

**AN ORDINANCE
BY THE BOARD OF COMMISSIONERS
OF FORSYTH COUNTY, GEORGIA**

An Ordinance by the Board of Commissioners of Forsyth County, Georgia to amend the Unified Development Code of Forsyth County, specifically, to establish build-to-rent developments as a conditional use for certain properties; to provide for relevant definitions; to set forth zoning districts eligible for build-to-rent developments; to establish requirements for build-to-rent developments; to repeal conflicting ordinances; and for other purposes.

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the county may adopt clearly reasonable ordinances, resolutions and regulations; and

WHEREAS, O.C.G.A. Section 36-1-20 authorizes counties to enact ordinances for protecting and preserving the public health, safety and welfare of the population of the unincorporated areas of the county; and

WHEREAS, in the interests of the health, safety, and general welfare of the citizens of Forsyth County, Georgia, the Board of Commissioners of Forsyth County desires to amend its Unified Development Code; and

WHEREAS, the Board of Commissioners desires to allow for build-to-rent developments to be a Conditional Use subject to certain restrictions in residential zoning districts; and

WHEREAS, appropriate notice and hearing on the amendments contained herein have been carried out according to general and local law.

NOW THEREFORE, be it ordained and resolved by the Board of Commissioners of Forsyth County, Georgia, as follows:

1. Article 2, of Chapter 3 of the Unified Development Code of Forsyth County, Georgia shall be amended by adding the following definition:

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.

2. Table 11.1(a) of the Unified Development Code of Forsyth County, Georgia shall be amended by adding “Build-to-rent” use as a “Conditional” use (“C”) in the R1R, CR1, R1, R2R, R2, R3, R4, LR, and OSR zoning districts.

3. Table 11.1(b) of the Unified Development Code of Forsyth County, Georgia shall be amended by adding “Build-to-rent” use as a “Conditional” use (“C”) in the Res1, Res2, CR2, Res3, Res4, Res6, and MHP zoning districts.

4. Table 12.1 of the Unified Development Code of Forsyth County, Georgia shall be amended by adding “Build-to-rent” use as a “Conditional” use (“C”) in the UV, CBD, and O&I zoning districts, and as a “Not Permitted” use (“X”) in the NS, ~~UV, CBD~~, HB, HC, BP, ~~O&I~~, OR, and OCMS zoning districts. Additionally, Note (6) shall be added following Table 12.1 to provide that “within the UV, CBD, and O&I zoning districts, build-to-rent shall be considered as a conditional use only for senior housing as provided in Section 16-4.9 of this Code. All other build-to-rent developments within these districts are considered prohibited.

5. Table 14.1 of the Unified Development Code of Forsyth County, Georgia shall be amended by adding “Build-to-rent” use as a “Not Permitted” use (“X”) in the M1, M2 and MINE zoning districts.

6. Table 15.1 of the Unified Development Code of Forsyth County, Georgia shall be amended by adding “Build-to-rent” use as a “Not Permitted” use (“X”) in the A1 and AG-RES zoning districts.

7. Article 4 of Chapter 16 of the Unified Development Code of Forsyth County, Georgia shall be amended by adding a new Section 16-4.5 to read as follows:

16-4.5 Build-to-rent.

(A) A build-to-rent development may be permitted in residentially zoned districts upon application for and receipt of a conditional use permit, and within master planned districts and mixed-use center districts.

(B) A build-to-rent development shall be comprised of only single-family detached dwellings, except that this requirement shall not apply within senior housing developments as provided in Section 16-4.9 of this Code.

(C) Short-term rentals shall not be permitted within build-to-rent developments.

(D) A build-to-rent development with seven (7) or more units must be managed by a single management company with an on-site and staffed office with standard business hours of 9:00 am – 5:00 pm, Monday through Friday. The on-site office shall be a stand-alone building that shall be similar in design and appearance to other buildings within the development.

8. All remaining portions of the Unified Development Code of Forsyth County shall continue in full force and effect, and shall remain unaffected by this amendment.

9. **Severability.** It is the express intent of the Forsyth County Board of Commissioners that this Ordinance be consistent with both federal and State law. If any provision of this Ordinance or the

application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

10. **Conflicting Ordinances Repealed.** Any and all Ordinances or parts of Ordinances in conflict herewith shall be, and the same are, hereby repealed to the extent of such conflict.

11. **Effective Date.** This Ordinance shall become effective immediately upon passage.

PASSED AND ADOPTED this ____ day of _____, 2022, the public health, safety, and welfare demanding it.

FORSYTH COUNTY BOARD OF COMMISSIONERS

Alfred John, Chairman

Molly Cooper, Vice Chairman

Todd Levent, Secretary

Cindy Jones Mills, Member

Laura Semanson, Member

Attest:

Clerk to the Board