be located adjacent to and within private driveways within the Overlay.
- (2) Tree Replacement. Tree replacement shall be governed by the provisions of the Overlay District and not by the Forsyth County Tree Ordinance. Notwithstanding the foregoing sentence, the Forsyth County Tree Ordinance shall be cited for clarification of terms and calculations referenced in this

section.

- (a) Fifteen (15) tree units per acre shall be provided within the Overlay.
- (b) Developers shall not be required to replace Specimen, Historic, or Landmark Trees (as defined in the Tree Ordinance) that are removed during the initial development of a parcel within the Overlay.
- (c) Calculations of tree units provided per acre shall include Specimen Trees, and non-specimen trees with a diameter at breast height of at least eighteen (18) inches, that are planted or preserved within the Overlay, including those within required buffers or open spaces.
- (3) Land-disturbing activity is allowed up to any boundary line within the Overlay District.
- (4) There is no minimum requirement for the retention of Tree Groupings within the Overlay District.

(H) Stream Buffers.

- (1) Unless a stream buffer encroachment is approved by Forsyth County, a natural vegetative buffer shall be maintained for fifty (50) feet, measured horizontally, on both banks (as applicable) of State waters as measured from the top of bank. With the exception of new tree plantings, this 50-foot vegetative buffer shall remain undisturbed.
- (2) Unless a stream buffer encroachment is approved by the State of Georgia Environmental Protection Division and Forsyth County, an additional impervious surface setback shall be maintained for an average of twenty-five (25) feet, measured horizontally, beyond the undisturbed natural vegetative buffer. Land disturbance activities, including but not limited to grading, drainage, retaining walls, utilities, pervious trails, tree planting, and landscaping shall be allowed within this additional impervious surface setback so long as any disturbed area is stabilized.

(I) Requirements for individual large-scale retail establishments encompassing forty thousand (40,000) square feet or greater, or encompassing seventy-five thousand (75,000) square feet or greater, as set forth in Chapter 12 and Chapter 18, shall not apply within the Overlay.

(J) Maintenance Requirements.

- (1) During any time a retail building exceeding forty thousand (40,000) square feet is vacant after its initial opening (a “Vacant Retail Building”) for a period of at least ninety (90) days (“Vacancy Period”), the owner of the building shall:
 - (a) Maintain all on-site parking areas and landscaping in the same condition as they had been maintained prior to the vacancy;
 - (b) Operate all lighting in the parking lot and other external areas, exclusive of identification signs, in the same manner as they had been prior to the Vacancy Period;
 - (c) Remove all outdoor identification signs from the site;
 - (d) Keep the building free of graffiti and repair all other acts of vandalism; and
 - (e) Provide security patrols on the site to deter vandalism or other illegal activities.
- (2) The owner of a retail building exceeding forty thousand (40,000) square feet, regardless of the building’s occupancy status, shall be responsible for:
 - (a) Maintaining cleanliness of entire site by removing any trash, rubbish, or other debris from the premises;
 - (b) Maintaining landscaping and replacing dead or damaged plants; and
 - (c) Repair or replace building elements that are damaged, dilapidated, or in disrepair (such as but not limited to broken windows).
- (3) Should the owner of a Vacant Retail Building fail to maintain the building and premises during the Vacancy Period in accordance with the requirements of this Article, the owner shall be subject to citation by the appropriate County Code Compliance Office and shall be subject to the maximum fine permitted for ordinance violations for each such violation.

(K) Adaptive Reuse.

- (1) If an individual retail establishment seventy-five thousand (75,000) square feet or greater (“Establishment”) is vacated, the owner and/or lessee (the “Owner”) shall submit a written adaptive reuse and marketing plan (a “Reuse Plan”) to the Director no later than the end of the 25th consecutive month of vacancy, unless events or circumstances beyond the Owner’s control prevents the submittal of the Reuse Plan.
- (2) The Reuse Plan shall include the reason(s) for the continued vacancy, potential use types for the vacant Establishment, a marketing plan to be executed for the facility and a schedule for the implementation of the marketing plan (a “Schedule”). The Owner shall execute the Reuse Plan in accordance with the Schedule, unless events or circumstances beyond the Owner’s control prevent adherence to the Schedule.
- (3) If the Establishment remains vacant for twelve (12) consecutive months after the Reuse Plan’s submittal date, the Owner shall provide the Director with annual written status reports regarding its plans to redevelop and/or reuse the property and the reason(s) for the property’s continuing vacancy.

(L) Calculation of Area for Retail and Office Uses.

- (1) The area of retail and office uses (specifically excluding the Multi-purpose Arena and Recreation Areas) within the Overlay shall be calculated using gross floor area, which shall mean the sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls and from the center line of joint partitions and walls separating two (2) or more buildings. The term gross floor area shall exclude all outdoor dining areas, outdoor display areas that are accessory to retail stores, areas designed for permanent accessory uses such as public toilets, utility closets, food courts, management and security offices, mail distribution or delivery facilities, truck tunnels, enclosed parking areas, meter rooms, concourses, corridors not open to the public, rooftop mechanical structures, mechanical and equipment rooms and facilities, public and fire corridors, stairwells, elevators and escalators.
- (M) **Signage.**
 - (1) Signage shall be governed by the provisions of the Overlay District and not by the Forsyth County Sign Ordinance. A comprehensive signage plan setting forth details relative to sign types, numbers, materials, construction, lighting, heights, and areas shall be submitted to the Director for review and approval prior to the issuance of sign permits for each development within the Overlay (or each phase thereof).
 - (2) **Commercial Signs.**
 - (a) **Wall Signs.**
 - (i) Retail stores over eighty thousand (80,000) square feet shall be allowed three (3) signs, but not to exceed one (1) per facade, up to five percent (5%) of the overall facade or a maximum of six hundred (600) square feet per sign.
 - (ii) The retail building connecting the retail store anchors shall be allowed up to eight (8) signs up to two hundred (200) square feet per sign.
 - (iii) Office and hotel buildings over five (5) stories are allowed four (4) signs, but not to exceed one (1) per facade, up to five percent (5%) of the overall facade area or a maximum of five percent (5%) square feet per sign, whichever is greater.
 - (b) Marquee Signs. Signs within Sub-area 1 are allowed a maximum projection of twelve (12) feet from the building wall.
 - (c) Monument Signs (fronting freeways and arterial/collector streets). No more than two (2) signs may be located per entrance to a public street. Maximum sign area shall be limited to three hundred (300) square feet per side, not including wing walls. Signs shall be limited to a maximum height of twelve (12) feet.
 - (d) Monument Signs (fronting local roads, private streets, and private driveways). No more than twelve (12) signs may be permitted within Sub-area 1. Maximum sign area shall be limited to seventy-two (72) square feet per side. Signs shall be limited to a maximum height of ten (10) feet.
 - (e) Pole Directional Signage. No more than twenty-four (24) signs may be located within Sub-area 1. Maximum sign area shall be limited to sixty (60) square feet per side. Signs shall be limited to a maximum height of ten (10) feet.
 - (f) Light Pole Graphics. Four-sided signs may be located on poles to serve as directional aids. Maximum sign area shall be limited to fifteen (15) square feet per side. Signs shall be limited to a maximum height of twelve (12) feet.
 - (g) **Georgia 400 Corridor Signage.**
 - (i) A single LED facade wall display, with static and motion graphic capabilities, may be located along GA400 on a building facing GA400. The wall display may be equal in size to the area of the building facade on which it is located.
 - (ii) A single pylon sign may be located along GA400. Maximum sign area shall be limited to four hundred (400) square feet. The sign shall be limited to a maximum height of fifty (50) feet.
 - (h) Alternate Sign Plan. In order to facilitate flexibility and technological advances within the Overlay, the Board of Commissioners may approve a signage plan for any portion of the Overlay establishing alternative performance standards to any of the signage regulations established by this subsection.
 - (3) Residential Signs. All residential development within the Overlay shall be allowed separate signage as permitted per the Residential Zoning Standards of the Sign Ordinance.
 - (4) Notwithstanding any other provisions within this Article, the Office Residential Zoning Districts Performance Standards; the Commercial or Industrial Zoning Districts; and the Neighborhood Shopping District, Urban Village District, Master Planned District and Pedestrian-Oriented Projects within other Zoning Districts in the Sign Ordinance shall not apply to the Overlay.

(N) **Prohibited Uses.** The following uses shall be prohibited within the Overlay.

 - (a) Convenience stores, with or without fuel dispensing units.

- (b) Fuel stations.
- (c) Adult novelty stores.
- (d) Adult entertainment centers.
- (e) Pawn shops.

21-9.9 Applicability. Properties within Sub-Area 2 and Sub-Area 3 of the Overlay shall be subject to all requirements of this Article and the Plan. Sub-Area 1 may be developed in accordance with the Article and this Plan. The following provisions of this Article shall not apply to Sub-Area 1 of the Overlay if Sub-Area 1 does not conform to the Plan: Sections 21-9.4(A)(6), 21-9.4(B), 21-9.4(C)(2), 21-9.8(D)(1), 21-9.8(D)(2), 21-9.8(D)(3), 21-9.8(D)(4), 21-9.8(E)(1), 21-9.8(E)(3), 21-9.8(E)(4), 21-9.8(E)(5), 21-9.8(E)(6), 21-9.8(F)(2), 21-9.8(M), 21-9.11(A), 21-9.11(B) and 21-9.11(C).

21-9.10 Phasing. Development within the boundary of the Overlay shall adhere to the following phasing plan:

- (A) Phase I.
 - (1) Construction of the following is permitted:
 - (a) Six hundred (600) multi-family dwelling units.
 - (b) Two hundred thousand (200,000) to three hundred thousand (300,000) square feet for office use.
 - (c) Three hundred thousand (300,000) to four hundred thousand (400,000) square feet for retail use.
 - (d) One (1) hotel offering one hundred and twenty (120) to one hundred and fifty (150) guest rooms.
 - (e) A sheriff and/or fire station.
 - (f) Two (2) parking decks.
 - (2) No certificates of occupancy for multi-family dwelling units shall be issued until certificates of occupancy are issued for all office, retail, and hotel uses.
 - (3) If a franchise is awarded by the National Hockey League (NHL) prior to commencement of Phase II construction, vertical construction of the Multi-purpose Arena shall begin as part of Phase I.
- (B) Phase II.
 - (1) No land use listed within Phase II is permitted until all development within Phase I is completed.
 - (2) Construction of the following is permitted:
 - (a) Six hundred (600) multi-family dwelling units.
 - (b) Two hundred and fifty thousand (250,000) to three hundred and fifty thousand (350,000) square feet for office use.
 - (c) Two hundred thousand (200,000) to three hundred thousand (300,000) square feet for retail use.
 - (d) Two (2) hotels offering two hundred and fifty (250) to three hundred and fifty (350) guest rooms.
 - (e) Eighteen thousand five hundred (18,500) seat Multi-purpose Arena (and Practice Arena).
 - (3) Land disturbance permits for the Multi-purpose Arena and multi-family dwelling units shall be issued concurrently.
 - (4) No certificates of occupancy for multi-family dwelling units shall be issued until at least fifty percent (50%) of construction of the Multi-purpose Arena is completed.
- (C) Phase III.
 - (1) No land use listed within Phase III is permitted until all development within Phase II is completed.
 - (2) Construction of the following is permitted:
 - (a) Two hundred thousand (200,000) to three hundred thousand (300,000) square feet for office use.
- (D) Phase IV.
 - (1) No land use listed within Phase IV is permitted until all development within Phase III is completed.
 - (2) Construction of the following is permitted:
 - (a) Six hundred (600) multi-family dwelling units.

21-9.11 Administrative Interpretations.

- (A) The Director is hereby authorized to administratively grant minor Plan amendments for individual parcels within the Overlay. A minor Plan amendment shall be effective only for the parcel(s) for which the amendment was requested and shall not affect any other parcel within the Overlay.
- (B) Minor Plan amendments shall include, but are not limited to, adjusting lot lines and lease lines, reducing the size of individual uses, removing approved uses, modifying the layout of internal roads, relocating open space, reconfiguring building footprints and relocating buildings depicted on the Plan. Any proposed amendment to the Plan that is determined by the Director to constitute a public interest that decreases the public open space by ten percent (10%) or more, increases the density by ten percent (10%) or more, or changes the Overlay boundaries shall be deemed a major amendment. The addition of proposed uses or the relocation of active amenities to a location closer to the Overlay boundaries than as shown on the Plan shall constitute major amendments. For all amendments to the Plan that are determined to be major amendments, the Board of Commissioners shall be required to hold a public hearing, but such hearing shall be limited specifically to testimony regarding whether the proposed amendment should or should not be approved.
- (C) The Director may approve requests for minor plan amendments based on the following considerations:
 - (1) Whether the amendment conforms to the policy and intent of the Forsyth County Comprehensive

Plan:

- (2) Whether the amendment would be suitable in view of the use and development of adjacent and nearby properties;
- (3) Whether the amendment would have an adverse effect on the usability of adjacent and nearby property;
- (4) Whether the amendment would impose an excessive burden on streets, transportation facilities, or utilities;
- (5) Whether there are existing or changing conditions affecting the use and development of the property that support the approval of the amendment.

(D) In the event of a conflict or inconsistency between this Overlay, as interpreted by the Director, and any other provision of the UDC, the Sign Ordinance, or the Tree Ordinance, this Article shall govern the development within the Overlay.

TABLE 21.3
PERFORMANCE STANDARDS SUMMARY (Note 2, 3)

Performance Standard	Sub-Area 1	Sub-Area 2	Sub-Area 3
<u>Minimum Dwelling Unit Size</u>	<u>450 sf. (studio multi-family)</u> <u>600 sf. (1-bedroom multi-family)</u> <u>850 sf. (all other multi-family units)</u> <u>1,800 sf. (townhome units or single-family detached units)</u>	<u>600 sf. (1-bedroom multi-family)</u> <u>900 sf. (all other multi-family units)</u> <u>1,800 sf. (townhome units or single-family detached units)</u>	<u>600 sf. (1-bedroom multi-family)</u> <u>900 sf. (all other multi-family units)</u> <u>1,800 sf. (townhome units or single-family detached units)</u>
<u>Maximum Building Height</u>	<u>16 stories or 200 ft.</u>	<u>6 stories or 90 ft. (office/res)</u> <u>8 stories or 130 ft. (hotels)</u>	<u>As set forth in UDC</u>
<u>Maximum Parking Deck Height</u>	<u>8 levels</u>	<u>4 levels</u>	<u>As set forth in UDC</u>
<u>GA 400 Buffer/Setback</u>	<u>0 feet / 40 feet</u>	<u>N/A</u>	<u>N/A</u>
<u>Loading Spaces (Retail)</u>	<u>1 space for first 5,000 sf.</u> <u>1 space for each additional 75,000 sf.</u>	<u>1 space for first 5,000 sf.</u> <u>1 space for each additional 75,000 sf.</u>	<u>1 space for first 5,000 sf.</u> <u>1 space for each additional 75,000 sf.</u>
<u>Loading Spaces (Office)</u>	<u>1 space for first 5,000 sf.</u> <u>1 space for each additional 100,000 sf.</u>	<u>1 space for first 5,000 sf.</u> <u>1 space for each additional 100,000 sf.</u>	<u>1 space for first 5,000 sf.</u> <u>1 space for each additional 100,000 sf.</u>
<u>Loading Space Size</u>	<u>10 ft x 30 ft. Min. 14-foot clearance</u>	<u>10 ft x 30 ft. Min. 14-foot clearance</u>	<u>10 ft x 30 ft. Min. 14-foot clearance</u>
<u>Min. Landscape Island Size (Single Bay)</u>	<u>150 sf.</u>	<u>150 sf.</u>	<u>150 sf.</u>
<u>Min. Landscape Island Size (Double Bay)</u>	<u>300 sf.</u>	<u>300 sf.</u>	<u>300 sf.</u>
<u>Landscape Island Location</u>	<u>Every other parking bay and avg. every 150 linear feet of parking width</u>	<u>Every other parking bay and avg. every 150 linear feet of parking width</u>	<u>Every other parking bay and avg. every 150 linear feet of parking width</u>
<u>Setbacks (Note 1)</u>	<u>0 feet from private driveways and residential development outside Overlay</u>	<u>0 feet from private driveways and residential development outside Overlay</u>	<u>0 feet from private driveways and residential development outside Overlay</u>
<u>Stream Buffer</u>	<u>50-foot vegetative buffer</u> <u>Avg. 25-foot additional impervious surface setback</u>	<u>50-foot vegetative buffer</u> <u>Avg. 25-foot additional impervious surface setback</u>	<u>50-foot vegetative buffer</u> <u>Avg. 25-foot additional impervious surface setback</u>
<u>Shared Parking</u>	<u>Per shared parking study</u>	<u>Per shared parking study</u>	<u>Per shared parking study</u>

Note 1 – Setbacks and buffers do not apply to private streets, driveways, or lease lines/property lines within the Overlay.

Note 2 – The applicability of standards summarized in this table are subject to the provisions of section 21-9.11 of the Ronald Reagan/Union Hill Overlay District regulations.

Note 3 – The Multi-purpose Arena and Recreation Areas shall not be subject to these performance standards.

21-9.1 **Purpose.** The purpose and intent of the Forsyth County Board of Commissioners (the “Commission”) in establishing this overlay district is as follows:

- (A) To support flexibility and innovation for regional mixed use developments encompassing more than 150 acres of land through the complementary integration of office, retail, restaurants, commercial, entertainment, hotel, residential and recreational land uses.
- (B) To encourage pedestrian circulation, integrate open space, and create a regional retail and mixed use development.
- (C) To enhance the long term economic viability of the southern portion of Forsyth County by encouraging regional retail and mixed use development that increases the tax base and generates a substantial employment base;
- (D) To foster a more balanced relationship between commercial and residential growth to ensure a stable and healthy tax base in Forsyth County, and
- (E) To encourage an efficient and sustainable community development plan.

21-9.2 **Boundaries and Description of Area.** The boundaries of the approximate 164 acre Ronald Reagan/Union Hill Overlay District (the “Overlay”) shall be as shown on the Official Overlay District Map of Forsyth County, as established and adopted pursuant to Section 9-1.4 of the Forsyth County Unified Development Code (the “UDC”). All property within the Overlay shall be developed simultaneously or in phases in accordance with this Article and generally in accordance with the master development plan for the Overlay attached hereto and incorporated herein by reference (the “Plan”). The Plan is intended to provide a conceptual context in which property within the Overlay may be developed in accordance with this Article. The reassignment of land uses for buildings depicted on the Plan shall not require a formal plan amendment unless such land use reassignment constitutes a major plan amendment, as set forth in Section 21-9.10 of this Article. Approval of a sketch plat, as set forth in Chapter 8, Article V of the UDC, or any other similar site plan approval shall not be required for new development within the Overlay.

21-9.3 **Relationship to Underlying Zoning and Other Regulations.** The provisions of this Article are supplemental to the zoning district in which the property is located. All properties within the boundaries of the Overlay shall meet the development requirements of the underlying CBD zoning district, or other zoning district if the CBD zoning district is changed for the property, or zoning conditions specific to the property or as such may be amended, and in addition shall meet all of the provisions of this Article. The provisions of this Article shall be the only overlay provisions applicable within the boundaries of the Overlay. In the event of a conflict or inconsistency between the provisions of this Article and any other provision of the UDC, applicable conditional use permits, the Forsyth County Tree Protection and Replacement Ordinance (the “Tree Ordinance”), the Forsyth County Sign Ordinance (the “Sign Ordinance”) or applicable site specific zoning conditions, this Article shall govern the development of the property within the boundaries of the Overlay.

21-9.4 **Sub-Area 1 (Regional Mixed-Use).** This sub-area is intended to provide a high density, regionally marketed retail and mixed use development as identified on the Plan.

- (A) **Permitted Uses**
 - (1) All uses permitted under CBD (Commercial Business District) zoning, subject to Section 21-9.8(O) of this Article.
 - (2) Multi-family dwelling units, not to exceed 400 units, subject to the aggregate residential density restrictions set forth in section 21-9.8 of this Article. Each unit shall contain a minimum heated floor space of 900 square feet, except the one bedroom units shall contain a minimum heated floor space of 600 square feet.
 - (3) Ground level retail trade establishments in multi-story buildings otherwise occupied by residential or office uses.
- (B) **Building Height Limits**
 - (1) Buildings containing office, hotel and/or residential uses may also include parking uses and shall be limited to a maximum of twelve (12) occupiable stories, not to exceed a maximum height of 180 feet.
 - (2) Parking decks shall be limited to a maximum height of eight (8) levels.
- (C) **Buffers and Setbacks**
 - (1) **Setback and Visual Buffer from Georgia Highway 400.** A minimum setback of sixty (60) feet from the right of way from Georgia Highway 400 must be maintained with the first forty (40) feet being a visual buffer. Grading, drainage, and tree plantings may be performed within the visual buffer as long as the disturbed area is replanted to Forsyth County Buffer Standards.
 - (2) Minimum landscape strips and frontage planting strips required by the UDC shall not be required along or adjacent to property lines or lease lines. Landscape strips and frontage planting strips shall not be required along any property line or lease line where existing or proposed buildings are, or will be, constructed directly abutting both sides of a common property line or lease line. The purpose of this provision is to allow for a continuous building façade across property lines that would otherwise be interrupted by a landscape strip.

(3) ~~Minimum setbacks required by the UDC shall not be required along or adjacent to property lines or lease lines. Setbacks shall not be required along any property line or lease line where existing or proposed buildings are, or will be, constructed directly abutting both sides of a common property line or lease line. The purpose of this provision is to allow for a continuous building façade across property lines that would otherwise be interrupted by a setback.~~

21.9.5 **Sub-Area 2 (Village Commercial and Mixed Use)**. This sub-area is intended to provide for a mix of community scale uses that may include office, hotel, commercial, retail, drug store, bank, restaurant, residential, and recreational land uses as identified on the Plan.

(A) **Permitted Uses**

- (1) All uses permitted under CBD (Commercial Business District) zoning, subject to Section 21.9.8(O) of this Article.
- (2) ~~Ground level retail trade establishments in multi story buildings otherwise occupied by residential or office uses.~~
- (3) ~~Multi family dwelling units, not to exceed 300 units, subject to the aggregate residential density restrictions set forth in section 21.9.8 of this Article. Each unit shall contain a minimum heated floor space of 900 square feet, except the one bedroom units shall contain a minimum heated floor space of 600 square feet.~~

(B) **Building Height Limits**

- (1) ~~Hotels on parcels located within 600 feet of Union Hill Road shall be limited to a maximum height of eight (8) occupiable stories, not to exceed a maximum height of 130 feet. All other buildings may include parking facilities and shall be limited to a maximum of six (6) occupiable stories, not to exceed a maximum height above grade of 90 feet, exclusive of any integrated parking levels.~~
- (2) ~~Parking decks shall be limited to a maximum height of four (4) levels.~~

21.9.6 **Sub-Area 3 (Residential with Limited Commercial)**. This sub-area is intended to maximize the diversity of housing choices within the Overlay by providing a more traditional multi family residential community node with limited commercial to include retail, bank, drug store, restaurant, and/or office uses, as identified on the Plan.

(A) **Permitted Uses**

- (1) All uses permitted under CBD (Commercial Business District) zoning, subject to Section 21.9.8(O) of this Article.
- (2) ~~Multi family dwelling units, not to exceed 375 units, subject to the aggregate residential density restrictions set forth in section 21.9.8 of this Article. Each unit shall contain a minimum heated floor space of 900 square feet, except the one bedroom units shall contain a minimum heated floor space of 600 square feet.~~

21.9.7 **Architectural Design Standards**. The architectural design standards established herein apply to all commercial 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 commercial development on adjacent properties. The highest quality of architectural design and innovation is encouraged. These standards replace the design criteria contained in UDC Chapters 11 and 12.

(A) **Facades and Exterior Walls**.

- (1) ~~Front facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least two (2) percent of the length of the facade. No uninterrupted length of any facade shall exceed two hundred (200) horizontal feet.~~
- (2) **Minimum Wall Articulation**. Front facade design shall provide varying wall offsets and other architectural features to create horizontal (wall) and vertical building articulation. Along with the wall plane requirements in (1) above, at least one of the following treatments shall be incorporated:
 - (a) Change in texture or color.
 - (b) Change in pattern or material.
 - (c) An equivalent element that subdivides the wall into pedestrian scale proportions.

(B) **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 and to ensure high quality architectural design.

- (1) ~~Exterior building materials on all commercial development shall consist of a minimum of twenty five (25) percent per vertical wall plane of brick, natural or a decorative masonry unit pre cast stone, and/or glass. If multiple establishments are contained within one contiguous structure, the percentage pertains to the entire facade rather than individual facade fronts.~~
- (2) ~~Accent wall materials on all commercial development shall not exceed seventy five (75) percent per vertical wall plane. Accent building materials include, but are not limited to, exterior finish insulation systems, stucco, and painted dimension wood. If multiple establishments are contained within one contiguous structure, the percentage pertains to the entire facade rather than individual facade fronts.~~

~~Smooth and/or rib faced concrete masonry units, aluminum siding, vinyl siding, and corrugated steel are prohibited.~~

(3) ~~The principal entry area of a building, or if in a shopping center the mall entrances, shall be articulated and should express greater architectural detail than other portions of the building. Entries shall include at least one of the following or similar architectural elements:~~

(a) Overhangs

(b) Canopies

(c) Recesses/projections

(d) Columns

(e) Areades

(f) Corniced parapets over the door

(g) Peaked roof forms

(h) Arches

(i) Glass entry

(j) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting

(4) ~~Freestanding accessory structures shall have architectural detailing and design elements consistent with the primary buildings of the development complex to provide a cohesive design.~~

(5) ~~Burglar bars, fiberglass awnings, and steel roll down curtains are prohibited except at the structure's rear. Burglar bars are prohibited on the rear if visible from a public street. Burglar bars are also prohibited on the rear of an outparcel building if visible from the main structure.~~

(C) Color. ~~The use of muted, subdued, or earth tone colors are required for all buildings and associated structures. Vending and ice machines, lock boxes, and other dispensing equipment visible from the public right of way shall use only earth tone and/or neutral colors. Fuel dispensing units visible from the public right of way shall feature earth tone and/or neutral colors in their overall design. Notwithstanding the foregoing requirement, small functional parts of the fuel dispensing units and reasonable safety features may utilize additional colors for enhanced visibility and safety purposes, subject to the discretion of the director. In addition, any wall or fence shall use only earth tone and/or neutral colors. Earth tone colors refer to browns, umbers, sienna, or terracotta and brick tones. Neutral colors refer to blacks, whites, beiges, or grays. Fluorescent colors and those bright in intensity are prohibited. Glass, unpainted metal, natural stones, and sign faces are excluded from the color requirements.~~

(D) Exterior Lighting. ~~All lighting for commercial development shall be designed to integrate with the overall development character. Parking lot lighting shall be no more than thirty five (35) feet in height.~~

(1) ~~Lighting shall be architecturally integrated with neutral or earth tone colors.~~

(2) ~~Lighting shall be unobtrusive and refrain from adverse impact of adjacent properties outside of the overlay district and public right of ways. See UDC 16.4.26 for fixture type and light spillage.~~

(3) ~~Exposed neon and fluorescent lighting is not permitted except for open and closed signs.~~

(4) ~~For drive under canopies, the luminaries shall be recessed into the canopy ceiling so that the bottom of the luminaries does not extend below the ceiling.~~

(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.~~

(E) Screening. ~~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 or residential uses by placement behind the main building, 60% 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 or residential uses 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 or residential uses by placement behind the main building or appropriately sealed wall or the use of landscape buffer that is no less than 5 feet in height.~~

(4) ~~Walls or fences, required or otherwise, when visible from the public 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.~~

(5) ~~Chain link fencing is prohibited on Ronald Reagan Boulevard and Union Hill Road frontage. Chain link fencing may be allowed along the sides and rear of property fronting Ronald Reagan Boulevard if it is screened with evergreen trees, shrubs, and/or decorative fencing for the full length and height of the fence.~~

(F) ~~Exemptions.~~ The director may exempt all or parts of the design standards in this section for commissioned buildings by an architect for a site when the design constitutes a unique, one of a kind building that meets or exceeds the intent of these design standards, as demonstrated by architectural elevations.

21-9.8 General Regulations

(A) ~~At least fifteen percent (15%) of the area within the Overlay, exclusive of public roads, public rights of way, and inter parcel access easements, shall be set aside as open space.~~

(B) ~~The following elements may be included in the calculations of open space within the Overlay:~~

- (1) ~~Any combination of primary and secondary conservation areas that together form a permanent, undivided or relatively undivided, undeveloped area.~~
- (2) ~~All buffers, setbacks and other areas not containing any buildings or pavements.~~
- (3) ~~Plazas, fountains, squares and other similar pedestrian amenities.~~
- (4) ~~Wetlands, creeks, streams and tributaries, drainage areas, detention ponds, and floodplain.~~
- (5) ~~Areas within multi-family residential developments designed and intended for the use and enjoyment of all residents or the use and enjoyment of the public.~~

(C) Calculation of Minimum Parking and Loading Spaces

~~(1) All minimum parking and loading requirements for retail uses based on building floor area shall be calculated using Gross Leasable Area, as hereinafter defined.~~

~~(2) One off street loading space shall be provided for the first 5,000 square feet of Gross Leasable Area or fractional part thereof for retail uses for which a loading space is required. One additional space shall be required for each additional 75,000 square feet of Gross Leasable Area or fractional part thereof for retail uses.~~

~~(3) All minimum parking and loading requirements for office uses based on building floor area shall be calculated using Gross Building Area, as hereinafter defined.~~

~~(4) One off street loading space shall be provided for the first 5,000 square feet of Gross Building Area or fractional part thereof for office uses for which a loading space is required. One additional space shall be required for each additional 100,000 square feet of Gross Building Area or fractional part thereof for office uses.~~

~~(5) Unless otherwise approved by the director, loading spaces shall be a minimum of ten (10) feet wide, thirty (30) feet long, with fourteen (14) feet of height clearance.~~

~~(6) Shared parking may be provided at 3.5 spaces per 1,000 square feet of Gross Leasable Area or Gross Building Area, for retail or office uses, respectfully, as hereinafter defined, for any combination of different office and retail land uses within the Overlay (or any sub-area thereof) when such parking arrangement is supported by:~~

~~(a) Documentation from an acceptable industry publication (e.g., Institute of Transportation Engineers, Urban Land Institute, American Planning Association, etc.); or~~

~~(b) A study prepared by a traffic engineering firm that documents parking requirements and supports the use of shared parking.~~

(D) Surface Parking Standards

~~(1) Any parking area exceeding twenty five (25) spaces shall provide a minimum of ten percent (10%) of the total parking area as landscape islands. Landscape strips located between a parking area and a private street, driveway or public road shall count toward meeting this requirement.~~

~~(2) At minimum, landscape islands shall be located at the end of every other Parking Bay and, on average, every 150 linear feet of continuous parking space width.~~

~~(3) Landscape islands for single parking bays shall contain a minimum of 150 square feet. Landscape islands for double parking bays shall require a minimum of 150 square foot islands on each side or one continuous landscape island of 300 square feet on one side.~~

~~(4) Each parking landscape area shall contain turf grasses, shrubs, trees, or other landscape material in any combination, but must consist of at least two plant types. Landscape islands shall be located to effectively avoid large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic.~~

~~(5) All trees planted in landscape islands and landscape areas shall be a minimum of three and one half inches in caliper measured 36 inches above ground, shall be a minimum of ten feet in height, and shall be drought tolerant.~~

(E) Physical Relationships Between Buildings and Uses

~~(1) Buffers shall not be required between non-residential uses (including multi-family residential uses) and single family or multi-family residential uses internal or external to the Overlay.~~

- (2) ~~Minimum setbacks or other spatial separations required by the UDC shall not be required between buildings within the boundaries of the Overlay.~~
- (3) ~~Minimum setbacks shall be 10 feet from a public road.~~
- (4) ~~Minimum setbacks shall be 10 feet from common property lines shared with abutting properties that are zoned for residential development, which are outside of the boundaries of the Overlay with the exception of Sub Area 3 in which the minimum building setbacks shall be 20 feet.~~
- (5) ~~Setbacks shall not be required from private streets or driveways.~~
- (6) ~~Condominium developments and townhouse developments may be located on public roads or private streets. The developer shall build private streets to Forsyth County standards. Private streets built to county standards may be dedicated to the public at the developer's option.~~

(F) Residential Density

- (1) ~~Residential density within the Overlay shall not be calculated on a per acre basis. Notwithstanding any other provisions within this Article, residential development within the Overlay shall not exceed an aggregate total of 875 dwelling units.~~
- (2) ~~Buildings containing condominiums or apartments may include more than six (6) residential units.~~

(G) Tree Replacement

- (1) ~~To be consistent with section 2.11 of the Tree Ordinance, because the Plan exceeds the floor area threshold for Developments of Regional Impact:~~
- (a) ~~Eighteen (18) tree units per acre shall be provided within the Overlay;~~
- (b) ~~Developers shall not be required to replace Specimen Trees (as defined in the Tree Ordinance) that are removed during the initial development of a parcel within the Overlay.~~
- (2) ~~Calculations of tree units provided per acre shall include Specimen Trees, and non specimen trees with a diameter at breast height of at least 18 inches, that are planted or preserved within the Overlay, including those within required buffers or open spaces.~~
- (3) ~~In order to provide sufficient growing area for planted trees, a minimum of 300 square feet of pervious root zone shall be provided for every large tree.~~

(H) Stream Buffers

- (1) ~~Unless a stream buffer encroachment is approved by the State of Georgia Environmental Protection Division and Forsyth County, a natural vegetative buffer shall be maintained for 50 feet, measured horizontally, on both banks (as applicable) of State waters as measured from the top of bank. With the exception of new tree plantings, this 50 foot vegetative buffer shall remain undisturbed.~~
- (2) ~~Unless a stream buffer encroachment is approved by the State of Georgia Environmental Protection Division and Forsyth County, an additional setback shall be maintained for an average of 30 feet, measured horizontally, beyond the undisturbed natural vegetative buffer. Land disturbance activities, including but not limited to grading, drainage, retaining walls, utilities, pervious trails, tree planting and landscaping shall be allowed within this additional setback so long as any disturbed area is stabilized. Stormwater shall not be discharged across any portion of the additional stream buffer setback with a width of less than 25 feet.~~
- (I) ~~A 10 foot vegetative buffer shall be maintained adjacent to wetlands within the Overlay. Land disturbance activities, including but not limited to grading and tree planting, shall be allowed within required wetland buffers so long as any disturbed area is replanted to Forsyth County Buffer Standards.~~
- (J) ~~Specialized UDC Requirements for Large Retail Developments Requirements set forth in Chapter 12 and Chapter 18, Articles of the UDC specifically for individual retail establishments encompassing 40,000 square feet of floor area or greater, or encompassing 75,000 square feet or greater, shall not apply within the Overlay.~~

(K) Maintenance Requirements

- (1) ~~During any time a retail building exceeding 40,000 square feet is vacant after its initial opening (a "Vacant Retail Building") for a period of at least 90 days ("Vacancy Period"), the owner of the building shall:~~
- (a) ~~Maintain all on site parking areas and landscaping in the same condition as they had been maintained prior to the vacancy;~~
- (b) ~~Operate all lighting in the parking lot and other external areas, exclusive of identification signs, in the same manner as they had been prior to the vacancy period;~~
- (c) ~~Remove all outdoor identification signs from the site;~~
- (d) ~~Keep the building free of graffiti and repair all other acts of vandalism; and~~
- (e) ~~Provide security patrols on the site to deter vandalism or other illegal activities.~~

(2) The owner of a retail building exceeding 40,000 square feet, regardless of the building's occupancy status, shall be responsible for:

- (a) Maintaining cleanliness of entire site by removing any trash, rubbish, or other debris from the premises;
- (b) Maintaining landscaping and replacing dead or damaged plants; and
- (c) Repair or replace building elements that are damaged, dilapidated or in disrepair (such as but not limited to broken windows).

(3) Should the owner of a Vacant Retail Building fail to maintain the building and premises during the Vacancy Period in accordance with the requirements of this Article, the owner shall be subject to citation by the appropriate County Code Enforcement Office and shall be subject to the maximum fine permitted for ordinance violations for each such violation.

(L) Adaptive Reuse:

- (1) If an individual retail establishment 75,000 square feet or greater ("Establishment") is vacated, the owner and/or lessee (the "Owner") shall submit a written adaptive reuse and marketing plan (a "Reuse Plan") to the Director no later than the end of the 25th consecutive month of vacancy, unless events or circumstances beyond the Owner's control prevents the submittal of the Reuse Plan.
- (2) The Reuse Plan shall include the reason(s) for the continued vacancy, potential use types for the vacant Retail Establishment, a marketing plan to be executed for the facility and a schedule for the implementation of the marketing plan (a "Schedule"). The Owner shall execute the Reuse Plan in accordance with the Schedule, unless events or circumstances beyond the Owner's control prevent adherence to the Schedule.
- (3) If the Establishment remains vacant for 12 consecutive months after the Reuse Plan's submittal date, the Owner shall provide the Director with annual written status reports regarding its plans to redevelop and/or reuse the property and the reason(s) for the property's continuing vacancy.

(M) Calculation of Area for Retail and Office Uses

- (1) The area of retail uses within the Overlay shall be calculated using "Gross Leasable Area", which shall mean the sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls and from the center line of joint partitions and walls separating two (2) or more buildings. The term Gross Leasable Area shall exclude all outdoor dining areas, outdoor display areas that are accessory to enclosed retail stores, areas designed for permanent accessory uses such as public toilets, utility closets, mall food courts, mall management and security offices, mail distribution or delivery facilities, truck tunnels, enclosed parking areas, meter rooms, mall concourses, corridors not open to the public, rooftop mechanical structures, mechanical and equipment rooms and facilities, public and fire corridors, stairwells, elevators and escalators.
- (2) The area of office uses within the Overlay shall be calculated using net rentable area in accordance with the "Standard Method of Measuring Floor Areas in Office Buildings ANSI/BOMA Z65.1-1996", as adopted by The Building Owners and Managers Association (BOMA) International.

(N) Signage

- (1) A comprehensive signage plan setting forth details relative to sign types, numbers, materials, construction, lighting, heights, and areas shall be submitted to the director for review and approval prior to the issuance of sign permits for each development within the Overlay (or each phase thereof).
- (2) Commercial Signs:
 - (a) Wall Signs:
 - (i) Department store anchors over 80,000 square feet shall be allowed 3 signs (one per facade) up to 5% of the overall façade or a maximum of 600 square feet per sign.
 - (ii) The retail building connecting the department store anchors shall be allowed up to 8 signs up to 200 square feet per sign.
 - (iii) Office and hotel buildings over 5 stories are allowed 4 signs (one per facade) up to 5% of the overall façade area or a maximum of 600 square feet per sign, whichever is greater.
 - (b) Marquee Signs. Signs within the Overlay are allowed a maximum projection of 12 feet from the building wall.
 - (c) Monument Signs (fronting freeways and arterial/collector streets). No more than 2 signs may be located per entrance to a public street. Maximum sign area shall be limited to 300 square feet per side, not including wing walls. Signs shall be limited to a maximum height of 12 feet.

(d) **Monument Signs (fronting local roads and private streets)**. No more than 12 signs may be permitted within the Overlay. Maximum sign area shall be limited to 72 square feet per side. Signs shall be limited to a maximum height of 10 feet.

(e) **Pole Directional Signage**. No more than 24 signs may be located within the Overlay. Maximum sign area shall be limited to 60 square feet per side. Signs shall be limited to a maximum height of 10 feet.

(f) **Light Pole Graphics**. Four-sided signs may be located on poles to serve as directional aids. Maximum sign area shall be limited to 15 square feet per side. Signs shall be limited to a maximum height of 12 feet.

(g) **Georgia 400 Corridor Signage**. A single pylon sign may be located along GA400. Maximum sign area shall be limited to 400 square feet. The sign shall be limited to a maximum height of 50 feet.

(3) **Residential**. All residential development within the Overlay shall be allowed separate signage as permitted per the Residential Zoning Standards of the Sign Ordinance.

(4) Notwithstanding any other provisions within this Article, the Office Residential Zoning Districts Performance Standards and Commercial or Industrial Zoning Districts in the Sign Ordinance shall not apply to the Overlay.

(O) **Prohibited Uses**. The following uses shall be prohibited within the Overlay.

- (a) Convenience stores, with or without fuel dispensing units.
- (b) Fuel stations.
- (c) Adult novelty stores.
- (d) Adult entertainment centers.
- (e) Pawn shops.
- (f) Tattoo parlors.

—21.9.9 **Applicability**. All properties within the boundaries of the Overlay shall be subject to the requirements of the UDC, the Sign Ordinance and the Tree Ordinance. Properties within Sub Area 2 and Sub Area 3 of the Overlay shall be subject to all requirements of this Article and the Plan. Sub Area 1 may be developed in accordance with the Article and this Plan. The following provisions of this Article shall not apply to Sub Area 1 of the Overlay if Sub Area 1 does not conform to the Plan: Sections 21.9.4(A)(2), 21.9.4(B), 21.9.4(C)(2), 21.9.8(C)(6), 21.9.8(D)(1), 21.9.8(D)(2), 21.9.8(D)(3), 21.9.8(D)(4), 21.9.8(E)(1), 21.9.8(E)(3), 21.9.8(E)(4), 21.9.8(E)(5), 21.9.8(E)(6), 21.9.8(F), 21.9.8(N), 21.9.10(A), 21.9.10(B) and 21.9.10(C). Section 21.9.8(F)(1) shall not apply to Sub Area 1 if Sub Area 1 does not conform to the Plan; and the maximum residential density on the balance of the Overlay shall be reduced to 675 units. The requirements of the UDC, this Article and the Tree Ordinance shall apply cumulatively to all properties within the Overlay so that each requirement is interpreted against the overall Plan, not any individual parcel or property.

—21.9.10 **Administrative Interpretations**.

- (A) The director is hereby authorized to administratively grant minor Plan amendments for individual parcels within the Overlay. A minor Plan amendment shall be effective only for the parcel(s) for which the amendment was requested and shall not affect any other parcel within the Overlay.
- (B) Minor Plan amendments shall include, but are not limited to, adjusting lot lines and lease lines, reducing the size of individual uses, removing approved uses, modifying the layout of internal roads, relocating open space, reconfiguring building footprints and relocating buildings depicted on the Plan. Any proposed amendment to the Plan that is determined by the director to constitute a public interest that decreases the public open space by ten (10) percent or more, increases the density by ten (10) percent or more, or changes the Overlay boundaries shall be deemed a major amendment. The addition of proposed uses or the relocation of active amenities to a location closer to the Overlay boundaries than as shown on the Plan shall constitute major amendments. For all amendments to the Plan that are determined to be major amendments, the Board of Commissioners shall be required to hold a public hearing, but such hearing shall be limited specifically to testimony regarding whether the proposed amendment should or should not be approved.
- (C) The director may approve requests for minor plan amendments based on the following considerations:
 - (1) Whether the amendment conforms to the policy and intent of the Forsyth County Comprehensive Plan;
 - (2) Whether the amendment would be suitable in view of the use and development of adjacent and nearby properties;
 - (3) Whether the amendment would have an adverse effect on the usability of adjacent and nearby property;
 - (4) Whether the amendment would impose an excessive burden on streets, transportation facilities or utilities;
 - (5) Whether there are existing or changing conditions affecting the use and development of the property that support the approval of the amendment.
- (D) The director is not authorized to grant variances from the provisions of the underlying CBD zoning district. Deviations from the underlying CBD zoning district shall require the issuance of a variance pursuant to Article V and Article VI of the UDC.

(E) In the event of a conflict or inconsistency between this Overlay, as interpreted by the director, and (1) any other provision of the UDC, (2) the Sign Ordinance, or (3) the Tree Ordinance, this Article shall govern the development within the Overlay.

TABLE 21.3
PERFORMANCE STANDARDS SUMMARY

Performance Standard	Sub-Area 1	Sub-Area 2	Sub-Area 3
Minimum dwelling unit size	600 sf. (1 bedroom) 900 sf. (all other units)	600 sf. (1 bedroom) 900 sf. (all other units)	600 sf. (1 bedroom) 900 sf. (all other units)
Maximum building height	12 stories or 180 ft.	6 stories or 90 ft. (office/res) 8 stories or 130 ft. (hotels)	As set forth in UDC.
Maximum parking deck height	8 levels	4 levels	As set forth in UDC.
Max. Residential density (Note 1)	400 units	300 units	375 units
GA 400 buffer	60 feet (includes 40 foot visual buffer)	n/a	n/a
Loading Spaces (retail)	1 space for first 5,000 sf. + space for each additional 75,000 sf.	1 space for first 5,000 sf. + space for each additional 75,000 sf.	1 space for first 5,000 sf. + space for each additional 75,000 sf.
Performance Standard	Sub-Area 1	Sub-Area 2	Sub-Area 3
Loading Spaces (office)	1 space for first 5,000 sf. + space for each additional 100,000 sf.	1 space for first 5,000 sf. + space for each additional 100,000 sf.	1 space for first 5,000 sf. + space for each additional 100,000 sf.
Loading Space Size	10 ft x 30 ft. Min. 14 foot clearance	10 ft x 30 ft. Min. 14 foot clearance	10 ft x 30 ft. Min. 14 foot clearance
Pervious Root Zone (Large Trees)	300 sf.	300 sf.	300 sf.
Min. Landscape Island size (Single Bay)	150 sf.	150 sf.	150 sf.
Min. Landscape Island size (Double Bay)	300 sf.	300 sf.	300 sf.
Landscape Island Location	Every other parking bay and avg. every 150 linear feet of parking width	Every other parking bay and avg. every 150 linear feet of parking width	Every other parking bay and avg. every 150 linear feet of parking width
Setbacks (Note 3)	10 feet from public road and residential development outside Overlay	10 feet from public road and residential development outside Overlay	10 feet from public road and residential development outside Overlay
Stream Buffer	50 ft vegetative buffer Avg. 30 ft additional setback	50 ft vegetative buffer Avg. 30 ft additional setback	50 ft vegetative buffer Avg. 30 ft additional setback
Wetland Buffer	10 feet	10 feet	10 feet
Shared Parking for Mixed Uses of Retail and Office	3.5 spaces per 1,000 sf.	3.5 spaces per 1,000 sf.	3.5 spaces per 1,000 sf.

Note 1 Residential density within the Overlay shall not exceed a total of 875 units.

Note 2 Setbacks and buffers do not apply to private streets, driveways, or lease lines/property lines within the Overlay.

Note 3 The applicability of standards summarized in this table are subject to the provisions of section 21-9.10 of the Ronald Reagan/Union Hill Overlay District regulations.