

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 Subarea 1 of the Overlay shall be developed in phases as set forth 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. In addition, the County and the developer shall enter into a development agreement (the “Development Agreement”) providing more detail or modifications to the terms of the Memorandum of Understanding. The Development Agreement must be reviewed and approved by the Board of Commissioners prior to issuance of a land disturbance permit for any area within Subarea 1 of the Overlay. In the event of any conflict between the Memorandum of Understanding and the Development Agreement, the provisions of the Development Agreement shall govern.

Further, all property within the Overlay shall adhere to 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 21-9.10 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, 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 Section 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 Section 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 (the “Arena”) having capacity as specified in the Development Agreement.
- (4) Gathering Entertainment District.
- (5) All uses permitted under CBD (Commercial Business District) zoning, subject to Section 21-9.8(N) of this Article.

- (6) All conditional uses permitted under CBD (Commercial Business District) zoning, subject to Section 21-9.8(N) of this Article.
- (7) Multi-family dwelling units which shall not exceed one thousand eight hundred (1,800) to be developed in phases as set forth 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. Multi-family dwelling units are also 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 two-bedroom units shall be eight hundred and fifty (850) square feet.
 - (d) The maximum number of bedrooms shall be two (2).
- (8) Townhome units or detached single-family units, not to exceed one hundred and fifty (150), with a minimum heated floor space of one thousand eight hundred (1,800) square feet.
- (9) 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 above grade, 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.
 - (3) Buildings along Ronald Reagan Boulevard that are located north of the residential portion of Jamestown Subdivision shall not exceed four (4) stories.
- (C) **Buffers and Setbacks.**
 - (1) **Setback and Visual Buffer from Georgia Highway 400.** A minimum setback of forty (40) feet from the right-of-way from Georgia Highway 400 must be maintained. No visual buffer along Georgia Highway 400 will be required.
 - (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) **Gathering Entertainment District.** The area identified as the Gathering Entertainment District on the Master Development Plan approved by the Board of Commissioners on January 9, 2025, associated with AZ240041 and AZ240043, which is hereby incorporated by reference, may be subject to development agreements with the Board of Commissioners, and where there is any conflict with this Chapter, the UDC, or any other ordinance of the County with a duly-entered development agreement, the terms of the development agreement shall control.

21-9.5 **Sub-Area 2 (Residential).** This sub-area is intended to provide for residential and recreational land uses as identified on the Plan.

- (A) **Permitted Uses.**
 - (1) Multi-family dwelling units, not to exceed two hundred and sixty-nine (269) inclusive of existing units as of January 9, 2025, 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.
- (B) **Building Height Limits.**

- (1) All buildings may include parking facilities and shall be limited to a maximum of six (6) stories, not to exceed a maximum height of ninety (90) feet above the mean elevation of the front facade, 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).** 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.

(A) **Permitted Uses.**

- (1) Multi-family dwelling units, not to exceed three hundred and seventy (370) inclusive of existing units as of January 9, 2025, 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.

(B) **Building Height Limits.**

- (1) All buildings may include parking facilities and shall be limited to a maximum of six (6) stories, not to exceed a maximum height of ninety (90) feet above the mean elevation of the front facade, exclusive of any integrated parking levels.

21-9.7 **Architectural Design Standards.** The developer shall provide an architectural design book (the "Architectural Design Book") to be reviewed and approved by the Board of Commissioners prior to issuance of building permits for any area within the Overlay. The architectural design standards established therein shall apply to all development requiring a land disturbance permit. The standards below shall be incorporated into the Architectural Design Book. 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, architectural accents on commercial and vertical mixed-use structures, surfaces on which logos, murals, and named-corporate Arena sponsors are maintained, 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 the area designated as the Gathering Entertainment District, 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.
 - (5) A minimum thirty-five (35) foot landscaped area measured from the back of curb shall be installed and maintained along Sub-Area 1's frontage on Ronald Reagan Boulevard. Improvements to facilitate the Big Creek Greenway may be located within this landscaped area. Details of the landscape area plantings shall be specified in the Landscaping Plan.
 - (6) A minimum seventy-five (75) foot landscaped area measured from the back of curb shall be installed

and maintained along Sub-Area 1's frontage on Ronald Reagan Boulevard that is located north of Jamestown Subdivision. Improvements to facilitate the Big Creek Greenway may be located within this landscaped area. This requirement is in lieu of and not in addition to the thirty-five (35) foot landscape strip required by Section 21-9.7(E)(5), above. Details of the landscape area plantings shall be specified in the Landscaping Plan.

- (7) Dumpsters that are part of the Arena complex shall be housed in a climate-controlled area.
- (8) Dumpsters and dumpster enclosures not part of the Arena complex.
 - (a) Dumpster enclosures are required, shall be opaque, and shall enclose the dumpster on three (3) sides.
 - (b) Enclosures shall be constructed of materials and colors that match the building on site and shall be at least one (1) foot taller than the highest point of the dumpster or compactor.
 - (c) Dumpster enclosures are subject to building setback requirements.
 - (d) A gate is required and shall be composed of metal or other durable material which shall reach the height of the three-sided enclosure. Gate color shall be coordinated to match the design of the dumpster enclosure and gates shall be oriented towards the interior of the site.
 - (e) All dumpsters and compactors shall be equipped with lids.
- (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 Parking and Loading Spaces.**

- (1) The Gathering Entertainment District shall be exempt from this subsection.
- (2) All minimum parking and loading requirements for retail uses based on building floor area shall be calculated using Gross Leasable Area, as hereinafter defined.
- (3) One (1) off-street loading space shall be provided for the first five thousand (5,000) square feet of Gross Leasable 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 Leasable Area or fractional part thereof for retail uses.
- (4) All minimum parking and loading requirements for office uses based on building floor area shall be calculated using Gross Building Area, as hereinafter defined.
- (5) One (1) off-street loading space shall be provided for the first five thousand (5,000) square feet of Gross Building Area or 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 Building Area or fractional part thereof for office uses.
- (6) 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 Gathering Entertainment District is 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 Gathering Entertainment District may and is anticipated to utilize shared parking. Shared parking may be provided in structured parking and surface parking areas.
- (8) Parallel parking along and within rights-of-ways and private driveways is allowed.
- (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 zero (0) feet from a public road.
 - (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) 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.
 - (7) The developer shall build public and private residential roads, streets, access drives, and alleys to standards specified on the Streetscape Widths Exhibit of the Overlay District Master Development Plan. Public and private commercial roads, streets, access drives, and alleys shall be built to standards specified on the Streetscape Widths Exhibit of the Overlay District Master Development Plan. Private streets may be dedicated to the public at the developer's election and upon approval of the Board of Commissioners.
- (F) **Residential Density.**
 - (1) Residential density within the Overlay shall not be calculated on a per acre basis.
 - (2) Buildings containing condominiums or apartments may include more than six (6) residential units.
- (G) **Landscaping.**
 - (1) A landscaping plan for each phase of the development shall be submitted and approved by the Director prior to issuance of a land disturbance permit for the phase submitted (collectively, each such plan being part of the "Landscaping Plan").
 - (2) Street trees are allowed to be located adjacent to and within rights-of-way within the Overlay. No setbacks from curbs, roads, streets, alleys, or utility lines will apply.
 - (3) **Tree Replacement.**
 - (a) Tree replacement shall be governed by the provisions of the Overlay District and not by the Forsyth County Tree Ordinance.
 - (b) Fifteen (15) tree units per acre shall be provided within the Overlay.
 - (c) 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.
 - (d) 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.
 - (e) Land disturbance activity is allowed up to any boundary line within the Overlay District.
 - (f) 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 (and if necessary, the State of

Georgia Environmental Protection Division), 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 Forsyth County (and if necessary, the State of Georgia Environmental Protection Division), 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. Stormwater shall not be discharged across any portion of the additional impervious surface buffer setback with a width of less than twenty-five (25) feet.
- (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 the entire site by removing any trash, rubbish, or other debris from the premises;
 - (b) Maintaining landscaping and replacing dead or damaged plants; and
 - (c) Repairing or replacing 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 Gathering Entertainment District) 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 within Sub-Area 1 shall be governed by the provisions of the Overlay District and not by the Forsyth County Sign Ordinance. In this regard, 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) (collectively, each such plan being part of the "Signage Plan"). Signage within Sub-Areas 2 & 3 shall be governed by the Forsyth County Sign Ordinance.

(2) **Commercial Signs.**

(a) **Wall Signs.**

- (i) Retail stores over eighty thousand (80,000) square feet shall be allowed three (3) signs (one (1) per facade) up to ten percent (10%) 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 (one (1) per facade) up to ten percent (10%) of the overall facade area.

- (b) **Marquee Signs.** Signs within the Overlay are allowed a maximum projection of twelve (12) feet from the building wall.

- (c) **Eyebrow Signage.** In addition to Wall Signs referenced in subsection (a) above, signage found above the main entrances to buildings, or at the first through third floor levels of buildings within Sub-Area 1, are allowed four (4) signs (one (1) per facade) up to ten percent (10%) of the overall facade area.

- (d) **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.

- (e) **Monument Signs (fronting local roads and private streets).** No more than twelve (12) signs may be permitted within the Overlay. 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.

- (f) **Pole Directional Signage.** No more than twenty-four (24) signs may be located within the Overlay. 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.

- (g) **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.

(h) **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.

- (3) **Arena Signage.** The Gathering Entertainment District shall be subject to an Arena Signage Design Plan subject to approval by the Board of Commissioners. Notwithstanding the Arena Signage Design Plan, the Arena shall be allowed to utilize LED signage on any exterior surface of the Arena and named-corporate Arena sponsor logos shall not count toward any sign face allocation. In addition, detached and attached LED marquee signage may be utilized at any location within the Gathering Entertainment District.

- (4) **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 Sub-Area 1 establishing alternative performance standards to any of the signage regulations established by this subsection.

- (5) **Residential Signs.** All residential development within the Overlay shall be allowed separate signage as permitted per the Residential Zoning Standards of the Sign Ordinance.
- (N) **Prohibited Uses.** The following uses shall be prohibited within the Overlay:
- (1) Adult entertainment centers.
 - (2) Adult novelty stores.
 - (3) Apiaries.
 - (4) Automobile services establishments.
 - (5) Building supply yards.
 - (6) Car washes.
 - (7) Convenience stores, with or without fuel dispensing units.
 - (8) Extended stay hotels.
 - (9) Fuel stations.
 - (10) Fuel tank lease and sales establishments.
 - (11) Funeral homes, mortuaries, and mausoleums.
 - (12) Marijuana or THC dispensaries excluding licensed pharmacies.
 - (13) Open storage.
 - (14) Panhandling.
 - (15) Pawn shops.
 - (16) Shooting ranges.
 - (17) Short-term rentals.
 - (18) Smoke shops, vapor cigarette shops, or non-traditional tobacco paraphernalia shops.
 - (19) Storage, self-service.
 - (20) Tattoo parlors.
 - (21) Vehicle rental establishments.
 - (22) Vehicle sales dealerships, except as part of a retail outlet within the Gathering Entertainment District.

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)(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).

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 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.

provide written notification of same to at least the same individuals and entities that were previously notified in accord with 8-5.5(C)(2)(a) and public participation attendees who provide legible addresses on the sign-in sheet. Such written notice must be provided at least fifteen (15) days prior to the application being considered by the Board for final action with evidence of such notification provided to the department.

- (a) **General Considerations for Decision.** The following items shall be considered for rezoning, and conditional use permit applications:
- (i) Requirements of this Code as they pertain to the level of detail included within the conceptual plan, the purpose of which is to give surrounding property owners notice of the use to which property would be put or zoning district requested, shall be strictly complied with;
 - (ii) The fact that there is already ample land in the requested classification shall not of itself justify denial or approval of an application for a change in zoning classification;
 - (iii) The mere fact that a certain zoning classification is in effect at the time property is acquired does not preclude the new owner from seeking a new classification;
 - (iv) No threat to the safety or morality of the citizens of the county shall be found to exist from a commercial development of land alone;
 - (v) The disposition of every rezoning shall be made on the facts applicable to that particular case, considering the merits of the land in question, the impact of a decision upon the landowner's property rights and the legitimate interests of the community.
 - (vi) Comprehensive Plan/~~future land use map~~:
 - a) Whether or not the applicant's proposal is in conformity with the policy and intent of the Forsyth County Comprehensive Plan;
 - b) Whether or not the applicant's proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties;
 - c) Whether or not the applicant's proposal will have an adverse affect on the usability of adjacent or nearby property;
 - d) Whether or not the applicant's proposal would result in a use that would cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools;
 - e) Whether or not there are existing and changing conditions affecting the use and development of the property, which give supporting grounds for approving the applicant's proposal.
- (b) **Special Considerations for Decision.** As appropriate, the following items shall be considered for rezoning and conditional use permit applications:
- (i) Land development plans, including projected densities;
 - (ii) Existing uses and zoning of nearby property:
 - a) Use and classifications of other property;
 - b) Effect upon residents of adjoining property.
 - (iii) Land values:
 - a) Impact of change on values of adjacent and nearby properties;
 - b) Opinions as to most advantageous use.
 - (iv) Roads and traffic:
 - a) Character of adjacent and boundary roads;
 - b) Intersections;
 - c) Planned development by public agencies;
 - d) Planned private developments;
 - e) Effect of increased traffic on safety.
 - (v) Rivers, streams and drainage:
 - a) Flood plains;
 - b) Soil erosion and sedimentation;
 - c) Protected areas;
 - d) Pollution of surface and sub-surface water.
 - (vi) Utilities:
 - a) Sewage disposal;
 - b) Water supply;

ARTICLE VIII, APPEAL OF ZONING BOARD OF APPEAL DECISIONS:

8-8.1 **Purpose and Intent.** It is the intent of this article to specify provisions for the filing and consideration of applications for appeals of Zoning Board of Appeal decisions.

8-8.2 **When Required.**

- (A) Appeals of Zoning Board of Appeal decisions may be taken by any person aggrieved by any decision of the Zoning Board of Appeal.
- (B) Appeal of decisions of the Zoning Board of Appeal with respect to appeals of administrative decisions pursuant to Article VII of this Chapter shall be by ~~writ of certiorari to the Superior Court and shall be pursued in compliance set forth in Chapter 4 of Title 5 of the Official Code of Georgia Annotated~~ petition for review, O.C.G.A. 5-3-7, et. seq.
- (C) The appeal of decisions of the Zoning Board of Appeal with respect to variances and all other matters for which the Zoning Board of Appeal is vested with jurisdiction shall be by appeal to the Board of Commissioners, which appeal shall be filed within ten (10) days of the date of the public hearing in which the decision was rendered. The person or entity bringing an appeal under this subparagraph shall be considered the applicant. The application shall be filed in accordance with the requirements and procedures described in sections 8-8.3 and 8-8.4 as well as the public hearing schedule adopted by the Board of Commissioners, and the Director shall schedule the matter to be heard on the next available hearing date following compliance with sections 8-3.3(B.1), (C.1) and (D).

8-8.3 **Application Requirements.** All applications for an appeal of Zoning Board of Appeal decisions which have a right of appeal to the Board of Commissioners shall provide information as specified in this section.

- (A) **Requirements for All Applications.** All applications for appeals of Zoning Board of Appeals decisions shall provide the appropriate information as specified in sections 8-2.1 (A), (B) and (G) of this Chapter.
- (B) **Written Evaluation.** The applicant ~~for an appeal of Zoning Board of Appeals decision~~ shall submit a petition in writing, justifying why said appeal is requested and should be granted. The director shall thereupon assemble the record in the case and submit the same to the Board of Commissioners within fifteen (15) days of service upon the director. The applicant shall set forth clearly and concisely the reasons why the Board of Commissioners should review the decision, including therein any error, procedural or substantive, allegedly committed by the Zoning Board of Appeals.

8-8.4 **Procedures.** All applications for an appeal of Zoning Board of Appeal decisions which have a right of appeal to the Board of Commissioners shall comply with the following procedures.

- (A) **Application for Board Consideration.** Applicants shall submit to the department an Application for Board consideration. The submittal shall be in conformance with the provisions set forth in Article II and this article. All applications determined complete by the department shall be subject to the following restrictions:
 - (1) **Applicant Changes.** No changes shall be allowed to any Application for Board consideration once it determined complete by the department.
 - (2) **Public Hearing Sign.** The applicant shall be required to place the Public Hearing Sign(s) on the subject property in accordance with section 8-3.3(C.1). The applicant shall be required to obtain the sign from the department in accordance with department procedures.
 - (3) **Scheduling of Public Hearing.** The department shall both advertise and schedule the application for a Public Hearing in accordance to the provisions in Article III, to include the notification requirements in section 8-3.3(B.1), (C.1) and (D), of this Chapter.
 - (4) **Staff Report.** County staff shall review each Application for Board consideration in its entirety, compile a Staff Report, and submit all necessary information to the Board of Commissioners with sufficient time for Board review prior to the Public Hearing.
- (B) **Petition for Public Hearing.** The Board of Commissioners shall review the ~~petition~~ Application and the record in the case, within thirty (30) days of the receipt of the ~~petition~~ Application, and determine whether to grant review. In determining whether to grant review, the Board of Commissioners shall consider the ~~petition~~ Application ~~for review~~, the record of the case, and the decision of the Zoning Board of Appeals. Upon the grant of a review by the Board of Commissioners, the director shall schedule the matter for the next available public hearing. The petitioner before the Zoning Board of Appeals and the applicant ~~for the appeal~~ shall be notified of the time and place when the hearing in the case will be held.
 - (1) **General Considerations for Board of Commissioners Decision to Review.** A review shall be granted only in those cases in which the Board of Commissioners makes a preliminary finding that:
 - (a) A procedural or substantive error which has materially prejudiced the rights of the ~~applicant~~ petitioner before the Zoning Board of Appeals, or undue hardship of a personal or financial nature upon the ~~applicant~~ petitioner before the Zoning Board of Appeals by reason of the denial of the application by

- the Zoning Board of Appeals, such hardship not being occasioned by a negligent or willful act on the part of the ~~applicant~~ petitioner or attributable to him; or
- (b) Substantial costs laid upon the ~~applicant~~ petitioner before the Zoning Board of Appeals, by reason of the denial of the application by the Zoning Board of Appeals, such costs not being occasioned by a negligent or willful act on the part of the ~~applicant~~ petitioner before the Zoning Board of Appeals or attributable to him; or
 - (c) The director or any other official with the appropriate authority to administer the Code or other County ordinances requests the Board of Commissioners review a Zoning Board of Appeals' decision due to the Zoning Board of Appeals failing to base its decision on the criteria listed in Section 8-6.4(C)(4)(a) of the Code or in the case of overturning an administrative decision, the Zoning Board of Appeals failed to follow the letter and intent of the applicable Code or ordinance section; or
 - (d) The granted variance or reversal of an administrative decision works a substantial hardship to the rights and interests of ~~an aggrieved person~~ the applicant disproportionate to the benefit conferred to the ~~applicant~~ petitioner before the Zoning Board of Appeals; or
 - (e) A decision by the Zoning Board of Appeals is detrimental to the general health, welfare and safety of the public.
 - (i) An "act" within the meaning of the preceding subparagraphs shall also include omissions. A review will not be granted by the Board of Commissioners in any case in which the relief sought by the ~~applicant~~ petitioner before the Zoning Board of Appeals is the direct and reasonable consequence of the ~~applicant's~~ petitioner's violation of federal or state law or an ordinance of Forsyth County.
- (2) **Effect of Denial of Review by Board of Commissioners.** A denial of a review by the Board of Commissioners shall be an affirmation of the decision of the Zoning Board of Appeals.
- (C) **Public Hearing.** All appeals of Zoning Board of Appeal decision applications shall receive a public hearing in accordance with the provisions as set forth in Article III of this Chapter, to include the notification requirements of section 8-3.3(B.1), (C.1) and (D). Additional notice may be given to interested parties as determined by the director. Such notice to interested parties shall be sent by first class United States postage to the address indicated in the official tax records of the County.
- (1) **Receipt of Evidence by Board of Commissioners.** The Board of Commissioners shall receive either oral or written evidence from the ~~petitioner~~ applicant, the ~~applicant~~ petitioner before the Zoning Board of Appeals and from property owners and parties of record at the time the Zoning Board of Appeals considered the matter. The Board of Commissioners shall confine the evidence to matters relating to the issues set forth in the minutes of the Zoning Board of Appeals and the petition ~~for review~~. The proceedings shall be recorded and shall be open to the public.
 - (2) **Standards and Criteria.** The standards and criteria governing the Board of Commissioners' consideration of an appeal of a decision of the Zoning Board of Appeals shall be those set forth in section 8-8.4(B)(1)(a-e).
 - (3) **Procedures for Hearing.** Those in opposition and those in support of the Zoning Board of Appeals decision shall have no less than ten (10) minutes per side to advance their respective positions. Any additional time provided to one side shall be made equally available to the other. The Board of Commissioners is authorized to issue further procedural guidelines for the conduct of hearings challenging decisions of the Zoning Board of Appeals so long as such guidelines are not inconsistent with this paragraph. Any procedural guidelines shall be available for distribution to the general public.
 - (4) **Board of Commissioners Action.** Upon conclusion of the public hearing, the Board of Commissioners shall consider the case and its action concerning the decision being reviewed. Its decision shall be announced in a public meeting, either following the hearing or at any other scheduled meeting. The decision of the Board of Commissioners shall be in writing and shall
 - (a) Affirm the decision of the Zoning Board of Appeals, or
 - (b) Return the case to the Zoning Board of Appeals for reconsideration, with or without direction, or
 - (c) Take such action by way of relief to the applicant as the Board of Commissioners deems appropriate and lawful, to include overturning the Zoning Board of Appeals' decision.
- (D) **Board of Commissioners Decision.** The decision of the Board of Commissioners shall be included in the minutes and a written report thereof shall be sent to the ~~applicant~~ petitioner before the Zoning Board of Appeals

and the ~~petitioner~~ ~~applicant~~ to an address provided by the ~~applicant~~ ~~petitioner~~ before the Zoning Board of Appeals and the ~~petitioner~~ ~~applicant~~. Upon the conclusion of the case, the record and all matters adduced at the hearing shall be transmitted to the director for retention.

- (E) **Application for Land Disturbance Permit or Building Permit.** The ~~applicant~~ ~~petitioner before the Zoning Board of Appeals~~ is eligible to continue with the development process by applying for the appropriate land disturbance permit or building permit (if applicable); provided however, that all subsequent work and/or submittals are in conformance with the approved Board of Commissioner decision and all requirements identified in this Code, and other County, state, and federal requirements, as applicable.

ARTICLE IX. ZONING CONDITION AMENDMENTS:

8-9.1 **Purpose and Intent.** It is the intent of this article to specify provisions for the filing and consideration of applications for zoning condition amendments. By requesting Board action regarding zoning conditions, the applicant may be subject to additional conditions given that the Board of Commissioners must review the application in its entirety in determining whether an amendment is warranted.

8-9.2 **When Required.** Applications for zoning condition amendments shall be required when land development or proposed land development may be unable to comply with the approved zoning conditions that were adopted by the Board of Commissioners during approval of a rezoning, conditional use permit, or sketch plat application. An application for a zoning condition amendment shall also be required to amend conditions as enacted by the Zoning Board of Appeals during an approval of a variance application. Applications for zoning condition amendments shall also be required to amend conditions placed on sketch plat applications for any application that was approved by the Planning Commission when they had jurisdictional decision making authority over sketch plat applications.

8-9.3 **Application Requirements.** All applications for zoning condition amendments, as defined by this Code shall provide the information as specified in this section. Changes in zoning conditions that conflict with other parts of this Code shall also require an approved variance which may be heard simultaneously by the Board of Commissioners. Permitted variances shall be in conformance with 8-6.2 and 8-6.3 of this Chapter.

- (A) **Requirements for All Applications.** All applications for zoning condition amendments shall provide the appropriate information as specified in sections 8-2.1 (A) through (G) of this Chapter.
- (1) **Site Plan.** All site plans submitted for zoning condition amendments shall be submitted in conformance with 8-2.1 (E). The site plan is only required if the requested language being modified involves a reconfiguration of the site plan approved as part of the original application. The reconfigured site plan shall only include changes that directly relate to the language being modified and shall not include any new site plan details which are not related to the language modifications. Depending on the scope of changes, the director may require the applicant to also submit a sketch plat application.
- (B) **Public Participation Plan.** All zoning condition amendment applications shall include a public participation plan in accordance with section 8-5.4 (B) of this chapter, with the exception of public participation sign and public participation meeting.
- (C) **Public Participation Report.** All zoning condition amendment applications shall include a public participation report in accordance with section 8-5.4 (C) of this chapter, except the report need not contain items related to a public participation meeting and the deadline for submittal of the report shall be per the deadline schedule as published by the department.
- (1) **Incomplete Public Participation Report.** The Public Participation Report shall be required prior to the public hearing. If the Public Participation Report does not meet the criteria as set forth in the Public Participation Plan, section 8-5.4 (B), then the application shall be considered incomplete and shall be postponed from being scheduled for a public hearing.
- (D) **Written Evaluation.** The applicant for a zoning condition amendment shall submit sufficient written information describing why the conditions cannot be met and the exact language of zoning conditions requested to be modified and as proposed to be modified. The written evaluation shall also include written justification for any request of variances as specified in 8-6.2 and 8-6.3(A) (1) and (B).
- (E) **Disclosure of Campaign Contributions and Gifts to Public Officials.** All zoning condition amendment applications shall include disclosure, pursuant to the Forsyth County Code of Ethics (Forsyth County Resolution and Ordinance #77), of any campaign contributions/gifts equal to or greater than \$100 given to any Forsyth County elected official within two years of the application filing date.