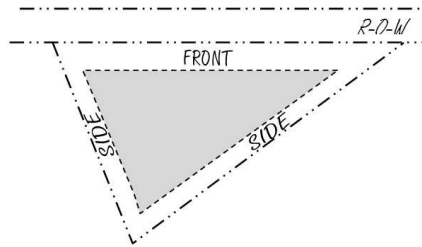


- (B) Triangular-shaped lots. A lot where two opposing side lot lines intersect at the rear of a lot shall be determined to have no rear lot line or corresponding setback requirement.

Figure 10.4



Source: Gwinnett County, GA

10.1.18 **Determination of Yards.**

- (A) Lots without a principal structure shall be determined as having no yards.
- (B) Lots with a principal structure shall have its yards determined as follows:
1. Front Yard. A yard extending across the total width of a lot between side lot lines and being that area between the front lot line and that line or lines established by the front wall or walls of the principal structure projected to intersect the side lot lines. There can only be one front yard.
 2. Rear Yard. A yard extending across the total width of a lot between side lot lines and being that area between the rear lot line and that line or lines established by the rear wall or walls of the principal structure projected to intersect the side lot lines.
 3. Side Yard. A yard extending the total depth of a lot between the front and rear yards and being that area between the side lot lines and that line or lines established by the side wall or walls of the principal structure.

ARTICLE II, NONCONFORMING SITUATIONS:

10-2.1 **Nonconforming Lots.** A lot of record that does not conform to the minimum lot size or minimum lot width for the zoning district in which it is located may be used as a building site, provided that the access, height, and setback requirements of the zoning district in which the lot of record is located are complied with or a variance is obtained and provided further, that the lot meets all the current standards and requirements of the Forsyth County Health Department.

10-2.2 **Nonconforming Structures.** A nonconforming structure may continue to be occupied and used, except that the nonconforming structure shall not be:

- (A) Repaired, rebuilt, or altered after damage exceeding 50 percent of its replacement cost at the time of destruction, except that a structure or structures located on property zoned R3 may be, where a certificate of occupancy was issued for the structure(s) prior to December 1, 2017, rebuilt and repaired even if the structure is completely destroyed or damaged, with such rebuilt or repaired structures allowed to operate in the same manner as existed immediately prior to the event causing the damage or destruction;
- (B) Enlarged or altered in a way which increases its nonconformity. For purposes of this section, conversion of any sign from a static or tri-vision sign face to LED display or an electronic message board shall constitute a prohibited enlargement or alteration which increases the non-conformity of the structure unless such conversion is authorized pursuant to the electronic message board upgrade provisions of the Forsyth County Sign Ordinance (Chapter 66 of the Code of Forsyth County),

10-2.3 **Nonconforming Uses.** To avoid undue hardship, the lawful but nonconforming use of any structure or land at the time of the enactment of this ordinance or any amendment thereto may be continued even though such use does not conform with the provisions of this ordinance, except that the nonconforming use shall not be:

- (A) Changed to another nonconforming use;
- (B) Re-established after discontinuance for 12 months or more except that a vehicle sales dealership and/or vehicle rental establishment may not be re-established after discontinuance for six (6) months;

the type, design, or technology of the system, regardless of whether it would be allowed or prohibited if otherwise owned and operated, and regardless of who or what entity originally constructed, owned or permitted the facility.]

Non-Conforming Building or Structure: A building that does not meet one or more setbacks for the zoning district in which said building or structure is located, or a building or structure that exceeds the maximum lot coverage for the zoning district in which said building or structure is located, or a principal building or accessory structure that otherwise does not comply with dimensional requirements established by this Code for the particular principal building or accessory structure.

Non-Conforming Lot: A lot which does not conform to the lot requirements of the zoning district in which the lot is located as established by this Code but which was a lot of record prior to the effective date of this Code.

Non-Conforming Use: A building, structure, or land occupied by a use that does not conform to the use regulations of the zoning district in which it is situated.

Non-Integral Wing Wall: A continuation of a building wall that projects beyond the exterior walls of a building. Non-Integral Wing Walls are not integral to the structure and do not provide direct physical contact for the support of a building or structure.

Non-Profit Association: A group organized for purposes other than generating profit, such as a charitable, scientific or literary organization.

Nonstructural Stormwater Management Practice: Any natural or planted vegetation or other nonstructural component of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and green space areas, overland flow filtration areas, natural depressions, and vegetated channels.

Nursery/Greenhouses: A retail or wholesale establishment whereby the goods sold, i.e., plants, shrubs and trees, are grown and raised on site from a seed or seedling. An operator of a nursery/greenhouse should have a live plant license from the state of Georgia. The selling of goods not grown on site, such as rocks, mulch (unless created from vegetation grown on-site), stones, wheelbarrows, rakes, etc., is prohibited.

Office: A building, or portion thereof, wherein predominantly administrative, professional, or clerical operations are performed, and not involving retail sales.

On-Site Construction: Construction, by convenient means, of a building on the site where it is to be occupied. This form of construction may include a pre-fabrication of certain building components as well as "industrialized housing" as herein defined, but shall not be interpreted to include the on-site assemblage of mobile homes or manufactured homes.

Open Air Business: Any commercial establishment with the principal use of displaying products in an area exposed to open air on three or more sides, including but not limited to rock yards, nurseries and garden supply stores, lumber and building materials yards, flea markets, statuary and monument sales establishments, Christmas tree lots and firewood sales lots, liquid petroleum dealers and tank sales.

Open Space: Within the context of Chapter Nineteen, Conservation Subdivision, any combination of primary conservation areas and secondary conservation areas, as defined, that together form a permanent, undivided or relatively undivided, undeveloped area. Easements for electric transmission lines or any other above-ground improvement shall not be considered open space. Within the context of other chapters of this Code, "open space" shall have more liberalized meaning to include buffers and areas not containing any man-made structures or pavements. For all zoning districts requiring open space, including Conservation Subdivisions, Structural Stormwater Control practices shall not be counted toward the required open space. Nonstructural Stormwater Control practices, however, may count toward required open space. An Active Recreational Facility may not be located in the required open space. Passive amenities, such as walking trails, may be located in required open space, but passive amenities may not comprise more than 25% of the required open space and may not include impervious materials. Areas dedicated to Land Application shall not be counted toward required open space unless the application is above ground and the area affected can be utilized for such activities as ball fields, golf courses, park areas, etc.

Open Space, Public: Within the context of Chapter 18, an area within a development or subdivision designed and intended for the use and enjoyment of all residents or for the use and enjoyment of the public in general.

Open Storage Yard: An area(s) dedicated as an exterior depository, stockpiling, or safekeeping of materials, products, vehicles, trailers, boats, and the like. Outside storage yards may be enclosed by a structure that includes a roof, but no side walls, in which case the structure shall be deemed outside storage. Outside storage yards may involve fencing or screening without a roof in which case fencing or screening shall be deemed outside storage. Parking lots do not qualify as outside storage yards. Outside storage yards do not involve any product representation or signage except for those emergency or safety-related signs specifically approved by Forsyth County. Vending machines accessory to allowable uses do not constitute outside storage. The parking or storage of vehicles, equipment, or merchandise for a period of less than 96 hours does not constitute outside storage.