



Draft for Adoption

November 14, 2024

**County Board of Commissioners**

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# Article 1. Introductory Provisions

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## Sec. 1.1. Legal Requirements

### 1.1.1. Authority

This ordinance is enacted pursuant to the authority granted by Article IX, Section II, Paragraphs I and IV of the Constitution of the State of Georgia and by O.C.G.A. §36-67, The Zoning Procedures Law.

### 1.1.2. Title

This document is "The Unified Development Code of Hall County, Georgia" and is referred to or cited throughout the document as "this Unified Development Code" or "this UDC".

### 1.1.3. Purpose

The Board of Commissioners for Hall County, Georgia, as authorized by Article IX, Section IV, Paragraph II of the Constitution of the State of Georgia, does hereby create a planning commission known as the Hall County Planning Commission, and does hereby adopt zoning regulations for the following purposes:

1. To promote the health, safety and general welfare of the present and future inhabitants of Hall County;
2. To define certain words used herein;
3. To create zone boundaries;
4. To regulate the locations of trades, professions, businesses, industries, apartment houses, and residences;
5. To define the area of lots;
6. To fix the location and size of yards and the alignment of buildings;
7. To establish setback lines;
8. To provide for nonconforming uses;
9. To provide for the administration and enforcement thereof together with penalties for the violation of its provisions;

10. To adopt a map or maps of any section or sections thereof for zoning purposes of the unincorporated areas of Hall County;
11. To authorize special exceptions and conditional uses; and
12. To provide for court review.

### 1.1.4. Effective Date

This Unified Development Code will take effect and be in force as of November 15, 2024.

### 1.1.5. Conflicting Ordinances Repealed

The provisions of any ordinance or regulations, or parts thereof, in conflict with this UDC are hereby repealed.

### 1.1.6. Conflict with Other Laws

Should any requirement or design standard conflict in any manner with any other law, rule or regulation of any local, state or federal governmental body or administrative agency, then the stricter law, rule or regulation shall be applied. It is not intended by this UDC to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that, where this UDC imposes a greater restriction upon the use of property or premises or upon the height of buildings, or requires greater space than is imposed or required by other resolutions, rules or regulations or by easements, covenants or agreements, the provisions of this UDC shall govern.

### 1.1.7. Severability

If any section, subsection, paragraph, sentence, clause, or provision of this UDC is judged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate or nullify the remainder of this UDC. The effect of the judgment is confined to the section, subsection, paragraph, sentence, clause, or provision immediately involved in the controversy in which judgment was rendered.

## Sec. 1.2. Official Zoning Map

### 1.2.1. General

No building or land may be used or occupied unless in conformity with the regulations specified for the district in which it is located and without first obtaining an occupancy permit, except as provided for signs in Sec. 8.6.4. No building, structure or part thereof may be constructed, erected, enlarged, altered, repaired, changed, converted, moved or demolished without first obtaining a building permit and other permits as may be required by law, except as provided. In the enforcement of the provisions of this UDC, the Building Official may withhold building or occupancy permits until all provisions of this Unified Development Code are complied with or their decision is appealed to and reversed by the Planning Commission.

### 1.2.2. Adoption of Official Zoning Map

The map maintained in electronic format by the Hall County Geographic Information System is adopted as the Official Zoning Map of Hall County, Georgia, and incorporated and made part of this UDC.

1. Copies of the map may be printed and made available to the general public for a reasonable fee.
2. The Official Zoning Map of Hall County, Georgia, will be in the custody of and on file in the Department of Planning and Zoning of Hall County, Georgia for public inspection and review.
3. The boundaries of districts are established as shown on the Official Zoning Map of Hall County, Georgia, as amended.
4. If, in accordance with the provisions of this UDC, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes must be entered

promptly after the Hall County Board of Commissioners has approved the amendment.

5. Such changes will be the responsibility of the Hall County Department of Planning and Zoning and must be made under the supervision of the Hall County Director of Planning and Zoning or their designee.
6. In the event that an official zoning map of Hall County becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions thereon, the Hall County Board of Commissioners may by resolution adopt one or more new official zoning maps which supersede the prior official zoning map. The new official zoning map or maps may correct drafting or other errors or omissions in the prior official zoning map or maps, but no such correction will have the effect of amending the original official zoning map or maps, and said map or maps must be identified by the signature of the Hall County Director of Planning and Zoning who must certify that the official zoning map or maps supersedes and replaces the previous official zoning map adopted as a part of the resolution of Hall County, Georgia. Unless the previous official zoning map or maps has been lost or destroyed, the prior map or maps or any significant remaining parts thereof must be preserved, together with all available records pertaining to its adoption or amendment.

### 1.2.3. Interpretation of District Boundaries

Where uncertainty exists with respect to the district boundaries as shown on the zoning map, the following rules apply:



1. Where district boundaries are indicated as approximately following the center lines of streets or highways or railroad right-of-way lines or such lines extended, such center lines or railroad right-of-way lines or such lines extended will be construed to be such boundaries.
2. Where district boundaries are indicated as approximately following the county line or the corporate limit line of any incorporated place, such county line or corporate limit line will be construed to be such boundaries.
3. Where district boundaries are indicated as approximately parallel to the center lines of streets or highways, such district boundaries unless otherwise specifically indicated will be construed as being parallel to and at a distance of 300, 500 or 1,000 feet from the center line of such streets and highways, each above district boundary being shown at scale on the official zoning map of the county.
4. Where district boundaries are indicated as approximately following the center line of stream beds or riverbeds, such center lines or such lines extended will be construed to be such boundaries.
5. Where district boundaries are indicated as approximately parallel to the shoreline of the Buford Dam Reservoir, such district boundaries will be construed as being parallel to and at a distance of 500 feet from the nearest point of the 1070 contour line unless otherwise indicated.
6. District boundary lines are intended to follow property lines. Where a district boundary line as appearing on the zoning map divides a lot in single ownership at the time of the enactment of these regulations, the requirements for the district in which the greater portion of the lot lies will be extended to the balance of the lot, provided that such extension will not include any part of such lot more than 35 feet beyond the district boundary line, and provided further that this provision does not apply to a through lot.
7. In the case of a through lot, the restrictions of the district applying to the adjoining lots which front on the same street as the proposed use of the lot apply.

## Sec. 1.3. Zoning Districts

### 1.3.1. Establishment of Districts

For the purpose of these regulations, the area of jurisdiction within the county is divided into districts designated on Table 1.1. and as established on the Official Zoning Map.

### 1.3.2. Transition from Previous Districts

Upon adoption of this Unified Development Code, land which is presently zoned with an existing zoning classification and has changed names as set forth in Table 1.1. will be reclassified to the applicable new zoning classification. The boundaries for renamed districts and the conditions of each zoning district will remain the same unless amended in the future in accordance with Sec. 11.2.

### 1.3.3. Prior Approvals

- A. The adoption of this UDC and its Official Zoning Map will not repeal the conditions of use, operation, or site development accompanying zoning approval(s) or special uses, variances, or permits issued under previous ordinances or resolutions.
- B. The adoption of this UDC and its Official Zoning Map will not repeal any special use permits, conditional use permits, variances, exceptions, modifications, or waivers previously granted by the Director of Planning and Zoning, Planning Commission, or Board of Commissioners.

Table 1.1. Zoning Districts

Rural Districts		Formerly
AG-1	Agricultural General	<i>New</i>
AR-1	Agricultural Residential 1	AR-III, AR-IV
Residential Districts		
V-C	Vacation Cottage	V-C
R-1-L	Residential 1 Low Density	R-I-L
R-1	Residential 1 Single-family	R-I, R-II
R-TF	Residential Two-family	R-TF
R-X	Residential Mixed	<i>New</i>
R-MF	Residential Multi-family	R-MF
MHP	Manufactured Home Park	MHP
CS	Conservation Subdivision	CS
Mixed-use and Business Districts		
O-I	Office and Institutional	O-I
S-S	Suburban Shopping	S-S
H-B	Highway Business	H-B
M-U	Mixed-use	<i>New</i>
I-1	Light Industrial	I-I
I-2	Heavy Industrial	I-II
Special and Overlay Districts		
GCOD	Gateway Corridor Overlay	GCOD, CD
BCOD	Black and Cooley Drive Overlay	BCOD
AO	Airport Overlay	AO
PWS	Protected Water Supply	PWS
PRD		PRD
POD		POD
PCD	Planned Development Districts	PCD
PID		PID
PCFD*		PCFD

Table Notes:

\* No additional land may be zoned into these districts.

## Article 2. Rules Common to All Districts

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## Sec. 2.1. Measurements and Exceptions

The following rules apply to all buildings, sites or districts in Articles 3 through 7 unless expressly stated otherwise.

### 2.1.1. Density

#### A. Defined

The number of dwelling units per acre.

#### B. Exceptions

1. Accessory Dwelling Units do not count towards density calculations.
2. Approval of a caretaker’s residence or hardship special exception by the Planning Commission.
3. Approval of a Planned Development District or multi-family development by the Board of Commissioners.
4. Density, as defined, does not apply to nonresidential uses.

#### C. Density Calculation

Density must be determined based on Table 2.1.1.

### 2.1.2. Frontage

#### A. Defined

The dimension of a lot as measured along the front lot line or, if the front lot line is curved, along the chord of the arc.

No principal building may be placed or erected on any lot which does not abut a street or road shown on the official county road map or otherwise maintained by a governmental unit, an existing public way not maintained by the county, or a newly created street which meets the standards of the county subdivision regulations.

#### B. Exceptions

Exceptions to Sec. 2.1.2.A. include the following:

1. A parcel recorded as a separate lot with the clerk of superior court prior to August 28, 1978.
2. A parcel recorded as a result of a judicial decree.

### 2.1.3. Lot

Table 2.1.1. Density for Residential Districts

District	Density	
AG-1, AR-1, V-C, R-1-L, R-1, R-TF, MHP	As determined per district dimensional standards	
R-X, R-MF, M-U	Conditioned Space of Dwelling	Density Equivalent
	500 sq. ft or less	0.5 units
	501 – 1000 sq. ft	0.75 units
	> 1,001 sq. ft.	1 unit

#### A. Defined

A parcel of land which is designated as a single unit of property.

1. **Corner Lot.** A lot located at the junction of and abutting on two or more intersecting streets.

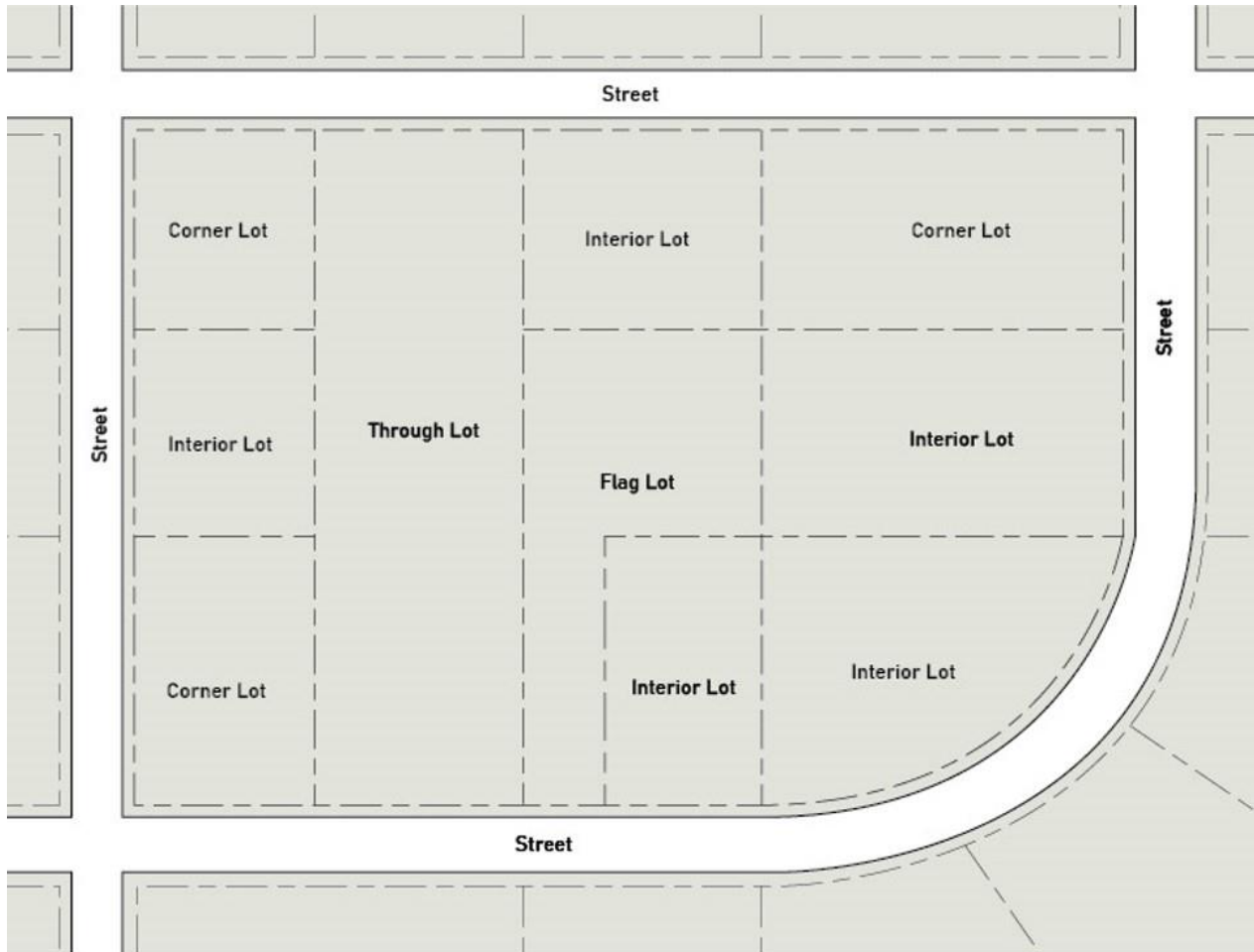


Figure 2-1. Lot Types

2. **Interior Lot.** A lot other than a corner lot.
3. **Through Lot.** A lot with frontage on two or more streets which does not meet the definition of a Corner Lot.
4. **Flag Lot.** A lot where frontage to a public street is provided via a narrow strip of land forming a pole or stem to the buildable portion of the lot.

**B. Lot Depth**

The distance between the front and rear lot lines measured in the general direction of the side lot lines.

**C. Front Lot Line**

The front line of an interior lot separating the lot from the right-of-way. The front lot line of a corner lot is the lot line upon which the principal building entrance will front.

**D. Rear Lot Line**

The lot line generally opposite and parallel to the front lot line.

**E. Lot Width**

The distance between the side lot lines as measured at the front building line.

**1. Lot Width on a Non Cul-de-sac Street**

- a. When the lot is served by an approved public or community

water system as defined by the Hall County Health Department, lot width at the building line must be at least 75 feet in all districts.

- b. When the lot is served by an individual well, the lot width at the building line must be at least 150 feet in all districts

**2. Lot Width on a Cul-de-sac**

Any lot that has at least 60 percent of its frontage on the turn-around portion of a cul-de-sac must have a frontage of at least 40 feet measured on the chord.

**3. Flag Lot Width**

The minimum required lot frontage for each district must be maintained as the minimum lot width for that portion

of the lot between the front property line and the building site on the lot, even if the building site is a greater distance from the front property line than the minimum required front yard.

**F. Exceptions to Lot Size Requirements**

**1. Public Utility Systems**

The minimum lot sizes do not apply to lots containing only structures that are part of public utilities systems and not designed to accommodate persons other than for periodic maintenance. Any such lot must be large enough to include the structure, parking and service areas, required buffers, and tree protection or landscaping requirements.

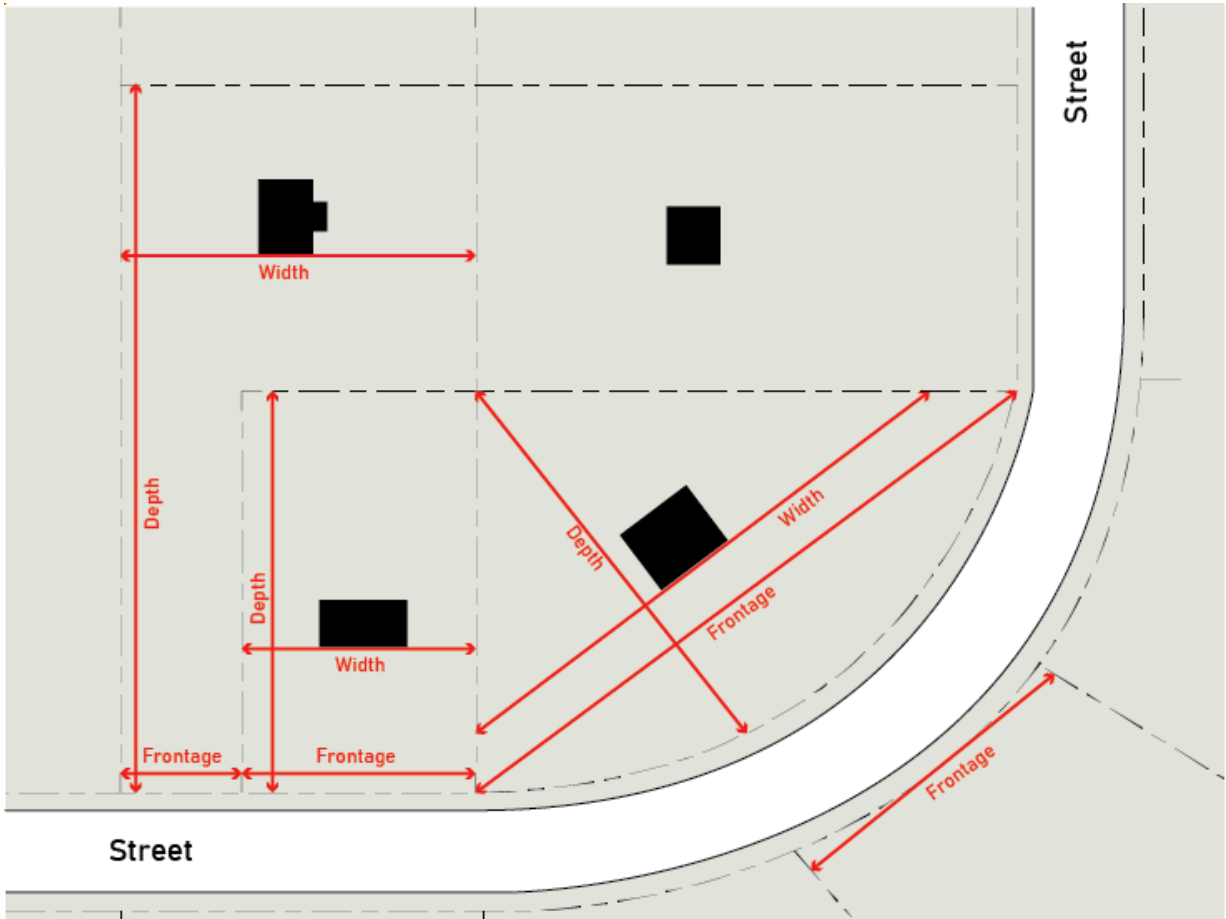


Figure 2-2. Lot Measurements

**G. Spite Strips and Access to Landlocked Property**

1. Spite strips are prohibited. A spite strip is a portion of a lot that runs for 60 feet or more along a public road with an average depth of the strip along the public road of less than 40 feet.
2. Any landlocked lot of record which is served by an easement and which is within 100 feet of the public road where such easement originates or connects will be deemed to meet all road frontage requirements of this code.

**2.1.4. Yards**

**A. Yard Related Definitions**

1. **Yard.** A required open space between a lot line and any principal or accessory building which is unoccupied and unobstructed from the ground upward except as authorized in Sec. 2.1.4.B. A yard requirement may also be referred to as a "setback."
2. **Yard, front.** The yard between the front lot line and any principal or accessory structure extending the full width of the lot.
3. **Yard, rear.** The yard between the rear lot line and any principal or accessory structure extending the full width of the lot.
4. **Yard, side.** The yard between the side lot line and any principal or accessory structure extending from the front yard to the rear yard.
5. **Yard, corner lot.** On corner lots in residential and agricultural districts, the side yard adjacent to the street must be at least 30 feet from the property line.

In all other districts the minimum side yard adjacent to the street must be the same as the front yard setback.

6. **Setback.** A line beyond which no building or structure may be erected. Setbacks are determined under the provisions of this Unified Development Code establishing yard requirements.

**B. Encroachments into Yards**

The following may encroach into required yards:

1. Trees or plant material.
2. Driveways or walkways.
3. Fences or walls.
4. Accessory structures less than 144 square feet in total floor area may be erected no less than 5 feet from side and rear property lines, except when constructed on a permanent foundation or serviced by electricity or plumbing.
5. Swimming pools or spas, when constructed in-ground.
6. Heating units, air conditioning units, and other HVAC equipment less than 42 inches in height.

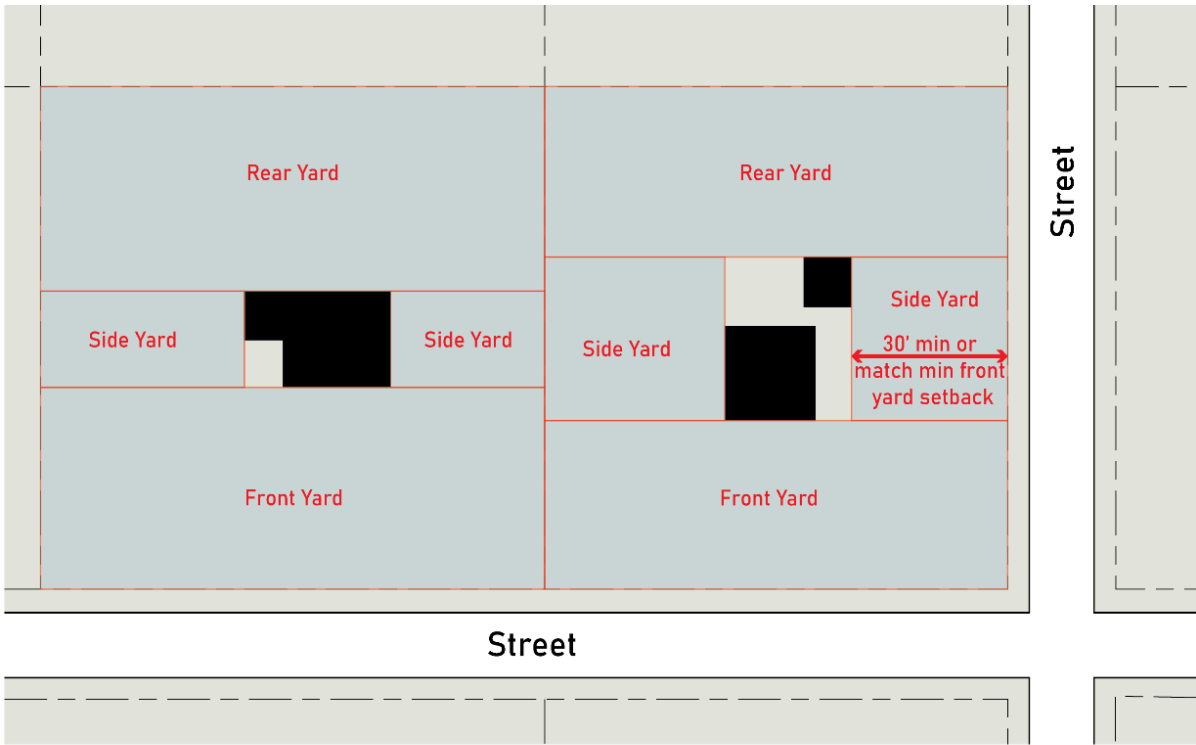


Figure 2-3. Yards

**C. Exceptions**

**1. Average Front Yard for Residential Uses**

- a. When the average front yard of nearby lots is developed with buildings that have front yards less than required by the zoning district, the minimum required front yard may be reduced to match the average existing front yard of such lots.
- b. The lots used to determine the average existing front yard above must meet each of the following conditions:
  - i. Be within 100 feet of the subject lot (measured from the closest lot line to closest lot line); and
  - ii. Be located on the same side of a street as the

subject lot, between two intersecting streets; and

- iii. Be in the same zoning district as the subject lot; and
- iv. Not have been subject to an approved variance for a yard reduction as granted by the Planning Commission or Board of Commissioners.

**2. Lots Adjacent to Lake Lanier**

The minimum yard requirements do not apply to side or rear yard property lines for residential lots which adjoin or abut the Corps of Engineers property line, provided that the sewage treatment system is located wholly on private property or is otherwise lawfully permitted by the county health department.



### 2.1.5. Floor Area

#### A. Defined

The sum of finished and conditioned area on all floors within the exterior walls of a building. Floor area does not include unenclosed balconies, unenclosed porches, unenclosed stoops, unfinished attics (residential only), unfinished basements (residential only), garages, carports, or parking structures.

### 2.1.6. Building Height

#### A. Defined

The vertical distance from the mean finished ground level at the front of the building to the highest point of a roof or parapet.

#### B. Maximum Height

The maximum height is as established for the district in which the building is located.

#### C. Exceptions

The maximum height limits of the applicable zoning district do not apply as follows:

- 1. Telecommunication** **Uses.** Telecommunication uses are subject to the height limits in Sec. 7.4.
- 2. Other Building Elements.** Elements common to buildings such as spires, belfries, cupolas, domes, monuments, water towers, observation towers, electrical transmission towers, chimneys, smokestacks, elevators, antennae, solar panels, flag poles, mast, and steeples may exceed the maximum district height.
- 3. Agricultural Structures.** Barns, silos, and similar structures customary for the bona fide agricultural use of a property, provided they do not exceed 50 feet in height.

Figure 2-4. Building Height



## Sec. 2.2. Design Standards

### 2.2.1. Standards for Single Family and Two-Family Dwellings

Unless specifically stated otherwise, all single-family and two-family dwellings, including site-built dwelling units, industrialized dwelling units, and manufactured homes, must meet the following standards in order to be constructed, assembled, moved into, or relocated within Hall County.

#### A. Building Foundations

1. The dwelling must be attached to a permanent foundation constructed in accordance with the Building Code or State regulations, as applicable.
2. Upon placement all wheels, axles, and hitches must be removed.
3. The area beneath the ground floor of the dwelling must be a slab foundation or be enclosed around the exterior of the dwelling with a foundation wall or curtain wall. Enclosures must be constructed of masonry at least 4 inches thick, penetrated by openings only for installed vents and access doors.

#### B. Exterior Siding

Exterior siding materials may consist of any combination of wood, brick, stone, stucco, or similar materials, or lap siding of hardboard, cementitious siding, vinyl, vinyl-covered or painted metal, or similar materials.

#### C. Roofs

1. All roof surfaces must have a minimum pitch of 4:12 (four inches of rise for every 12 inches of run). Mansard and gambrel roofs must meet this requirement only for those surfaces that rise from the eaves.
2. All roof surfaces exposed to view must be covered with asphalt or fiberglass

shingles, wood shake or shingles, standing seam (noncorrugated) metal, corrugated metal that simulates standing seam or other architectural roof products, clay tiles, slate, or similar materials.

3. The minimum roof overhang must be at least 6 inches, excluding gutters, along all sides of the dwelling.

#### D. Minimum Dimensions and Floor Area

A dwelling unit must be at least 16 feet wide on all sides and must be at least 256 square feet in total floor area.

#### E. Variances

The owner or other person interested in the property, may apply for a variance under the procedures provided by this UDC from the standards contained in this section for a single-family or two-family dwelling upon a finding that all of the following standards are met:

1. The materials to be utilized or the architectural style proposed for the dwelling unit will be compatible and harmonious with existing dwellings in the vicinity; and
2. Such variance will provide an adequate balance between the protection of the health, safety and welfare of the general public and the right to unfettered use of private property.

#### F. Compliance with Codes

1. All site-built dwelling units must be constructed in accordance with all applicable requirements of the Building Code as adopted by Hall County.
2. All manufactured homes must meet the standards established by the National Manufactured Housing

Construction and Safety Standards Act of 1974 (42 U.S.C. 5401, et. seq.).

3. All industrialized dwelling units must comply with all applicable provisions of state law.

#### G. Exemptions

Except as specifically excepted by this section, the standards of Sec. 2.2.1 will be applied to existing conditions as follows:

1. Class B manufactured homes may be utilized in all existing manufactured home parks of 12 units or more that are designated as registered with the Department of Planning and Zoning, regardless of the underlying zoning of the existing manufactured home park.
2. Existing legally permitted manufactured homes in zoning districts that allow Class A manufactured homes may be replaced with a Class B manufactured home that is no less conforming to the standards of Sec. 2.2.1. than the existing home to be replaced. Determination of conformity to said standards includes minimum dimension, roof pitch, roof overhang, foundation, and roof and siding material.

#### 2.2.2. Standards for Property Along Divided Four-lane Highways

- A. All property abutting and proposing access from a divided four-lane highway, regardless of zoning classification, must be developed in conformance with the following minimum standards:

1. **Frontage**

Lots created after January 11, 1982, which abut a divided four-lane highway must have at least 500 feet of frontage.

2. **Vehicular Access**

- a. One vehicular access point per lot may be permitted provided that approval from the Georgia Department of Transportation must be obtained prior to the issuance of any permits for construction.

- b. Additional vehicular access points may be approved by the Planning Commission upon finding that:

- i. The additional access is essential to the use of the property; and
- ii. Alternative access from another road, joint access with adjoining property or the construction of a frontage road is not feasible; and
- iii. Additional access would not be detrimental to existing or proposed uses in the area; and
- iv. The Georgia Department of Transportation has approved or will approve the proposed access.

- c. The existence or approval of vehicular access for residential or agricultural purposes does not obligate or require the county or the Georgia Department of Transportation to approve access for a change in use to non-residential or non-agricultural uses.

- B. If the property abutting the four-lane divided highway does not propose direct vehicular access to the highway, the property must meet the frontage requirements for the zoning district along another public right of way.

## Article 3. Agricultural Districts

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## Sec. 3.1. Agricultural (AG-1)

### 3.1.1. Intent

To provide for locations within the county to be utilized and reserved for agricultural, residential, and compatible commercial or recreational purposes.

### 3.1.2. Uses

As defined in Article 7 (Use Provisions), Sec. 7.2. (Allowed Use Table).

### 3.1.3. Dimensional Standards

See Table 3.1.1. for district standards and Sec. 2.1. (Measurements and Exceptions) for additional requirements.

### 3.1.4. Overlay Compliance

See Article 6 (Special and Overlay Districts) for additional or alternative standards which may be applicable in overlay districts.

### 3.1.5. Other Standards

See Article 2 (Rules Common to All Districts) and Article 7 (Use Provisions) and Article 8 (Site Development) for additional standards which may be applicable.

**Table 3.1.1. AG-1 Dimensional Standards**

<b>Site</b>	
Density:	2 dwellings per lot
Site coverage:	35% max.
<b>Lots</b>	
Lot area:	5 acres min.
Lot frontage (regular street, cul-de-sac):	50 ft. min.
Lot width (curved street):	See 2.1.3.E
<b>Yards</b>	
Front yard:	40 ft. min. or average per Sec. 2.1.4.C
Side yard:	15 ft. min.
Rear yard:	25 ft. min.
<b>Building Height</b>	
Maximum:	50 feet

## Sec. 3.2. Agricultural Residential 1 (AR-1)

### 3.2.1. Intent

To provide for locations within the county to be developed and reserved for agricultural, residential, and compatible commercial or recreational purposes.

### 3.2.2. Uses

As defined in Article 7 (Use Provisions), Sec. 7.2. (Allowed Use Table).

### 3.2.3. Dimensional Standards

See Table 3.2.1. for district standards and Sec. 2.1. (Measurements and Exceptions) for additional requirements.

### 3.2.4. Overlay Compliance

See Article 6 (Special and Overlay Districts) for additional or alternative standards which may be applicable in overlay districts.

### 3.2.5. Other Standards

See Article 2 (Rules Common to All Districts), Article 7 (Use Provisions) and Article 8 (Site Development) for additional standards which may be applicable.

**Table 3.2.1. AR-1 Dimensional Standards**

Site	
Density:	1 dwelling per lot
Site coverage:	35% max.
Lots	
Lot area: (note 1)	43,560 sq. ft. min. when serviced by public water  65,340 sq. ft. min. otherwise
Lot frontage (regular street, cul-de-sac):	50 ft. min.
Lot width (curved street):	See 2.1.3.E.
Yards	
Front yard:	40 ft. min. or average per Sec. 2.1.4.C.
Side yard:	15 ft. min.
Rear yard:	25 ft. min.
Building Height	
Maximum:	50 feet

Table Notes:

1. Lots of record as of December 9, 1991, 2 acres in size or less which are serviced by public water and a private septic system may be subdivided into lots at least 30,000 square feet in area through the minor subdivision process.

**Table 3.3.1. Dimensional Standards for All Agricultural Districts**

District	Min. Lot Size	Min. Lot Frontage	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)	Max. Site Coverage	Max. Building Height
AG-1	5 acres	50 ft.	40	15	25	35%	50 ft.
AR-1	43,560/65,340 sq. ft. <sup>A</sup>	50 ft.	40	15	25	35%	50 ft.

A – Lot size is 43,560 square feet when serviced by public water system. Otherwise, 65,340 square feet is required.

# Article 4. Residential Districts

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## Sec. 4.1. Vacation Cottage (V-C)

### 4.1.1. Intent

The V-C district is intended for areas around Lake Lanier to be utilized and reserved for agricultural, residential, and compatible recreational purposes.

### 4.1.2. Uses

As defined in Article 7 (Use Provisions), Sec. 7.2. (Allowed Use Table).

### 4.1.3. Dimensional Standards

See Table 4.1.1. for district standards and Sec. 2.1. (Measurements and Exceptions) for additional requirements.

### 4.1.4. Overlay Compliance

See Article 6 (Special and Overlay Districts) for additional or alternative standards which may be applicable in overlay districts.

### 4.1.5. Other Standards

See Article 2 (Rules Common to All Districts) and Article 7 (Use Provisions) and Article 8 (Site Development) for additional standards which may be applicable.

**Table 4.1.1. V-C Dimensional Standards**

Site	
Density:	1 dwelling per lot
Site coverage:	35% max.
Lots	
Lot area: (see note)	21,780 sq. ft. min. when serviced by public sewer or private system  35,000 sq. ft. min. otherwise
Lot frontage (regular street, cul-de-sac):	50 ft. min.
Lot width (curved street):	See Sec. 2.1.3.E.
Yards	
Front yard:	30 ft. min. or average per Sec. 2.1.4.C.
Side yard:	10 ft. min.
Rear yard:	20 ft. min.
Building Height	
Maximum:	50 feet

**Table Notes:**

Lots of record as of December 1, 1991, 2 acres in size or less which are serviced by public water and a private septic system may be subdivided into lots at least 30,000 square feet in area through the minor subdivision process.

## Sec. 4.2. Residential 1 Low Density (R-1-L)

### 4.2.1. Intent

The R-1-L district is to be utilized and reserved for low-density residential purposes on larger lots.

### 4.2.2. Uses

As defined in Article 7 (Use Provisions), Sec. 7.2 (Allowed Use Table).

### 4.2.3. Dimensional Standards

See Table 4.1.1 for district standards and Sec. 2.1. (Measurements and Exceptions) for additional requirements.

### 4.2.4. Overlay Compliance

See Article 6 (Special and Overlay Districts) for additional or alternative standards which may be applicable in overlay districts.

### 4.2.5. Other Standards

See Article 2 (Rules Common to All Districts) and Article 7 (Use Provisions) and Article 8 (Site Development) for additional standards which may be applicable.

**Table 4.2.1. R-1-L Dimensional Standards**

Site	
Density:	1 dwelling per lot
Site coverage:	35% max.
Lots	
Lot area: (note 1)	43,560 sq. ft. min. when serviced by public water system 65,340 sq. ft. min. otherwise
Lot frontage (regular street, cul-de-sac):	50 ft. min.
Lot width:	See Sec. 2.1.3.E.
Yards	
Front yard:	30 ft. min. or average per Sec. 2.1.4.C.
Side yard:	10 ft. min.
Rear yard:	20 ft. min.
Building Height	
Maximum:	50 feet

**Table Notes:**

1. Health department requirements regarding minimum lot size and width may differ from these requirements and will prevail where they exceed these requirements.

## Sec. 4.3. Residential 1 (R-1)

### 4.3.1. Intent

The R-1 district is to be utilized and reserved for low-density single family residential and agricultural purposes on medium sized lots.

### 4.3.2. Uses

As defined in Article 7 (Use Provisions), Sec. 7.2. (Allowed Use Table).

### 4.3.3. Dimensional Standards

See table 4.3.1 for district standards and Sec. 2.1. (Measurements and Exceptions) for additional requirements.

### 4.3.4. Overlay Compliance

See Article 6 (Special and Overlay Districts) for additional or alternative standards which may be applicable in overlay districts.

### 4.3.5. Other Standards

See Article 2 (Rules Common to All Districts) and Article 7 (Use Provisions) and Article 8 (Site Development) for additional standards which may be applicable.

**Table 4.3.1. R-1 Dimensional Standards**

Site	
Density:	1 dwelling per lot
Site coverage:	35% max.
Lots	
Lot area: (notes 1, 2)	21,780 sq. ft. min. when serviced by public sewer or private system  35,000 sq. ft. min. otherwise
Lot frontage (regular street, cul-de-sac):	50 ft. min.
Lot width:	See Sec. 2.1.3.E.
Yards	
Front yard:	30 ft. min. or average per Sec. 2.1.4.C.
Side yard:	10 ft. min.
Rear yard:	20 ft. min.
Building Height	
Maximum:	50 feet

Table Notes:

1. Health department requirements regarding minimum lot size and width may differ from these requirements and will prevail where they exceed these requirements.
2. Lots of record as of December 1, 1991, 2 acres in size or less which are serviced by public water and a private septic system may be subdivided into lots at least 30,000 square feet in area through the minor subdivision process.

## Sec. 4.4. Residential Two-Family (R-TF)

### 4.4.1. Intent

The R-TF district is to be utilized and reserved for medium-density residential and agricultural purposes on medium sized lots.

### 4.4.2. Uses

As defined in Article 7 (Use Provisions), Sec. 7.2. (Allowed Use Table).

### 4.4.3. Dimensional Standards

See Table 4.4.1 for district standards and Sec. 2.1. (Measurements and Exceptions) for additional requirements.

### 4.4.4. Overlay Compliance

See Article 6 (Special and Overlay Districts) for additional or alternative standards which may be applicable in overlay districts.

### 4.4.5. Other Standards

See Article 2 (Rules Common to All Districts) and Article 7 (Use Provisions) and Article 8 (Site Development) for additional standards which may be applicable.

**Table 4.4.1. R-TF Dimensional Standards**

Site	
Density:	2 dwellings per lot
Site coverage:	45% max.
Lots	
Lot area: (note 1)	35,000 sq. ft. min.
Lot frontage (regular street, cul-de-sac):	50 ft. min.
Lot width:	See Sec. 2.1.3.E.
Yards	
Front yard:	40 ft. min. or average per Sec. 2.1.4.C.
Side yard:	10 ft. min.
Rear yard:	20 ft. min.
Building Height	
Maximum:	50 feet

**Table Notes:**

1. Health department requirements regarding minimum lot size and width may differ from these requirements and will prevail where they exceed these requirements.

## Sec. 4.5. Residential Mixed (R-X)

### 4.5.1. Intent

The R-X district is to be utilized and reserved for a mix of residential housing types in areas served by public water and sewer and with direct access to local streets, collector streets, major streets or state highways. The district allows flexibility of design in spacing and placement of dwellings interior to a development while protecting surrounding properties.

### 4.5.2. Uses

As defined in Article 7 (Use Provisions), Sec. 7.2. (Allowed Use Table).

### 4.5.3. Dimensional Standards

See Table 4.5.1 for district standards and Sec. 2.1. (Measurements and Exceptions) for additional requirements.

### 4.5.4. Open Space

See Sec. 8.5. for open space standards.

### 4.5.5. Development Standards

The following standards apply to all properties zoned R-X:

#### A. Residential Requirements

1. The following housing types are permitted in the R-X district:
  - a. Single-family dwellings
  - b. Two-family dwellings
  - c. Townhouses
  - d. Carriage House
  - e. Accessory Dwelling Units
  - f. Guest House
  - g. Cottage Courts
2. All developments must provide at least two different housing types, except for

**Table 4.5.1. R-X Dimensional Standards**

Site	
Density:	8 units/acre
Site coverage:	45% max.
Lots (note 1)	
Lot area: (note 2)	30,000 sq. ft. min. (combined)
Lot frontage (regular street, cul-de-sac):	50 ft. min.
Lot width:	See Sec. 2.1.3.E.
Lots (single-family detached)	
Lot area:	8,000 sq. ft. min.
Yards (note 1)	
Front yard:	25 ft. min. or average per Sec. 2.1.4.C.
Side yard:	5 ft. min.
Rear yard:	10 ft. min.
Building Height	
Maximum:	50 feet

**Table Notes:**

1. Minimum standards for lots and yards are only applicable for the overall development tract. Except as provided for single-family detached, lots and yards interior to the development may be reduced to zero provided that all building code requirements are met.
2. Health department requirements regarding minimum lot size and width may differ from these requirements and will prevail where they exceed these requirements.

Cottage Courts which may be permitted as a single use.

3. When only two housing types are provided, no single housing type may represent less than 20% of the total dwelling units in a development, except as provided in Sec. 4.5.5.A.2.
4. When more than two housing types are selected, no single housing type may represent less than 10% of the total dwelling units in a development, except as provided in Sec. 4.5.5.A.2.
5. Cottage Courts, Townhouses, and Accessory Dwelling Units must meet

the additional standards found in Sec. 7.3.1.

#### **4.5.6. Overlay Compliance**

See Article 6 (Special and Overlay Districts) for additional or alternative standards which may be applicable in overlay districts.

#### **4.5.7. Other Standards**

See Article 2 (Rules Common to All Districts) and Article 7 (Use Provisions) and Article 8 (Site Development) for additional standards which may be applicable.

## Sec. 4.6. Residential Multi-Family (R-MF)

### 4.6.1. Intent

The R-MF district is to be utilized and reserved for medium and high-density residential on large sized lots.

### 4.6.2. Uses

As defined in Article 7 (Use Provisions), Sec. 7.2. (Allowed Use Table).

### 4.6.3. Dimensional Standards

See Table 4.6.1 for district standards and Sec. 2.1. (Measurements and Exceptions) for additional requirements.

### 4.6.4. Open Space

See Sec. 8.5. for open space standards.

### 4.6.5. Overlay Compliance

See Article 6 (Special and Overlay Districts) for additional or alternative standards which may be applicable in overlay districts.

### 4.6.6. Other Standards

See Article 2 (Rules Common to All Districts) and Article 7 (Use Provisions) and Article 8 (Site Development) for additional standards which may be applicable.

**Table 4.6.1. R-MF Dimensional Standards**

Site	
Density: (note 1) (note 2)	12 units/acre
Site coverage	n/a
Lots	
Lot area:	1 acre.
Lot frontage (regular street, cul-de-sac):	50 ft. min.
Lot width:	See Sec. 2.1.3.E.
Yards (See note 4)	
Front yard:	40 ft. min.
Side yard:	10 ft. min.
Rear yard:	20 ft. min.
Building Height	
Maximum:	75 feet

Table notes:

1. Additional density may be granted with approval of a Special Use by the Board of Commissioners.
2. For institutional residential uses as defined in Sec. 7.3.2.E. density will be established by the Board of Commissioners as a part of the Special Use application.
3. Health department requirements regarding minimum lot size and width may differ from these requirements and will prevail where they exceed these requirements.
4. Minimum standards for lots and yards are only applicable for the overall development tract.

## Sec. 4.7. Manufactured Home Park (MHP)

### 4.7.1. Intent

The MHP district is to be utilized and reserved for residential developments consisting of more than one manufactured home on a single lot.

### 4.7.2. Uses

As defined in Article 7 (Use Provisions), Sec. 7.2. (Allowed Use Table).

### 4.7.3. Dimensional Standards

See Table 4.7.1 for district standards and Sec. 2.1. (Measurements and Exceptions) for additional requirements.

### 4.7.4. Development Standards

The following development standards apply to all properties zoned MHP.

#### A. Site Design

1. Individual spaces within the park must be at least 8,000 square feet in area if separate individual sewage disposal facilities are located within the bounds of the manufactured home space. In cases where shared or central sewage disposal facilities are utilized, the individual space size may be reduced to 6,000 square feet.
2. The front setback for each manufactured home must be at least 25 feet from the front line of the individual space.
3. Manufactured homes must be separated from other buildings and structures by at least 25 feet.
4. All manufactured home spaces must front upon an interior driveway. All interior driveways may have a width of at least 30 feet and have unobstructed access to a public street or highway.

Table 4.7.1. MHP Dimensional Standards

Site	
Density:	n/a
Site coverage:	n/a
Lots	
Lot area:	5 acres min.
Lot frontage (regular street, cul-de-sac):	50 ft. min.
Lot width:	See Sec. 2.1.3.E.
Yards (note 1)	
Front yard:	40 ft. min.
Side yard:	40 ft. min.
Rear yard:	40 ft. min.
Building Height	
Maximum:	35 feet

Table notes:

1. Minimum standards for lots and yards are only applicable for the overall development tract. See Sec. 4.7.4. for setbacks and building spacing requirements for individual manufactured home spaces.
5. All interior streets within the park must be graded, based, and paved in accordance with the typical cross section as approved by the county engineer. If a proposed street is to be greater than 300 feet in length, a plan profile for the road system must be submitted along with the site plan for review by the county engineer.
6. The park street system must be lit and adequately maintained by the owner. The lighting units must be spaced and equipped to provide for the safe



movement of pedestrians and vehicle traffic at night, subject to approval by the Director.

7. Parks designed to accommodate more than 25 manufactured homes must provide one or more recreation areas. The size of the recreation area must be at least 100 square feet for each manufactured home space. Recreation areas must be located as to be free of traffic hazards and should, where topography permits, be centrally located.
  - a. If a swimming pool is developed or planned as a part of the park, the facility must be enclosed by fence at least four feet high. Fences must include a self-latching or self-closing gate.
8. All park grounds must be maintained with grass, trees, and shrubs.

#### **B. Community Service Facilities**

1. Community service facilities may be permitted for the convenience and well-being of park residents. Such structures include, but are not limited to, the following:
  - a. Park management offices, repair shops, and storage.
  - b. Community sanitary facilities.
  - c. Community laundry facilities.
  - d. Community postal facilities.
  - e. Indoor community recreation facilities.
  - f. Commercial facilities of 1,000 square feet or less supplying essential goods or services for the use of park residents. Such facilities should be centrally located and may not be erected along the boundary of the park.

#### **C. Utilities**

Every park must have a public, community or private water and sewer system, approved by the county Health Department and the local water department when appropriate. Water and sewer approval must be obtained prior to submission of a site plan to the Planning Commission.

#### **D. Restrictions**

No individual lot in any park may be sold or control of that lot transferred with the intent or effect of a sale unless that lot and park meet all requirements of the county subdivision regulations and the park owner holds a valid subdivision recording permit.

#### **4.7.5. Overlay Compliance**

See Article 6 (Special and Overlay Districts) for additional or alternative standards which may be applicable in overlay districts.

#### **4.7.6. Other Standards**

See Article 2 (Rules Common to All Districts) and Article 7 (Use Provisions) and Article 8 (Site Development) for additional standards which may be applicable.

## Sec. 4.8. Conservation Subdivision (CS)

### 4.8.1. Intent

The CS district is designed to allow for the development of subdivisions that cluster development and provide for preservation of natural resources or open space as an alternative to conventional subdivision development. This section is specifically intended to:

- A. Provide for the preservation of greenspace as a nonstructural stormwater runoff and watershed protection measure;
- B. Provide a residential development option that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land;
- C. Preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat;
- D. Permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development;
- E. Reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development;
- F. Promote interconnected greenways and corridors throughout the community;
- G. Promote contiguous greenspace with adjacent jurisdictions;
- H. Encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood;
- I. Encourage street designs that reduce traffic speeds and reliance on main arteries;
- J. Promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles;
- K. Conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to open space; and
- L. Preserve important historic and archaeological sites.

### 4.8.2. Applicability of Regulations

The CS district is available as an alternative for the development of subdivisions that are served by public sewer or an approved private sewer system as provided for in Chapters 13.20 and 13.30 of Title 13 of the Official Code of Hall County, Georgia, and as permitted according to Sec. 7.2. (Allowed Use Table). The applicant must comply with all other provisions of this UDC and all other applicable laws, except those that are incompatible with the provisions contained in this Sec 4.8.

### 4.8.3. Ownership of Development Site

The tract of land to be subdivided may be held in single and separate ownership or in multiple ownership. If held in multiple ownership, the site must be developed according to a single plan with common authority and common responsibility.

### 4.8.4. Maximum Yield and Housing Density

- A. The maximum yield is the total number of lots on which dwelling units may be constructed. The maximum yield is

determined by dividing the total area to be subdivided by the minimum lot area specified in this UDC for the zoning district for that tract of land.

- B. The housing density per lot may be as specified in this UDC for the zoning district applicable to the tract of land being subdivided.
- C. A preliminary plat must be prepared and submitted by the applicant. The design must be capable of being constructed given site features and the requirements of this UDC and all other applicable laws.

**4.8.5. Dimensional Standards**

Once the maximum yield is determined pursuant to Sec. 4.8.4, the preliminary plat must be submitted which meets the requirements of this Sec. 4.8. and Article 9 of this UDC. The minimum lot size is determined by dividing the total area of the land to be subdivided, less the area of the open space, by the associated maximum yield. The lots in a conservation subdivision may be less than the minimum lot size required by this UDC for the zoning district for that tract of land, provided that each lot must have an area of at least 10,000 square feet.

**4.8.6. Application Requirements**

**A. Site Analysis Map**

Concurrent with the submission of a preliminary plat, the applicant must prepare and submit a site analysis map to ensure that the important site features have been adequately identified prior to the creation of the site design and that the proposed open space will meet the requirements of this UDC. The site analysis map must include the following information:

- 1. Property boundaries.

- 2. All streams, rivers, lakes, wetlands and other hydrologic features.
- 3. Topographic contours of no less than five-foot intervals for hilly terrain (slopes greater than ten percent), two foot intervals for rolling terrain (two percent to ten percent), and one foot for flat terrain (slopes less than two percent) as referenced in the Hall County, Georgia subdivision regulations.
- 4. All primary and secondary conservation areas labeled by type, as described in Sec. 4.8.7.A.
- 5. General vegetation characteristics.
- 6. General soil types.
- 7. The planned location of protected open space.
- 8. Existing roads and structures.
- 9. Potential connections with existing greenspace and trails.

**B. Other Requirements**

The applicant must adhere to all other applicable requirements of the underlying zoning district, the Hall County Subdivision Regulations in Article 9, and all other applicable provisions of the Official Code of Hall County, Georgia.

**4.8.7. Open Space**

Open space is as defined in Sec. 8.5.1.B. The open space in a CS district must be reserved in perpetuity using an approved legal instrument.

**A. Standards to Determine Open Space**

- 1. The open space must comprise at least 40 percent of the gross lot area.
- 2. The following are considered primary conservation areas and must be included within the open space, unless the applicant demonstrates that this provision would constitute an unusual

hardship and be counter to the purposes of this section:

- a. The regulatory 100-year floodplain.
  - b. Buffer zones of at least 75 feet in width along all perennial and intermittent streams.
  - c. Slopes greater than 25 percent and at least 5,000 square feet in contiguous area.
  - d. Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act.
  - e. Populations of endangered or threatened species, or habitat for such species.
  - f. Archaeological sites, cemeteries, and burial grounds.
3. The following are considered secondary conservation areas and may be included within the open space to the maximum extent feasible:
- a. Important cultural or historic sites or resources.
  - b. Existing forested areas at least one acre in contiguous area.
  - c. Individual existing healthy trees greater than eight inches caliper, as measured from the diameter at breast height (DBH).
  - d. Other significant natural features and scenic viewsheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads.
  - e. Prime agricultural lands of at least five acres of contiguous area.
  - f. Existing trails that connect the tract to neighboring areas.
4. Above-ground utility rights-of-way and small areas of impervious surface may be included within the protected

open space but will not be considered as contributing to the minimum area requirement, except for historic structures and existing trails. Large areas of impervious surface are excluded from open space.

5. At least 75 percent of the open space must be contiguous. The open space should adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.
6. The open space must be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots must be provided with safe, convenient access to the open space.

#### **B. Permitted Uses of Open Space**

The following may be considered as permissible uses within required open space:

1. Walking or bicycle trails, provided they are constructed of porous paving materials.;
2. Passive recreation areas.
3. Active recreation areas, provided that they are limited to no more than ten percent of the total open space and are not located within primary conservation areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected open space.
4. Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within primary conservation areas.

5. Nonstructural stormwater management practices.
6. Easements for drainage, access, and underground utility lines including underground drip-emitter lines.
7. Golf courses, provided that they may not account for more than 50 percent of the total open space.
8. Other conservation-oriented uses compatible with the purposes of this section as determined by the Director.

**C. Prohibited Uses of Open Space**

The following may not be considered as permissible uses within required open space:

1. Roads, parking lots and impervious surfaces, except as specifically authorized in Sec. 4.8.7.
2. Agricultural and forestry activities not conducted according to accepted Best Management Practices.
3. Above ground parts, facilities, impervious surfaces and other apparatus associated with public sewer or approved private sewer systems.

**D. Ownership and Management of Open Space**

1. The applicant must identify an owner of the open space who will be responsible for maintaining the open space and any common facilities located within the subdivision. If a Homeowners Association is to be the owner, membership in the association is required for all homeowners of the subdivision and their successors.
2. The applicant must submit a plan for management of open space and common facilities that:
  - a. Allocates responsibility and guidelines for the maintenance and operation of the open space and any common facilities ,

including provisions for ongoing maintenance and for long-term capital improvements;

- b. Estimates the costs and staffing requirements needed for maintenance and operation of the open space and outlines the means by which such funding will be obtained or provided;
  - c. Provides that any changes to the plan be approved by the Board of Commissioners; and,
  - d. Provides for enforcement of the plan.
3. In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, Hall County, Georgia may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the owner, Homeowners Association, or to the individual property owners that make up the Homeowners Association and may include administrative costs and penalties. Such costs may become a lien on all subdivision properties.

**E. Legal Instrument for Permanent Protection**

The open space must be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument for permanent protection must include clear restrictions on the use of the open space and include all restrictions contained in this UDC, as well as any further restrictions the applicant chooses to place on the use of the open space. The instrument may be one of the following:

1. A permanent conservation easement in favor of either:

- a. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization must be legitimate and in perpetual existence and the conveyance instrument must contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
  - b. A governmental entity with an interest in pursuing goals compatible with the purposes of this section. If the entity accepting the easement is not Hall County, Georgia, then a right of enforcement favoring the county must be included in the easement.
2. A permanent restrictive covenant for conservation purposes in favor of a governmental entity; or
  3. An equivalent legal tool that provides permanent protection, subject to approval by Hall County, Georgia.

**Table 4.9.1. Dimensional Standards for All Residential Districts**

District	Min. Lot Size	Min. Lot Frontage	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)	Max. Site Coverage	Max. Building Height
V-C	21,780/35,000 sq. ft. <sup>A</sup>	50 ft.	30	10	20	35%	50 ft.
R-1-L	43,560/65,340 sq. ft. <sup>B</sup>	50 ft.	30	10	20	35%	50 ft.
R-1	21,780/35,000 sq. ft. <sup>A</sup>	50 ft.	30	10	20	35%	50 ft.
R-TF	35,000 sq. ft.	50 ft.	40	10	20	45%	50 ft.
R-X	30,000 sq. ft.	50 ft.	25	5	10	45%	50 ft.
R-MF	1 acre	50 ft.	40	10	20	N/A	75 ft.
MHP	5 acres	50 ft.	40	40	40	N/A	35 ft.

A – Lot size is 21,780 square feet when serviced by public sewer or private system. Otherwise, 35,000 square feet is required.

B – Lot size is 43,560 square feet when serviced by public water system. Otherwise, 65,340 square feet is required.

# Article 5. Mixed-Use and Business Districts

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## Sec. 5.1. Office and Institutional (O-I)

### 5.1.1. Intent

To provide for locations within the county which are generally along major limited access highways, adjacent to residentially zoned or residentially developed areas, and situated as to benefit from proximity, accessibility or visibility from highway corridors. Development is reserved for light business, institutional uses, and public uses and facilities. District regulations are designed to protect the district and surrounding residential areas, to present an appearance of orderly development, and to establish standards for intensity of use and character of development compatible with the purpose of the district.

### 5.1.2. Uses

As defined in Article 7 (Use Provisions), Sec. 7.2. (Allowed Use Table).

### 5.1.3. Dimensional Standards

See Table 5.1.1. for district standards and Sec. 2.1. (Measurements and Exceptions) for additional requirements.

### 5.1.4. Open Space

See Sec. 8.5. for open space standards.

### 5.1.5. Overlay Compliance

See Article 6 (Special and Overlay Districts) for additional or alternative standards which may be applicable in overlay districts.

**Table 5.1.1. O-I Dimensional Standards**

Site	
Density:	n/a
Site coverage:	80% max.
Lots	
Lot area:	15,000 sq.ft. min.
Lot frontage (all streets): (note 1)	100 ft. min.
Yards	
Front yard:	30 ft. min.
Side yard:	20 ft. min.
Rear yard:	10 ft. min.
Building Height	
Maximum:	50 feet

Table Notes:

1. The minimum lot frontage may be varied to 50 ft. for lots of record as of August 28, 1978 with approval from the Planning Commission.

### 5.1.6. Other Standards

See Article 2 (Rules Common to All Districts) and Article 7 (Use Provisions) and Article 8 (Site Development) for additional standards which may be applicable.

## Sec. 5.2. Suburban Shopping (S-S)

### 5.2.1. Intent

To provide for locations within the county to be developed and reserved for neighborhood-oriented business purposes and uses intended to serve the immediately surrounding residential areas. District regulations are designed to discourage uses which would adversely affect the localized commercial character of the district.

### 5.2.2. Uses

As defined in Article 7 (Use Provisions), Sec. 7.2. (Allowed Use Table).

### 5.2.3. Dimensional Standards

See Table 5.2.1. for district standards and Sec. 2.1. (Measurements and Exceptions) for additional requirements.

### 5.2.4. Open Space

See Sec. 8.5. for open space standards.

### 5.2.5. Overlay Compliance

See Article 6 (Special and Overlay Districts) for additional or alternative standards which may be applicable in overlay districts.

### 5.2.6. Other Standards

See Article 2 (Rules Common to All Districts) and Article 7 (Use Provisions) and Article 8 (Site Development) for additional standards which may be applicable.

**Table 5.2.1. S-S Dimensional Standards**

Site	
Density:	n/a
Site coverage:	80% max.
Lots	
Lot area:	15,000 sq.ft. min.
Lot frontage (all streets): (note 1)	100 ft. min.
Yards	
Front yard:	30 ft. min.
Side yard:	20 ft. min.
Rear yard:	10 ft. min.
Building Height	
Maximum:	50 feet

Table Notes:

1. The minimum lot frontage may be varied to 50 ft. for lots of record as of August 28, 1978 with approval from the Planning Commission.

## Sec. 5.3. Highway Business (H-B)

### 5.3.1. Intent

To provide for locations within the county to be developed and reserved for commercial uses intended to serve the public. District regulations are designed to allow for more intensive uses and to encourage efficient traffic movement by utilizing areas on or near major arterial or collector roads or community crossroads.

### 5.3.2. Uses

As defined in Article 7 (Use Provisions), Sec. 7.2. (Allowed Use Table).

### 5.3.3. Dimensional Standards

See Table 5.3.1. for district standards and Sec. 2.1. (Measurements and Exceptions) for additional requirements

### 5.3.4. Open Space

See Sec. 8.5. for open space standards.

### 5.3.5. Overlay Compliance

See Article 6 (Special and Overlay Districts) for additional or alternative standards which may be applicable in overlay districts.

### 5.3.6. Other Standards

See Article 2 (Rules Common to All Districts) and Article 7 (Use Provisions) and Article 8 (Site Development) for additional standards which may be applicable.

**Table 5.3.1. H-B Dimensional Standards**

Site	
Density:	n/a
Site coverage:	80% max.
Lots	
Lot area:	15,000 sq.ft. min.
Lot frontage (all streets): (note 1)	100 ft. min.
Yards	
Front yard:	30 ft. min.
Side yard:	20 ft. min.
Rear yard:	10 ft. min.
Building Height	
Maximum:	50 feet

Table Notes:

1. The minimum lot frontage may be varied to 50 ft. for lots of record as of August 28, 1978, with approval from the Planning Commission.

## Sec. 5.4. Mixed-Use (M-U)

### 5.4.1. Intent

To provide for locations within the county to be developed and reserved for master planned developments that incorporate a mix of residential uses, non-residential uses, and open space. District regulations are designed to encourage the orderly development of larger sites with a mix of uses, allow for innovative and creative site planning and design at a pedestrian scale, facilitate pedestrian interconnectivity between uses, and minimize the impact of the district on surrounding areas.

### 5.4.2. Uses

- A. As defined in Article 7 (Use Provisions), Sec. 7.2. (Allowed Use Table).
- B. No more than 50 percent of the total dwelling units on a site may be townhouses.

### 5.4.3. Dimensional Standards

See Table 5.4.1. for district standards and Sec. 2.1. (Measurements and Exceptions) for additional requirements.

### 5.4.4. Open Space

See Sec. 8.5. for open space standards.

### 5.4.5. Development Standards

The following development standards apply to all properties within the M-U district. If the standards of the M-U district conflict with those in other sections of this UDC, the standards of this section apply.

#### A. Nonresidential Requirement

1. At least 20 percent of the total acreage of each development must be nonresidential uses.

**Table 5.4.1. M-U Dimensional Standards**

Site	
Density:	16 units/acre, or 20 units/acre for institutional residential uses
Site area:	3 acres min.
Site coverage:	80% max.
Lots (note 1)	
Lot area (single-family detached):	8,000 sq. ft.
Lot area (all other):	n/a
Lot frontage (all streets):	100 ft. min.
Yards (Single-family detached/Two-family)	
Front yard:	20 ft. min.
Side yard:	7 ft. min.
Rear yard:	10 ft. min.
Yards (All Other Residential Uses)	
Front yard:	20 ft. min.
Side yard (attached single-family):	7 ft min., except 0 ft between adjoining units
Side yard (all other residential uses):	15 ft. min
Rear yard:	15 ft. min
Yards (Non-residential and mixed-use)	
All yards:	None
Building Height	
Residential:	75' max. for multi-family 50' max. all others
Non-residential:	50' max.
Mixed residential and non-residential:	75' max.
Table Notes	
1. Additional lot area requirements for townhouses may apply. See Sec. 7.3.1.	

**B. Internal Streets**

1. All developments must incorporate new streets to serve the on-site uses and organize the development in an orderly pattern.
2. All streets, whether public or private, must be built to the public street standards of this UDC.
3. Streets should be designed to allow for future connectivity with adjacent parcels if none exists. Future connectivity must be provided in the form of a stub-out street or other means as determined by the Director.
  - a. The stub-out street right-of-way, pavement, and curbing must extend to the boundary of the abutting parcel where the connection to the anticipated street is expected.
4. If a street connection or stub-out street exists on an adjacent parcel the new streets must connect to the established street.
5. Streets may not be gated, except for private streets serving residential uses, subject to approval by the Director.
6. Cul-de-sacs or dead-end streets are not permitted, except as detailed for future connectivity above. This provision may be modified by the Director due to the presence of topographic or natural features.

**C. Block Standards**

1. Sites of 10 or more acres in size must incorporate internal streets as provided in Sec. 5.4.5.B. to form an interconnected network with a maximum block perimeter of 3,200 feet, except as otherwise provided below.

2. Blocks exclusively containing the following are exempt from 1 immediately above:
  - a. Any civic use.
  - b. An open space at least one acre in size.
3. Block perimeter is measured along the street centerlines.
4. Blocks required by this Sec. 5.4.5.C. must be bounded by public streets or private streets built to public street standards.

**D. Parking**

1. Vehicular parking is not permitted between the building and the street and must be located to the side or rear of any non-residential use.
2. Vehicular parking is not permitted in the front yard of any residential use.

**E. Driveways and Curb cuts**

1. In addition to the standards for driveway construction found in Title 12 of the Hall County Code of Ordinances, the following standards apply to driveways within the M-U district. In the case where these standards conflict with those found in Title 12, the more restrictive standard applies.
  - a. Driveway curb cuts may not be located on any arterial or collector street when access may be provided from a local street.
  - b. Driveway curb cuts must intersect streets at right angles.

**F. Inter-parcel Access**

1. Developments should provide vehicular access to adjacent parcels by means of street connections, shared driveways, cross-access easements, or other inter-parcel connections.

2. When an adjacent nonresidential property is in a natural or undeveloped state, a future inter-parcel connection should be provided with a driveway or road stub-out and appropriate easements.
3. This provision does not apply to attached and detached single-family dwellings.

#### **G. Pedestrian Access**

1. All uses or buildings must incorporate walkways or pathways to provide pedestrian access from one use or building to another use or building. At a minimum, this includes a safe and convenient pedestrian route from the building entrance to the nearest sidewalk.
2. All parking lots or parking structures must incorporate walkways or pathways to provide safe and convenient pedestrian access to building entrances.
3. Public sidewalks must be constructed to connect to existing sidewalks on adjacent parcels. When no such sidewalk exists on adjacent parcels it must be constructed to the property line and reserved for future connection.

#### **H. Residential and Non-residential Connectivity**

There must be direct and convenient sidewalks or pathways providing pedestrian access between residential and nonresidential areas.

#### **I. Building Design Standards**

1. Buildings must have their primary facade fronting and facing a public street. If located along a private street, buildings must have their primary frontage along such street.
2. All nonresidential buildings within a development must incorporate materials and elements to present a unified design.
3. Building mechanical and accessory features must be located to the side, rear, or roof of the principal structure and in the location of least visibility from the public or private right of way.
  - a. When the above standard is not reasonable due to reasons of topography or other similar existing site conditions, screening of such features with landscaping or fencing is required as indicated in Sec. 8.2.

#### **5.4.6. Overlay Compliance**

See Article 6 (Special and Overlay Districts) for additional or alternative standards which may be applicable in overlay districts.

#### **5.4.7. Other Standards**

See Article 2 (Rules Common to All Districts) and Article 7 (Use Provisions) and Article 8 (Site Development) for additional standards which may be applicable.

## Sec. 5.5. Light Industrial (I-1)

### 5.5.1. Intent

To provide for locations within the county to be developed and reserved for light industrial uses. District regulations are designed to allow for uses which are not significantly objectionable to surrounding properties and to encourage the formation of a compatible environment for uses generally classified as light industrial in nature.

### 5.5.2. Uses

As defined in Article 7 (Use Provisions), Sec. 7.2. (Allowed Use Table).

### 5.5.3. Dimensional Standards

See Table 5.5.1. for district standards and Sec. 2.1. (Measurements and Exceptions) for additional requirements.

### 5.5.4. Open Space

See Sec. 8.5. for open space standards.

### 5.5.5. Overlay Compliance

See Article 6 (Special and Overlay Districts) for additional or alternative standards which may be applicable in overlay districts.

### 5.5.6. Other Standards

See Article 2 (Rules Common to All Districts) and Article 7 (Use Provisions) and Article 8 (Site Development) for additional standards which may be applicable.

**Table 5.5.1. I-1 Dimensional Standards**

Site	
Density:	n/a
Site coverage:	80% max.
Lots	
Lot area:	15,000 sq.ft. min.
Lot frontage (regular street, cul-de-sac): (note 1)	100 ft. min.
Lot width (curved street):	See Sec. 2.1.3.E.
Yards	
Front yard:	50 ft. min.
Side yard:	20 ft. min.
Rear yard:	20 ft. min.
Building Height	
Maximum:	65 feet

## Sec. 5.6. Heavy Industrial (I-2)

### 5.6.1. Intent

To provide for locations within the county to be developed and reserved for heavy industrial uses which involve extensive manufacturing, processing, or assembly operations. District regulations are designed to allow for uses which require large tracts of land and to discourage encroachment into residential, commercial, or other districts which may be adversely affected by the industrial character of the district.

### 5.6.2. Uses

As defined in Article 7 (Use Provisions), Sec. 7.2. (Allowed Use Table).

### 5.6.3. Dimensional Standards

See Table 5.6.1. for district standards and Sec. 2.1. (Measurements and Exceptions) for additional requirements.

### 5.6.4. Open Space

See Sec. 8.5. for open space standards.

### 5.6.5. Overlay Compliance

See Article 6 (Special and Overlay Districts) for additional or alternative standards which may be applicable in overlay districts.

### 5.6.6. Other Standards

See Article 2 (Rules Common to All Districts) and Article 7 (Use Provisions) and Article 8 (Site Development) for additional standards which may be applicable.

Table 5.6.1. I-2 Dimensional Standards

Site	
Density:	s
Site coverage:	80% max.
Lots	
Lot area:	15,000 sq.ft. min.
Lot frontage (regular street, cul-de-sac): (note 1)	100 ft. min.
Lot width (curved street):	See Sec. 2.1.3.E.
Yards	
Front yard:	50 ft. min.
Side yard:	30 ft. min.
Rear yard:	30 ft. min.
Building Height	
Maximum:	65 feet



**Table 5.7.1. Dimensional Standards for All Mixed-use and Business Districts**

District	Min. Lot Area	Min. Lot Frontage	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)	Max. Lot Coverage	Max. Building Height
O-I	15,000 sq. ft.	100 feet <sup>A</sup>	30	20	10	80%	50 ft.
S-S	15,000 sq. ft.	100 feet <sup>A</sup>	30	20	10	80%	50 ft.
H-B	15,000 sq. ft.	100 feet <sup>A</sup>	30	20	10	80%	50 ft.
M-U	3 acres	100 feet				80%	
Single-family detached/Two-family			20	7	10		50 ft.
All other residential			20	7/15 <sup>B</sup>	15		50 ft. or 75 ft. <sup>C</sup>
All non-residential/mixed-use			0	0	0		50 ft. or 75 ft. <sup>D</sup>
I-1	15,000 sq. ft.	100 feet	50	20	20	80%	65 ft.
I-2	15,000 sq. ft.	100 feet	50	30	30	80%	65 ft.

A - The minimum lot frontage may be varied to 50 ft. for lots of record as of August 28, 1978, with approval from the Planning Commission.

B - The minimum side yard for single-family attached (townhouse) is 7 feet, except 0 feet is required between adjoining units. For all other multi-family residential uses the side yard setback is 15 feet.

C - The maximum height for single-family attached (townhouse) is 50 feet. For all other multi-family residential uses the maximum height is 75 feet.

D - The maximum height for all non-residential uses is 50 feet. For all mixed residential and nonresidential the maximum height is 75 feet.

# Article 6. Special and Overlay Districts

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## Sec. 6.1. Planned Development Districts (PD)

### 6.1.1. Intent

- A. To permit for the development of property which:
  1. Allows for greater flexibility in development standards and site planning considerations;
  2. Is in the best interest of Hall County in terms of its long range development plans; and
  3. Encourages a mixture of uses which without proper design and planning might not be compatible with surrounding uses or zoning districts.
- B. Planned development districts are to be utilized as a “floating zone” and will be individually evaluated for designation. These districts are separate zoning districts and follow the same amendment procedures as other districts. Unless otherwise stated in this section, the development standards and the land uses which are presented with the application for amendment will become the standards for the subject property.

### 6.1.2. Requirements for Rezoning

- A. An area may be considered for rezoning to a planned development district if any one of the following conditions exist:
  1. More than one land use is proposed for development on a single parcel;
  2. Separate land uses which would not otherwise be permitted to locate within the same zoning district are proposed for development on one or more adjacent parcels under single or separate ownership;
  3. Exception or variation from the size, setback, frontage, density, uses or other standards which are required in the other conventional zoning districts

are being proposed as part of a comprehensive development plan.

- B. All proposed planned development district applications must adhere to the following specific requirements:
  1. The site proposed for a planned development must contain an area of at least five acres. In no case may the minimum tract size be less than the minimum lot area requirements for the comparable conventional district as specified for each planned development classification in this section. The comparable conventional zoning districts listed in the regulations are R-1 for a PRD, O-I for a POD, S-S for a PCD and I-1 for a PID.
  2. The site must have frontage along a public street for a distance of at least 100 feet.
  3. A suitable plan must be prepared for the development, and this plan must include the following elements where applicable:
    - a. A plan drawn to scale by a registered engineer, architect, land surveyor or landscape architect showing the exact dimensions of the parcel or parcels of land under consideration and including the following information:
      - i. A conceptual site plan drawn to scale and indicating all property dimensions, platting and street systems, proposed building sites, sizes, types of use proposed for buildings, plans for protection of abutting properties, means of ingress and egress, access and circulation arrangements, off-street parking and loading facilities, proposed reservations or dedications

- for streets and other public facilities and, if requested, a contour map of the site.
  - ii. The name of the developers and of the development (if any).
  - iii. A north arrow and scale.
  - iv. If the proposal includes the subdivision of land for any purpose or for the provision of new public streets, a proposed lot and street layout must be submitted as part of the application. Any proposed variation from the standards set forth in the subdivision regulations must be listed and explained. If the plan is approved, a preliminary plat and final plat must be submitted as provided by the subdivision regulations of Article 9.
- b. A written report must also be submitted which explains the type, nature, size, intent and characteristics of the proposed development. This report must include, where applicable:
  - i. A general description of the proposed development and its location.
  - ii. The proposed standards for development, including restrictions on the use of the property, density standards, yard (setback) requirements and any proposed restrictive covenants.
  - iii. An explanation of why the proposed development standards are necessary if the above proposed standards vary from existing standards in the zoning regulations.
  - iv. Plans for the provision of utilities, including water, sewer and drainage facilities.
  - v. Plans and methods for protection of adjacent properties.
  - vi. Data stating the total number of square feet proposed for each type of land use, including public facilities, within the proposed development.
  - vii. Additional relevant data as may be required by the County.
- 4. A proposed development schedule and listing of all proposed uses must be submitted as a part of an application for a planned development district.

### 6.1.3. Administrative Procedures

- A. Any request pertaining to the establishment of a planned development district will be administered and processed in accordance with the regulations set forth in Sec. 11.2.
- B. All data, plans and specifications presented as part of the planned development district application will, if approved, be the standards of development for that particular planned development, but only to the extent that they do not conflict with the provisions of this UDC. To the extent that they conflict with this UDC all data, plans, and specifications become the standards of development for that particular planned development only if they are set forth as a specific condition of zoning or approved as a zoning variance.
- C. To the extent that the approved standards are consistent with this UDC, set forth as specific conditions, or approved as a zoning variance, all further development

on the property must conform to the standards adopted for the district regardless of any change in ownership. Any proposed changes to those standards must be considered in accordance with the procedures set forth in Sec. 11.2. Appeals based upon hardship or an alleged misinterpretation of the ordinance or this UDC by the building official will be processed in accordance with procedures set forth in Sec. 11.2. In no case may the approved land uses be appealed.

- D. The violation of any provision of the planned development standards as submitted and approved under the provisions of this UDC will constitute a violation of these regulations.

#### 6.1.4. Application Procedures

- A. Any application for a planned development district must be submitted to the Board of Commissioners through the Director of Planning and Zoning or other designated staff member.

#### B. General Requirements

1. All applications for zoning of property to a planned development district must conform to all requirements of Sec. 11.2. except as may otherwise be required by this section. All applications that do not comply with the requirements of Sec. 11.2. will be returned to the applicant unfiled with notice of the deficiency or deficiencies.
2. No application to rezone property to a planned development district may be accepted until after a pre-application meeting is held between the applicant, appropriate staff of the Office of Planning and Development, appropriate staff of the Office of Public Works and Utilities, and any other applicable local or state agencies. Once a pre-application meeting is requested by the applicant, staff must schedule

the meeting within ten business days. Failure to meet this timeline by staff would negate the pre-application meeting requirement.

#### 6.1.5. District Classifications

- A. The following are classified as planned development districts subject to the provisions of this article and to the standards for each district:
  1. PRD: Planned Residential Development.
  2. POD: Planned Office Development.
  3. PCD: Planned Commercial Development.
  4. PID: Planned Industrial Development.

#### 6.1.6. District Standards

##### A. Planned Residential Development (PRD)

1. **Intent.** A planned residential development is designed to allow for a more flexible placement, arrangement, and orientation of residential structures, the accompanying flexibility in the subdivision of land, and the grouping of open space and accessory facilities such as garages and parking. It may also provide for a mixture of housing types such as single-family, two-family, multi-family, townhomes, cottage court, and live-work according to a carefully designed plan. The proposed residential development should make maximum use of natural features and, through proper site planning measures, should conform to the existing character and development pattern of the surrounding area. Every effort should be made to preserve and protect any existing residential uses from adverse impacts which might result from a higher density development.

**Table 6.1.1. PRD Dimensional Standards**

<b>Lots (Single-family detached)</b>	
Lot area: (note 1)	8,000 sq. ft. min.
Lot width:	50 ft. min.
Density:	2 dwellings/acre max.
<b>Yards (Single-family detached)</b>	
Front yard:	25 ft. min.
Side yard:	5 ft. min.
Rear yard:	20 ft. min.
<b>Lots (Two-family residential)</b>	
Lot area: (note 1)	30,000 sq. ft. min.
Lot width:	60 ft. min.
<b>Yards (Two-family residential)</b>	
Front yard:	30 ft. min.
Side yard:	10 ft. min.
Rear yard:	20 ft. min.
<b>Lots (Single-family attached and multi-family)</b>	
Lot area: (note 2)	35,000 sq. ft. min.
Lot area: (note 3)	40,000 sq. ft. min.
<b>Building Height</b>	
Maximum:	75' max. for multi-family 50' max. for all others

**Table Notes:**

1. For lots with access to sanitary sewer. The minimum lot area for lots without access to sanitary sewer is determined by the Hall County Environmental Health Department.
2. For multi-family and single-family attached with 3 units.
3. For multi-family and single-family attached with more than 3 units.

**2. Application Requirements.** All the general and special requirements in

Sec. 6.1.2. and 6.1.3. for planned developments must be provided. The following special items must be addressed:

- a. The site plan must indicate the proposed size, location, number of units and number of bedrooms of all residential structures.
  - b. All streets and common open spaces not proposed for dedication to the county must have the proposed maintenance and ownership agreements explained in detail.
  - c. The architectural style and proposed siting of all multi-family structures or attached single-family structures must be indicated. Architectural standards for all planned residential developments are as indicated in Sec. 6.1.6.A.8.
  - d. The development controls for the development must be detailed, including lot coverage, setbacks, building heights, and lot sizes.
  - e. Planned developments of at least 5 acres in size may include commercial uses within the development, limited to neighborhood retail intended to serve the needs of the residents of the development unless otherwise specifically approved by the Board of Commissioners. Retail uses must be specified as part of the proposal and are limited to no more than 10,000 square feet of floor area for the entire development site.
3. **Dimensional Standards.** See Table 6.1.1. for district standards and Sec. 2.1. (Measurements and Exceptions) for additional requirements.
  4. **Buffers.** A buffer at least 50 feet in width must be established along the

perimeter of all property boundaries adjacent to residential and non-residential districts to ensure that the planned residential development is appropriately screened. Buffers must meet the standards of Sec. 8.2.4.

5. **Landscaping.** In addition to the tree protection requirements of Sec. 8.3., the following standards apply in planned residential developments:

- a. At least two trees per lot must be provided. Trees may be located in the front, side, or rear yard.
  - i. These trees may not be counted towards the developments tree density unit requirement.
  - ii. Trees located within any utility easement, drainage easement, or septic drain field may not count towards the per lot tree requirement.
- b. The developer is responsible for planting or preserving the individual lot trees prior to issuance of a certificate of occupancy.

6. **Access.** In addition to the requirements of Article 9 (Subdivisions) the following standards apply in all planned residential developments:

- a. Any PRD with 150 or more lots must include at least two vehicular entrances with access to a city, state, or county maintained public right of way. The second entrance must be completed prior to the platting of 150 lots or more.
- b. Any PRD with 400 or more lots must include at least three vehicular entrances with access to a city, state, or county maintained public right of way.
  - i. The county may waive the requirement for immediate

construction of a third entrance based on the development schedule and phasing plan.

- c. In addition to the requirements of Sec. 8.4 and any applicable provisions of Article 9, sidewalks must be installed on both sides of any proposed street.

7. **Open Space.** Open space is required in all PRD districts as follows:

- a. Open space must comprise at least 30% of the gross lot area.
- b. All other standards of Sec. 4.8.7 apply.

8. **Architectural Standards.** The following architectural standards apply to all PRD districts:

- a. **Building materials.** All facades of residential structures and any permitted non-residential structures must be finished with brick, stone, stucco, wood siding, wood shake, or cementitious siding. Vinyl siding is not permitted.
  - i. The front facade must incorporate a variety in building material, texture or color.
- b. **Garages.** Garages for single-family detached and two-family structures on lots less than one acre in size must meet one of the following standards.
  - i. **Flush.** Garage doors are oriented towards the street. Garage doors may be positioned flush with the front wall plane of the residence, extending no more than 55 percent of the width of the residence.
  - ii. **Semi-flush.** Garage doors are oriented towards the street.

- Garage doors may be positioned within 10 feet of flush with the front wall plane of the residence in either direction, extending no more than 55 percent of the width of the residence.
- iii. **Recessed.** Garage doors are oriented towards the street. Garage doors must be positioned at least 10 feet behind the front wall plane of the residence, extending no more than 55 percent of the width of the residence.
  - iv. **Side-loaded.** Garage doors are oriented perpendicular to the front wall plane of the residence. Any wall of the garage must be located at least 3 feet behind the front wall plane of the residence.
  - v. **Carriage court.** Garage doors are oriented perpendicular to the front wall plane. All garage walls are located entirely in front of the front wall plane of the residence.
  - vi. **Detached.** The garage is placed entirely to the rear of the residence.
- c. **Townhouses.** For townhouses garage placement must meet the following standards. Townhouses fronting an arterial or collector street must be rear loaded. Townhouses fronting a minor street may be rear-loaded or front-loaded.
- i. **Rear-loaded.** The garage must be placed entirely to the rear of the townhouse and may be attached or detached. Garage doors must face a rear right-of-way or easement. For detached garages, the garage must be either located 4 feet from the rear right-of-way or easement, or be a minimum of 20 feet from the rear right-of-way or easement.
  - ii. **Front-loaded.** A minimum of 20 feet is required between the garage and the back of sidewalk.
9. **Footing Inspections.** At the time of the footing inspection, the contractor must provide the county building official with a certificate from a licensed surveyor certifying building setbacks for all corners of the structure being inspected.
10. **Cluster Mailbox Unit (CBU).** Pursuant to United States Postal Service Policy, all new subdivisions and new phases of existing subdivisions are required to provide CBU's for regular mail service delivery. A CBU is a structure or shelter housing multiple mailbox units to serve each residential dwelling of the development for the express purpose of regular mail delivery provided by the USPS. The following standards are for construction and maintenance of CBU's for all planned residential developments.
- a. The developer is responsible for confirming the logistics of regular mail delivery to CBU's with the USPS. As such, all CBU's are subject to final approval by the USPS.
  - b. **Maintenance.** The county will not assume any responsibility for the maintenance and repairs of CBU's and associated parking areas. The CBU's and associated parking areas are to be maintained by the homeowners' association, managing entity, or collectively by the property owners.



- c. **Location.** CBU's must be located on their own lot or in an area dedicated for open space or on a public access easement obtained by the developer. The entrance to the proposed vehicular parking area must be located at least 200 feet from the main entrance and at least 60 feet from any street intersection.
- d. **Parking.** The minimum parking ratios established on Table 6.1.2. must be met for all CBU's:

**Table 6.1.2. PRD Dimensional Standards**

Number of Mailboxes	Required short-term parking
50 or less	3
51-78	4
79-104	5
105 or more	5 plus 1 for every additional 25 mailboxes

- e. **Property Management.** A person owning or having possession or control of any property within a PRD must meet the following property management standards in addition to any conditions of approval placed upon the development as detailed in Sec. 6.1.3:
  - i. Any damaged, dead, diseased or decaying plant materials must be removed and replaced if visible from the public right-of-way.
  - ii. Premises occupied by a residential dwelling must be maintained free from grass, similar vegetation or

uncultivated vegetation in excess of 12 inches in height.

- iii. Fences facing a street or adjacent public right-of-way must be regularly maintained, repaired, and replaced if considered necessary by the building official.

**B. Planned Office Development (POD)**

1. A Planned Office Development is designed to contain orderly, well-designed office and institutional uses upon a site that results in minimum impact upon the surrounding area. The site plans and building designs should produce a development that can be constructed to achieve maximum utilization of space while maintaining a low-intensity office character protected from more intensive commercial and industrial development and protecting any nearby residential uses.
2. Planned Office Developments may also include a limited number of residential and commercial uses.
3. All the general and special requirements in Sec. 6.1.2. and 6.1.3. for planned developments must be provided. The following special items should also be addressed:
  - a. The site plan must indicate the proposed size, location, and number of stories in each office building.
  - b. The development controls for the district must be detailed, including lot coverage, setbacks, building heights, and lot sizes. If standards are not specifically proposed, then the applicable standards in the Office Institutional (O-I) districts in Sec. 5.1, including screening and buffer requirements, apply.

- c. If residential uses are proposed in conjunction with the planned office development, then the applicable requirements of the planned residential development district or planned commercial development district must be provided.

in Sec. 5.2, including screening and buffer requirements, apply.

**C. Planned Commercial Development (PCD)**

- 1. A Planned Commercial Development is designed to provide for the maximum attainable commercial usage of property while employing the best aspects of site planning and development controls to insure:
  - a. Protection of surrounding residential uses;
  - b. Safe access by motorists;
  - c. Minimum traffic congestion; and
  - d. A development which is consistent with long-range plans of the county.
- 2. A limited number of carefully planned residential uses may also be included in a Planned Commercial Development.
- 3. All the general and special requirements in Sec. 6.1.2. and 6.1.3. for planned developments must be provided. The following specific items must also be addressed:
  - a. A site plan indicating the proposed site preparation and grading, streets and parking areas, loading zones, storm drainage, water, gas and sewage systems, and all buffer areas.
  - b. The development controls for the district must be detailed, including lot coverage, setbacks, building heights, and lot sizes. If standards are not specifically proposed, then the applicable standards in the Suburban Shopping (S-S) district

**D. Planned Industrial Development (PID)**

- 1. A Planned Industrial Development is designed to consist of land which has been designated for a planned, organized and controlled industrial use or for multiple but compatible industrial uses in a planned industrial park. The standards must be designed to encourage the formation and continuance of a compatible environment for the planned industrial uses and the surrounding land uses.
- 2. Carefully planned office and commercial uses may be incorporated as part of a Planned Industrial Development.
- 3. All of the general and special requirements for planned developments in Sec. 6.1.2. and 6.1.3. must be provided. The following specific items must also be addressed:
  - a. A site plan indicating the proposed site preparation and grading, streets and parking areas, loading zones, outdoor storage areas, rail facilities, storm drainage, water, gas and sewage systems and all buffer areas.
  - b. The development controls for the district must be detailed, including lot coverage, setbacks, building heights, and lot sizes. If standards are not specifically proposed, then the applicable standards in the Light Industrial (I-1) district in Sec. 5.5, including screening and buffer requirements, apply.
  - c. If office or commercial uses are proposed in conjunction with the Planned Industrial Development, then the applicable requirements in the POD or PCD district must be provided.

### 6.1.7. Other Standards

See Article 2 (Rules Common to All Districts) and Article 7 (Use Provisions) and Article 8

(Site Development) for additional standards which may be applicable.

## Sec. 6.2. Gateway Corridor Overlay District (GCOD)

### 6.2.1. Intent

A. The purpose of the Gateway Corridor Overlay District is:

1. To promote the general health, safety and welfare of the community.
2. To improve the efficient operation of traffic around the county.
3. To promote safe and efficient movement within the Overlay District for persons using all modes of travel including motorized vehicles, bicycles and walking.
4. To create a sense of place that is aesthetically appealing and environmentally responsible.
5. To encourage innovative development projects that set standards for landscaping, community design and aesthetics.
6. To establish consistent and harmonious design standards for public improvements and private property development within the Overlay District to unify the distinctive visual quality of the Gateway Corridors.

### 6.2.2. Boundaries

A. The provisions of this section apply to all lots of record within the unincorporated portion of Hall County having frontage on the following road segments as of March 22, 2007. These road segments will be referred to as the "Gateway Corridors."

1. S.R. 211 from S.R. 53 (Winder Highway), south to Thompson Mill Road.
2. U.S. 129 (Athens Highway) from the Gainesville City limits, south to Gillsville Highway.

3. S.R. 53 (Winder Highway) from S.R. 13 (Falcon Parkway), east to the Jackson County line.
4. S.R. 13 (Atlanta Highway and Falcon Parkway) from the Flowery Branch City limits, north to S.R. 53 (Winder Highway).
5. McEver Road from the Buford City limits, north to the northernmost intersection with Radford Road.
6. Martin Road from S.R. 53 (Winder Highway) to S.R. 13, to continue along a proposed extension of Martin Road to Thurmond Tanner Pkwy pursuant to final alignment approved by GDOT.
7. Spout Springs Road from the Flowery Branch City limits, south to Friendship Road.
8. Friendship Road from Bogan Road, east to Thompson Mill Road.
9. Realigned Thompson Mill Road from Spout Springs Road east to S.R. 211 (Old Winder Highway), pursuant to final alignment approved by GDOT.
10. All state controlled rights-of-way within the jurisdiction of Hall County.

B. This Sec. 6.2. may also apply to any lot of record within the unincorporated portion of Hall County when a portion of said parcel falls within 300 feet of the centerline of the Gateway Corridors as of March 22, 2007. Any parcel subject to the ordinance on the above date of adoption may continue to be subject to the provisions of this section, even if the parcel is subdivided in the future.

C. Upon written application, the Director may grant exemptions from the requirements of this section for parcels or portions of a parcel that would otherwise be included in the GCOD, based on one or more of the following findings:

1. Portions of the subject property to be exempted lie more than 300 feet from the centerline of a Gateway Corridor.
2. The property to be exempted does not have access to a Gateway Corridor and will not require access to a Gateway Corridor when developed.
3. Due to site topography development of the property to be exempted will not be visible from a Gateway Corridor.
4. Due to the location, size and shape of the property, development of the parcel under its current zoning and in conformity with the requirements of the GCOD would present a severe and unique hardship.

If the Director does not issue a written decision regarding such exemption within 15 working days of receipt of the application required in this section, the exemption will be deemed to be approved.

### 6.2.3. Applicability of Overlay Provisions

- A. This Overlay District is supplemental to the underlying zoning district classifications established within this UDC. The provisions of this section are overlaid upon and imposed in addition to said underlying zoning regulations and other Hall County ordinances.
- B. In any case where the standards and requirements of the GCOD conflict with those of the underlying zoning district or subdivision regulations, the standards and requirements of the GCOD govern.
- C. The provisions of this Sec. 6.2. do not apply to the following:
  1. Completion of work subject to preliminary plats, site development plans, construction plans, building permits, or interior finish permits approved prior to March 22, 2007.
  2. Reconstruction, rehabilitation, restoration, repair or addition of an

existing non-residential structure, interior renovations or interior finishes within an existing structure, or addition to an existing non-residential structure that was permitted prior to March 22, 2007, provided that such construction is on a lot of record and does not result in addition or change to more than 75 percent of the floor area of the existing permitted structure.

3. Rezonings and planned developments that were approved by the Board of Commissioners prior to March 22, 2007, except for those approvals with specific reference to the GCOD.
- D. The following requirements apply to reconstruction, replacement or addition to a legally permitted and existing non-residential structure when such change consists of more than 75 percent of the floor area of the existing structure:
  1. The portion of the project that is reconstructed, replaced or added must meet the Architectural Standards of 6.2.6.
  2. If the reconstruction, replacement or addition includes the addition of 50 parking spaces or more, the newly constructed parking spaces must meet the parking lot design requirements of Sec. 6.2.5.C.
  3. If the reconstruction, replacement or addition decreases the distance between the subject building and abutting property that is used for single-family residential purposes, the property line where the distance abutting residential property has been decreased must provide a transitional buffer as required in Sec. 6.2.5.A.
  4. If the reconstruction, replacement or addition includes the reconstruction or addition of loading and service areas adjacent to property that is used for single-family residential purposes,

such loading and service areas must be screened as required in section Sec. 8.1.5.

5. Any new signs must meet the requirements of Sec. 8.6.

**E. Building plan application.**

1. All building plans submitted pursuant to an application for a building permit should clearly indicate compliance with the proposed landscaping, architectural design, building materials, access management, and signage requirements of this Sec. 6.2.
2. The plans must clearly show the location and calculate the amount or percentages of all building materials per building face as indicated in Sec. 6.2.6.B.
3. Groups of buildings on the same parcel of land may be reviewed and permitted as a single project rather than individual buildings.

**6.2.4. Uses**

- A. Uses are permitted in accordance with the underlying zoning, except as set forth below. See Sec. 7.2. (Allowed Use Table).
- B. The following uses are not allowed in the GCOD:
  1. Adult entertainment establishments.
  2. Billboards.
  3. Junk or salvage yards.
  4. Mobile home.
  5. Manufactured home.
- C. The following uses are allowed only with approval of a Special Use by the Board of Commissioners:
  1. Car wash.
  2. Outdoor storage.
  3. Outdoor recreation.

4. Self-storage warehouse.
5. Truck stop.
6. Truck terminal.
7. Truck yard.
8. Vehicle repair, minor or major.
9. Vehicle sales, new or used.

**6.2.5. Site Development Standards**

The following site development standards apply to all newly constructed buildings used for office, commercial, industrial, institutional, and public purposes within the GCOD.

**A. Transitional Buffers.**

1. Applicability.
  - a. Transitional buffers required in this section must provide an effective visual screen between dissimilar uses or activities unless permitted as a single project per Sec. 6.2.3.E.3.
  - b. A transitional buffer is required along and inside the property line of a nonresidential property abutting a residential use or residentially zoned property.
  - c. Transitional buffers are required along and inside the property line at the perimeter of a planned development district that abuts single-family residential zoning or uses, in accordance with the requirements of this subsection, but no transitional buffers are required between dissimilar uses within the planned development district.
2. Width of transitional buffer.
  - a. Where a commercial zoning district abuts property zoned for single-family residential, multi-family residential or agricultural use, the width must be at least 25 feet.

- b. Where an industrial zoning district abuts property zoned for residential or agricultural use, the width must be at least 50 feet.
  - c. Public and institutional uses must comply with the standards in this section that apply to commercial zoning districts.
- 3. Transitional buffers that are at least 25 feet in width or greater must meet at least two of the three following criteria:
  - a. Be planted with a staggered double row of evergreen trees at least six feet in height, or
  - b. A single row of deciduous shade trees at least two inches caliper DBH with a minimum height of 30 feet at maturity and two staggered rows of evergreen shrubs at least three feet in height, planted a maximum of four feet on center, or
  - c. Other arrangements which provide a similar visual screen, as approved by the Director.
- 4. Adjustments to buffer width.
  - a. If a 6 foot high solid wood fence or masonry wall is incorporated into the design of a transitional buffer, the width of the buffer may be reduced by no more than 10 feet. The fence or wall must be located on the inside of the vegetation required in section 6.2.5.A.3., with the finished side facing the adjacent property.
  - b. Walls or fences required to screen loading and service areas, outdoor storage, and accessory equipment required in section 6.2.5.B. may not be used to reduce the width of a transitional buffer required in section 6.2.5.A.

B. Additional Landscape and Screening

height of at least 35 feet tall at

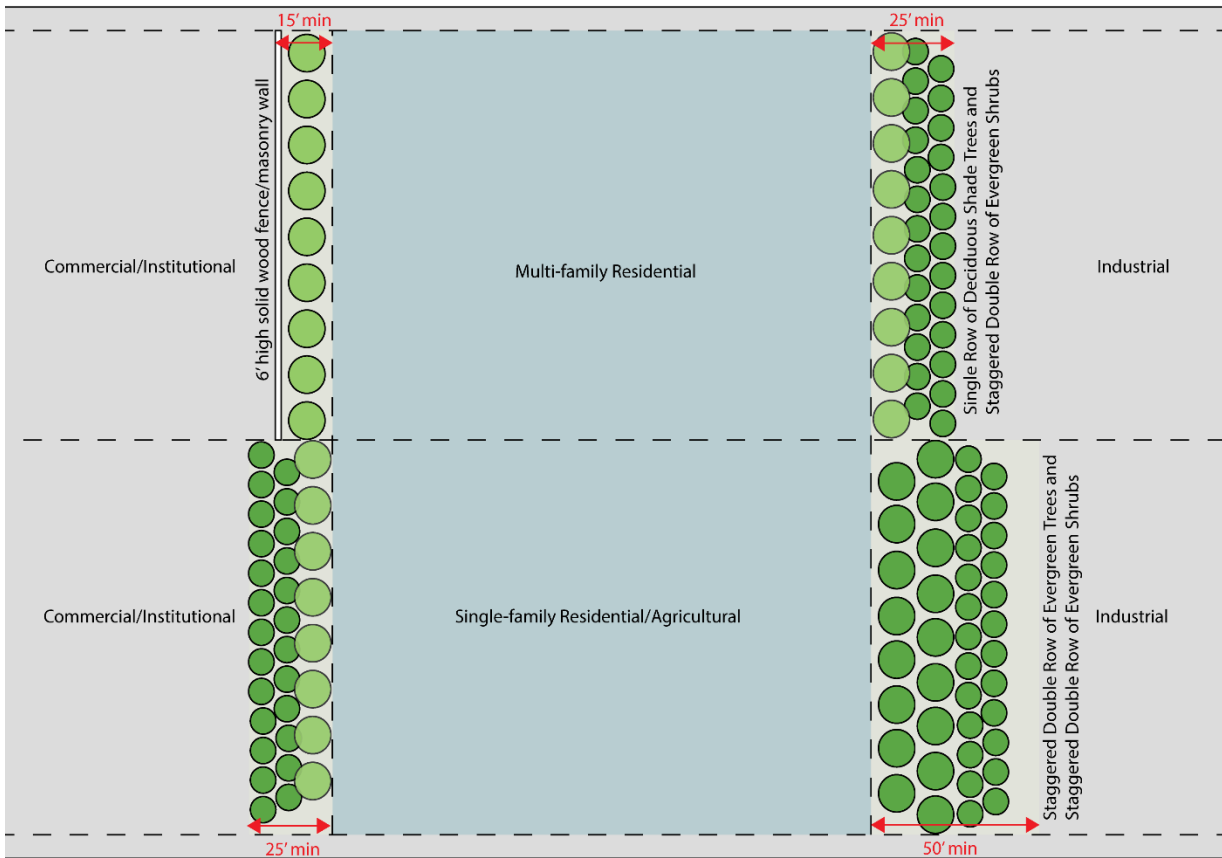


Figure 6-1. Transitional Buffer Design

**Standards.**

1. Shrubs must be planted within ten feet of the foundation of the primary structure along each building facade at the rate of at least 20 shrubs per 100 lineal feet of building facade except for sides or rear of building used for loading or service areas. Foundation plantings may be clustered to provide visual interest.
2. Along each street frontage there must be a landscape strip at least 10 feet in width except for perpendicular crossings for driveways and utilities.
  - a. The landscape strip must be planted with shade trees at least six feet tall and two inches caliper, DBH at time of planting, with a maturity.
  - b. Trees must be planted no less than 40 feet on center.
  - c. Shrubbery forming an intermittent hedge at least three feet in height and designed to provide an adequate screen must also be provided within the landscape strip.
3. The Director has authority to approve alternative methods for landscaping and screening parking lots that include at least the same amount of landscape material or screening effect when viewed from the street.
4. In addition to general perimeter landscaping and required buffers, if a



loading or service area is located within 50 feet of a side or rear lot line abutting a residential district or use or a public or institutional use, then the loading or service areas must be surrounded by either a masonry wall or opaque fence at least 6 feet in height and placed on the inside of the landscaped buffer required in Sec. 6.2.6.A

5. Screening of storage and accessory equipment.

- a. Waste receptacles, including dumpsters, garbage cans, or grease containers must be located in the rear or side yard and placed at least 20 feet from any street, public sidewalk, or property line that abuts a residential district or residential use. Such waste receptacles must be screened from view from all property lines and public areas of the site by a wall at least 6 feet in height constructed of masonry or solid wood with an opaque gate.
- b. Rooftop mechanical equipment, including HVAC and utility equipment, must be screened from adjacent streets, sidewalks, residential districts or uses, or public and institutional uses. Screening must consist of parapet walls or an opaque enclosure around the equipment. Enclosures must be constructed of a material compatible with those used on the primary facade of the principal structure.
- c. Ground-mounted or wall-mounted equipment such as HVAC equipment, transformers, and gangs of multiple utility meters must be screened from adjacent streets, sidewalks,

residential districts or uses, or public and institutional uses. Screening may consist of a solid masonry wall or wooden fence or other opaque enclosure around the equipment that is constructed of a material compatible with those used on the primary facade of the building. The height of the fence or wall must be sufficient to effectively screen the equipment from view.

- d. Outdoor storage or sales displays are prohibited from front yards unless granted special use approval by the Board of Commissioners pursuant to the procedures of this UDC. Outdoor storage or sales displays must be screened from view from public streets and adjacent property by a solid fence or wall at least 8 feet in height, except as follows:
  - i. Upon approval by the Director, the temporary sale of seasonal goods may be permitted on properties other than residentially zoned property for a period not to exceed 90 days, with up to a 30-day extension, to be approved no more than two times in a given calendar year. Such temporary sales are limited to sites that:
    - i. Provide adequate off-street parking on approved surfaces;
    - ii. Provide safe and adequate vehicular access; and
    - iii. Are not adjacent to residentially zoned property.

- ii. Outdoor display and sale of goods may be permitted in designated parking areas provided that the parking is not reduced below the minimum required in Sec. 8.1.
6. Cuts and fills of slopes must be terraced to blend into the natural terrain. Cut or fill slopes more than 10 feet in height must be landscaped with evergreen shrubbery planted at the rate of 10 shrubs per every 100 lineal feet.

**C. Parking Lot Design.**

- 1. Off-street parking is required as indicated in Sec. 8.1. of this UDC, except as provided in this subsection:
  - a. The Director may approve a reduction in the number of parking spaces required for a specific use where inter-parcel access is provided and a shared parking analysis demonstrates that adequate parking will be provided with the approved reduction.
  - b. The maximum number of parking spaces that may be constructed on impervious surfaces may be no more than 125 percent of the minimum number of parking spaces required in Sec. 8.1.
- 2. In addition to the construction and design standards of Sec. 8.1.3., the following standards apply to all parking lots within the GCOD.
  - a. Each parking area with at least 20 spaces must include landscaped islands within the parking area equivalent to not less than 10 percent of the total paved area of the parking lot, not including pervious paving surfaces.

- b. Landscaping in parking lots must contain at least one shade tree at least six feet in height and two inches caliper DBH at time of planting with a mature height of at least 35 feet for each 200 square feet of landscaping. Shade trees must be planted in a bed of ground cover, sod or low shrubbery.
  - c. Parking areas must be designed to facilitate safe and convenient use by pedestrians. Commercial and multi-family developments must provide designated pedestrian pathways or sidewalks at least 5 feet in width connecting parking aisles to the front entrance of the principal building.
  - d. All parking areas must be paved with asphalt, concrete or pervious materials as approved by the Director.
  - e. Off-street parking must be located to the side or rear of the principal building and may not be located between the principal building and the street.
3. Perimeter landscaping.
- a. Where parking lots abut adjacent residentially zoned property, a transitional buffer is required as provided in section 6.2.5.A.
  - b. Where parking lots abut public streets, a frontage landscape strip is required as provided in Sec. 8.1.3.
  - c. The following are considered appropriate tree species for perimeter and parking lot landscaping:
    - i. Nuttall oak.
    - ii. Shumard oak.
    - iii. Willow oak.

- iv. Ginkgo (Variety: President, Autumn Gold, male gender).
- v. Princeton elm.
- vi. Chinese Elm (varieties Allee, Athena, Drake, Bosque).
- vii. Bald Cypress (variety: Shawnee Brave).
- viii. Zelkova (variety Green Vase or Village Green).
- ix. Northern red oak.
- x. Autumn maple.
- xi. Other native species as approved by the Director.

**D. Outdoor lighting.**

- 1. Streetlights.
  - a. Streetlights must be provided on all public streets.
  - b. The spacing of streetlights must be staggered, 300 feet on-center, along both sides of the roadway.
  - c. All street lighting is subject to review and approval of the Hall County Public Works Department.
  - d. All outdoor lighting must be the semi-cutoff type.
- 2. Semi-cutoff luminaries must be used for all security lighting.

**E. Inter-parcel access.**

- 1. Inter-parcel access, joint driveways, cross access drives and access easements for non-residential development that abuts other non-residential development should be provided.
- 2. When provided, inter-parcel access must incorporate the following:
  - a. A continuous cross-access drive located in a cross-access

easement to connect adjacent parcels along the thoroughfare.

- b. A design speed of 15 mph and a two-way travel aisle with a minimum paved width of 22 feet (back of curb to back of curb). Paving, base and curb specifications must meet Hall County's standards for public streets.
- c. Driveway aprons, stub-outs and other design features indicating that abutting properties may be connected to provide cross access via a service drive.
- d. A sidewalk at least 5 feet in width on one side of the cross-access drive.
- e. New commercial developments that abut residential property must provide a sidewalk at least five feet in width to connect the two uses.

**6.2.6. Architectural Standards**

The following design guidelines and standards apply to all newly constructed buildings used for multi-family residential, office, commercial, industrial, institutional, and public purposes.

**A. General Architectural Requirements.**

- 1. Principal building entrances must face public streets except for internal buildings not directly fronting a street.
- 2. Any nonresidential building located within 150 feet of a residential or agricultural use is limited to no more than 40 feet in height as defined in Sec. 2.1.
- 3. All buildings along U.S. 129 are limited to no more than 30 feet in height as defined in Sec. 2.1.

4. All buildings along State Route 365 are limited to no more than 50 feet in height as defined in Sec. 2.1.

**B. Building Materials.**

1. The use of a common palette of building materials must be maintained for all four sides of principal buildings to create a consistent architectural identity. For nonresidential or multi-family building facades greater than 100 feet in length, variation in building materials, texture, and depth may be employed to provide design variation.
2. Buildings that are located on outparcels and all accessory buildings must be constructed of materials compatible with the principal building with which they are associated.
3. Building materials used for all four sides of new or reconstructed buildings are restricted to the following:
  - a. Brick.
  - b. Natural stone such as granite, limestone, marble or similar materials. Terra cotta or cast stone simulating natural stone is also acceptable. Painted stone is prohibited.
  - c. Split-face block/concrete masonry unit (CMU) is restricted to no more than 50 percent of the surface area of each side of a principal nonresidential building.
  - d. Split-face block/concrete masonry unit (CMU) is considered prohibited materials for any multi-family residential building.
  - e. Stucco is restricted to no more than 50 percent of the surface area of each side of a building.
  - f. Glass and glass block.

- g. Architectural metal panels are restricted to no more than 50 percent of the surface area of each side of a building.
- h. Precast or prestressed concrete may be used for industrial buildings.
- i. Exposed concrete block or painted concrete block are considered prohibited materials for any exterior wall.

4. Restrictions on the use of metal building materials does not apply to entry doors or roll-up doors.
5. The amount of permitted material must be calculated using the gross square footage of wall area for each elevation of the building, including windows, doors or other openings.

**C. Roof Materials.**

1. Materials for pitched roofs are limited to architectural grade composition shingles, natural slate, natural terra cotta, natural wood shake, or factory finished metal with standing seams. Alternative materials not listed may be used upon approval from the Director.
2. Thermoplastic Polyolefin (TPO) may be used on flat roofs.

**6.2.7. Signs**

See Sec. 8.6.18 (Signs) for applicable sign standards within the Gateway Corridor Overlay.

**6.2.8. Property Maintenance Standards**

**A. Definitions**

The following words have the meanings indicated below as used in this section 6.2.8.

**Boarding up.** Erecting, installing, placing, or maintaining boards over the doors,

windows, or other openings of any building or structure, or otherwise securing such openings by a means other than the conventional method used in the original construction and design of the building or structure.

**Code Official.** The Community Development and Infrastructure Director of Hall County or any other official charged with the administration and enforcement of this Sec. 6.2.8.

**Condemn.** To judge a structure as unfit for occupancy or use due to conditions which may pose a serious threat to the health and safety of the public or another structure or property.

**Deterioration.** To weaken, disintegrate, corrode, rust, or decay and lose effectiveness.

**Exterior property.** The open space on the premises and on adjoining property under the control of the owners or operators of such premise. Exterior property generally consists of the area outside a building or accessory structure and can include driveways, parking areas, portions of the public right-of-way, vacant lots, or adjoining property under the control of the same owner.

**Garbage.** Animal or vegetable waste resulting from the handling, preparation, cooking or consumption of food.

**Imminent danger.** A condition that could result in serious or life-threatening injury or death. As used in this section, imminent danger refers to conditions that pose a threat or danger to the building occupants or persons in the proximity of a building or premise.

**Infestation.** The presence, within or contiguous to, a structure or premises of insects, rodents, vermin or other pests.

**Inoperable motor vehicle.** A vehicle than cannot be driven upon a public street for reasons including, but not limited to, being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

**Litter.** Any organic or inorganic waste material, rubbish, refuse, garbage, trash, hulls, peelings, debris, grass, weeds, ashes, sand, gravel, slag, brickbats, metal, plastic and glass containers, broken glass, dead animals or intentionally or unintentionally discarded materials of every kind and description.

**Maintenance.** The act of keeping property, premises, buildings, structures, equipment, or vegetation in a proper condition so as to prevent their decline, failure, or uncontrolled growth.

**Marshal.** Any officer of the Hall County Marshal’s Office charged with the enforcement of County ordinances.

**Neglect.** The lack of proper maintenance for a building or structure.

**Occupant.** Any individual living or sleeping in a building, or having possession of a space within a building.

**Operator.** Any person who has charge, care or control of a structure or premise which is let or offered for occupancy. A real estate broker or salesperson licensed pursuant to Chapter 40 of Title 43 of the O.C.G.A. is not an operator for the purpose of this section unless such broker or salesperson is under contract to provide property management services to the owner of such structure or premise.

**Owner.** Any person, agent, operator, firm, or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of

the property, including but not limited to the guardian, executor, or administrator of the estate of any such person.

**Person.** An individual, corporation, partnership or any other legally recognized entity.

**Premises.** A lot, parcel of land, easement or public way, including any structures or other improvements.

**Property.** Any improved or unimproved residential or nonresidential real property, or portion thereof, situated in unincorporated Hall County and within the GCOD. Includes the buildings, structures, and improvements located on the real property regardless of condition.

**Rubbish.** Combustible and noncombustible waste materials, except garbage as defined in this Sec. 6.2.8. The term includes the residue from the burning of wood, coal and other combustible materials, paper, rags, cartons, boxes, wood, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, and dust and other similar materials.

**Strict Liability of Offense.** An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case.

**Wooded areas.** Portions of a lot consisting of dense tree growth in which the trees typically exceed 3 inches DBH.

## B. Applicability

The standards within this Sec. 6.2.8. apply to all property or portions of property within 50 feet of the right of way of the following corridors within the GCOD:

1. Friendship Road from Lanier Islands Parkway to GA-211.

2. S.R. 129/Athens Highway from the Gainesville city limits to Gillsville Highway.
3. S.R. 53/Mundy Mill Road/Winder Highway from McEver Road to GA-211.
4. S.R. 13 from the Flowery Branch city limits to Highway 53/Winder Highway.
5. McEver Road from the Buford city limits to S.R. 53/Dawsonville Highway.
6. Browns Bridge Road from the Gainesville city limits to McEver Road.
7. Candler Road from Calvary Church Road to Poplar Springs Road.
8. Cleveland Highway from the Gainesville city limits to Napone Road.
9. Spout Springs Road from the Flowery Branch city limits to Friendship Road.
10. Thompson Bridge Road from the Gainesville city limits to Price Road.
11. S.R. 53/Dawsonville Highway from the Gainesville city limits to Marina Drive.
12. S.R. 211/Old Winder Highway from Friendship Road to Winder Highway.
13. 985/365 from the county line to S.R. 52/Lula Road.

## C. Maintenance Standards

1. It is the responsibility of the owner of any dwelling, building, structure, property, or premise within the GCOD property maintenance boundaries, as detailed in Sec. 6.2.8.B., to construct and maintain any such dwelling, building, structure, property, or premise with the standards of this section and all other applicable codes within Hall County.
2. No property, building, or structure located within the GCOD property maintenance boundaries, as detailed in Sec. 6.2.8.B., may be expanded in any

manner that does not meet the standards of this section.

3. All premises must be free of litter, garbage, rubbish, inoperable vehicles, structural deterioration or neglect, and infestation.
4. Yards and premises within the GCOD property maintenance boundaries must be maintained as follows:
  - a. Required landscaping materials and any required landscape buffers must be maintained in a healthy, growing condition and must be removed and replaced when missing, dead or damaged.
  - b. Grass, weeds, or undergrowth greater than 8 inches on any lot used for residential, institutional, commercial, or industrial purposes must be trimmed or removed.
  - c. Grass, weeds, or undergrowth greater than 12 inches on any vacant or undeveloped lot must be trimmed or removed.
  - d. Wooded areas, as defined in this Sec. 6.2.8., may be exempt from the requirements of this subsection.
5. Outdoor storage must comply with the standards of Sec. 6.2.5.B.5.
6. All buildings or structures located on a property must have:
  - a. A roof impervious to the weather.
  - b. Doors and windows which are functional and free of defects.
  - c. Exterior walls which are impervious to the weather and free of defects.
  - d. Facades which are not peeling, rusted, oxidized, or exposed and unprotected.
7. When a building or structure within the GCOD property maintenance

boundaries has been damaged by fire to such an extent that it cannot be repaired, the owner must remove the remaining portion of the building or structure and all refuse, debris, or damaged materials from the premises, so as to return the property to its vacant state, within 6 months of the completion of the scene investigation by the fire department or insurer of the property.

- a. When a building or structure has been damaged by fire but is determined capable of repair, the owner must obtain a permit for repair work, and repair work must commence, within 6 months of completion of the scene investigation by the fire department or insurer of the property.
8. Vacant buildings or structures must be maintained in good repair and comply with all applicable laws, codes, and ordinances of Hall County. At a minimum, vacant structures must:
  - a. Have all doors, windows, and other openings weather-tight and secured against entry by the public as well as any animals or pests. Such structures must be secured using the conventional methods used in the original construction.
  - b. Have all roof and roof flashings maintained to an extent that no rain can penetrate the structure, ensuring appropriate drainage to prevent deterioration of interior walls or other interior portions of the structure.
  - c. Be maintained in a structurally sound state, free from rubbish, garbage, and other debris.
  - d. Be capable of bearing all loads making up the contents of the

structure, including foundation walls.

- e. Keep the exterior of the structure free of loose or rotten materials, including any holes. Exposed metal, wood, or other surfaces must be protected from the elements by appropriate weather coating materials such as paint or similar treatments.
- f. Maintain all balconies, canopies, signs, awnings, stairways, fire escapes or other overhanging extensions in good condition and appropriately anchored. Exposed wood or metal elements of such extensions must be protected from the elements by appropriate weather coating materials such as paint or similar treatments.
- g. Ensure that all accessory structures or buildings such as garages, sheds or other storage facilities meet the standards of this section.
- h. Maintain all retaining walls, drainage systems, or other structures in good condition and ensure that such structures are structurally sound, as appropriate.
9. Any structure ordered to be boarded up by the Code Official must be posted with the name, permit information, and 24-hour contact information of the property owner. The boarding of doors, windows, or other openings of any building or structure other than by the conventional method used in the

original construction and design of the building or structure must be in accordance with the specifications or methods approved by the Building Official.

**D. Enforcement**

1. If a premises is found to be in violation of these standards, the Marshal must contact the owner or occupant and provide a written notice of items necessary to bring the premises into compliance. The notice must provide a reasonable time to begin remediation and for the property to be fully compliant. The time allowed for compliance prior to enforcement may depend on the condition of the premises when the violation is observed and documented.
2. Any premise which is determined by the Marshal as not in compliance with the standards of this Sec. 6.2.8. will be ineligible for any of the following:
  - a. A new business license or alcoholic beverage license.
  - b. Renewal of a business license or alcoholic beverage license.
  - c. A building permit unless such permit is necessary to bring the property into compliance.

**6.2.9. Other Standards**

See Article 2 (Rules Common to All Districts) and Article 7 (Use Provisions) and Article 8 (Site Development) for additional standards which may be applicable.



## Sec. 6.3. Black and Cooley Drive Overlay (BCOD)

### 6.3.1. Intent

It is in the public interest to maximize efficiency of the utilization of public services, infrastructure, and facilities to achieve balanced growth and to provide opportunities for development and redevelopment of existing residential areas.

Within the residential areas of Hall County, there exists an opportunity to achieve maximum utilization of land resources that have been by-passed or under-utilized in the development of the urban area. An increase in the density normally allowed by the underlying zoning district is deemed an appropriate incentive to promote infill development and redevelopment within this urban core for single-family residential detached districts.

The specific objectives of this section are related to infill development and redevelopment within the identified boundaries of Black Drive, Cooley Drive and Jordan Drive. This area has been previously designated an Urban Redevelopment Area. The intent of the proposed Overlay District is to:

1. Accommodate growth by encouraging and facilitating new development on vacant and underutilized land in areas that already have infrastructure and utilities.
2. Encourage efficient use of land and public services in the context of existing communities.
3. Provide flexibility in development standards to facilitate infill development and redevelopment.
4. Encourage construction of housing in proximity to employment and services.

5. Promote neighborhood preservation and enhancement through redevelopment of blighted, distressed or underutilized properties.

### 6.3.2. Boundaries

This district implements the Black and Cooley Drive Overlay District also referred to as the "BCOD". The provisions of this district apply to all parcels designated within the BCOD on the Hall County Official Zoning Map.

The provisions of this Sec. 6.3. apply to all residential development and associated uses where:

1. The primary structure is constructed after June 26, 2008; or
2. At least 75 percent of the existing primary residential structure is redeveloped.

All land uses and development, including but not limited to buildings, driveways, streets, buffers, or landscaping, must be located or provided for in accordance with the provisions of the zoning regulations and land development regulations, except as modified by this section.

### 6.3.3. Applicability of Overlay Provisions

The standards set forth in this Sec. 6.3. take precedence over those of the underlying zoning regulations and other sections pertaining to zoning regulations. In any case where the standards and requirements of the BCOD conflict with those of the underlying zoning district or subdivision regulations, the standards and requirements of the BCOD govern.

### 6.3.4. Uses

- A. Uses are permitted in accordance with the underlying zoning except as listed below. See Sec. 7.2. (Allowed Use Table).
- B. The following dwelling types are not permitted in the district:
  1. Class B manufactured homes. Existing mobile homes may be upgraded with a Class A manufactured home provided all standards of Sec. 6.3.5 and Sec. 6.3.6 are met.
  2. The conversion of existing residential structures to two-family dwellings as defined in Sec. 7.3.1.

### 6.3.5. Site Development Standards

- A. The following standards are required for all new residential construction or existing dwellings when at least 75 percent of the primary structure is redeveloped.
  1. All new dwellings must have outside lighting on the front facade.
  2. Minimal plantings are required along the front facade of the dwelling.
  3. Sodded front lawns are required.
  4. Any new attached carport or garage must be consistent with the architectural character of the principal dwelling.

### 6.3.6. Architectural Standards

- A. All new development created under the BCOD must include the following minor design elements to ensure quality, compatibility, and sustainability with the existing character of the area. The standards are as follows:
  1. Front porches are required.
  2. The following design features are recommended:
    - a. Optimize privacy of residents and minimize infringement on the privacy of adjoining land uses through the strategic placement of windows, door entrances, porches, and similar structures, especially as it relates to accessory structures.
    - b. Building orientation should maintain the integrity of the streetscape and provide direct, safe access to the street.

3. Residential structures should incorporate the following design elements:
  - a. Gable roofs with a pitch not less than 4:12 along facades facing public streets.
  - b. Recessed entries along facades facing public streets.
  - c. Window shutters along facades facing public streets.
  - d. Bay or bow window with a minimum 12-inch projection along facades facing public streets.
  - e. Eaves with a minimum six-inch projection along facades facing public streets.

### 6.3.7. Accessory Structures

- A. The following apply to all accessory structures within the BCOD:
  1. Accessory structures for properties within the BCOD are the same as those allowed under the R-1 zoning designation.
  2. In no case may the accessory structure be closer to any right-of-way than the principal building.
  3. No more than two accessory structures may be allowed on one lot.

4. All accessory structures must be consistent with the architectural design and character of the primary structure.
5. Exterior stairs, doors, porches, and similar elements on accessory buildings may not face an adjacent property.

### **6.3.8. Building Placement**

- A. The following standards apply to all structures within the BCOD:
  1. The front setback must be at least 20 feet from the property line.
  2. Primary and accessory structures must be at least 5 feet from side property lines.
  3. Primary structures must be at least 10 feet from the rear property line.
  4. Accessory structures must be at least 5 feet from the rear property line.

### **6.3.9. Lot of Record Standards**

- A. Any residentially zoned property within the BCOD that was recorded by subdivision plat or deed prior to August 28, 1978, using the proper county process at that time, as well as any lot recorded by plat subsequent to August 28, 1978, may be considered a lot of record, even though the lot may have less than the minimum required area for residential districts.
- B. Lots which have been combined as a result of development crossing a property line may be resubdivided to the original platted lots.

### **6.3.10. Other Standards**

See Article 2 (Rules Common to All Districts) and Article 7 (Use Provisions) and Article 8 (Site Development) for additional standards which may be applicable.

## Sec. 6.4. Airport Overlay (AO)

### 6.4.1. Intent

Obstructions to air navigation have the potential for endangering the lives and property of users of Lee Gilmer Memorial Airport and the property or occupants of land in its vicinity. An obstruction to air navigation may affect existing and future instrument approach patterns of aircraft to Lee Gilmer Memorial Airport and may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of Lee Gilmer Memorial Airport and the public investment therein. The purpose of this zoning district is to impose height restrictions necessary to ensure that structures and natural objects will not impair flight safety or decrease the operational capability of Lee Gilmer Memorial Airport.

### 6.4.2. Definitions

The following words have the meanings indicated below as used in this Section 6.4.

**Airport.** As defined in Sec. 12.2. As used in this section 6.4., the term applies specifically to the Lee Gilmer Memorial Airport or Gilmer Memorial Airport.

**Airport elevation.** 1,277 feet above mean sea level.

**Airport reference point.** A horizontal reference point calculated in accordance with Federal Aviation Administration Advisory Circular 150/5300-4B. (For the airport configuration on July 1, 1990, the position is 34°16'22" N, 83°49'47" E.)

**Approach surface.** A surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Sec. 6.4.4 In plan the perimeter of the

approach surface coincides with the perimeter of the approach zone.

**Approach, transitional, horizontal, conical and navigable airspace zones.** Those zones as set forth in Sec. 6.4.3.

**Conical space.** A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

**Hazard to air navigation.** An obstruction determined to have substantial adverse effect on the safe and efficient utilization of the navigable airspace.

**Height.** For the purpose of determining the height limits in all zones set forth in this section, the datum shall be mean sea level elevation unless otherwise specified.

**Horizontal surface.** A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

**Larger than utility runway.** A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

**Navigable airspace.** That area of airspace greater than 200 feet above ground level or above the established airport elevation (Lee Gilmer Memorial Airport elevation of 1,277 feet plus 200 feet equals 1,477 feet), whichever is higher, within three nautical miles of the established airport reference point, which height increases in the proportion of 100 feet for each additional nautical mile of distance from the airport to a maximum of 500 feet.

**Nonconforming structure, object or use.** Any structure, object of natural growth, or use of land which lawfully exists at the time of adoption of this section and which does not conform with the provisions of this section or an amendment thereto.

**Nonprecision instrument runway.** A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

**Obstruction (or obstruction to air navigation).** Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in section Sec. 6.4.4.

**Person.** An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

**Precision [instrument runway].** A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

**Primary surface.** A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Sec. 6.4.3. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line.

**Runway.** A defined area on an airport prepared for landing and take-off of aircraft along its length.

**Structure.** Anything constructed or erected, the use of which requires permanent or semipermanent location on the ground or which is attached to something having permanent location on the ground. As used in this section 6.4., the term also applies to mobile objects constructed or installed by

man, including but not limited to buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

**Transitional surfaces.** These surfaces extend outward at 90-degree angles to the runway center line and the runway center line extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway center line.

**Tree.** Any object of natural growth.

**Utility runway.** A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

**Visual runway.** A runway intended solely for the operation of aircraft using visual approach procedures.

### 6.4.3. Airport Zones

In order to carry out the provisions of this section, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Lee Gilmer Memorial Airport. An area located in more than one of the following zones must adhere to the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

#### A. Utility runway visual approach zone.

The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its

center line is the continuation of the center line of the runway.

**B. Utility runway nonprecision instrument approach zone.**

The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its center line is the continuation of the center line of the runway.

**C. Runway larger than utility visual approach zone.**

The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its center line is the continuation of the center line of the runway.

**D. Runway larger than utility with a visibility minimum greater than three-fourths mile nonprecision instrument approach zone.**

The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its center line is the continuation of the center line of the runway.

**E. Runway larger than utility with a visibility minimum as low as three-fourths mile nonprecision instrument approach zone.**

The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its center line is the continuation of the center line of the runway.

**F. Precision instrument runway approach zone.**

The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its center line is the continuation of the center line of the runway.

**G. Transitional zones.**

The areas beneath the transitional surfaces.

**H. Horizontal zone.**

The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual and 10,000 feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

**I. Conical zone.**

The area that commences at the periphery of the horizontal zone and extends outward therefrom for a horizontal distance of 4,000 feet.

**J. Navigable airspace zones.**

These four zones are at the ends of each runway beginning at their intersection with the conical zones 200 feet above the established airport elevation as defined in Sec. 6.4.2. and expanding outwardly as shown in Table 6.4.1. below.

Table 6.4.1 Navigable Airspace Zones

			At 3 Nautical Miles		At 6 Nautical Miles	
Runway	Inner Edge Width at Elevation 1477 (feet)	Rate of Expansion	Width (feet)	Elevation (feet)	Width (feet)	Elevation (feet)
5	3,800	1,500 feet per 5,000 feet	5,040	1,477	10,150	1,777
23	3,800	1,500 feet per 5,000 feet	5,260	1,477	10,730	1,777
11	2,400	1,000 feet per 5,000 feet	3,560	1,477	7,200	1,777
29	2,400	1,000 feet per 5,000 feet	3,420	1,477	7,060	1,777

### 6.4.4. Height Limitations

Except as otherwise provided in this Sec. 6.4., no structure may be erected or altered, and no tree may be allowed to grow, in any zone created by this section to a height more than the applicable height established for such zone. Height limitations are established for each of the zones in question as follows:

**A. Utility runway visual approach zone.**

Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway center line.

**B. Utility runway nonprecision instrument approach zone.**

Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway center line.

**C. Runway larger than utility visual approach zone.**

Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway center line.

**D. Runway larger than utility with a visibility minimum greater than three-fourths mile nonprecision instrument approach zone.**

Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway center line.

**E. Runway larger than utility with a visibility minimum as low as three-fourths mile nonprecision instrument approach zone.**

Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway center line.

**F. Precision instrument runway approach zone.**

Slopes 50 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway center line; thence slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway center line.

**G. Transitional zones.**

Slope seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of 150 feet above the airport elevation. In addition, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet outward for each one foot upward beginning at the sides of and the same elevation as the approach surface and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway center line.

**H. Horizontal zone.**

Established at 150 feet above the airport elevation.

**I. Conical zone.**



Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

**J. Navigable airspace zone.**

Established at 200 feet above the airport elevation as defined in Sec. 6.4.2. and extending outward at this elevation a distance of three nautical miles from the airport reference point. At three nautical miles this zone then slopes upward at a rate of 100 feet per nautical mile and ends at six nautical miles from the airport reference point at an elevation 500 feet above the established airport elevation.

**K. Excepted height limitations.**

Nothing in this section may be construed as prohibiting the construction or maintenance of any structure or growth of any tree to a height up to 50 feet above the surface of the land.

### 6.4.5. Uses

- A. Uses are permitted in accordance with the underlying zoning except as listed below. See Sec. 7.2 (Allowed Use Table).
- B. Despite any other provisions of this section, no use may be made of land or water within any zone established by this section in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

### 6.4.6. Nonconforming Structures, Objects or Uses

- A. The regulations prescribed in this section may not be construed to require the removal, lowering, or other change or alteration of any structure not conforming to the regulations as of January 14, 1991, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein will require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to January 14, 1991, and is diligently prosecuted.
- B. Despite the preceding provision of this section, the owner of any existing nonconforming structure must permit the installation, operation, and maintenance of any markers and lights as deemed necessary by the county administrator or their designee to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport construction. Such markers and lights must be installed, operated, and maintained at the expense of the City of Gainesville as the owner of the airport.

### 6.4.7. Permits

- A. No new structure may be erected or otherwise established unless a permit has been applied for and granted as provided in Sec. 11.2. Each application for a permit must indicate the purpose for which the permit is desired, with sufficient information to determine whether the resulting use, structure, or tree would conform to the regulations herein. No permit for a use inconsistent with the provisions of this section may be granted unless a variance has been approved in accordance with paragraph D below and any applicable provisions of Sec. 11.2.

- B. No permit may be granted that would allow the establishment or creation of an obstruction or permit a nonconforming structure to become a greater hazard to air navigation than it was on the effective date of this section or any amendments thereto or than it is when the application for a permit is made.
- C. Whenever the county administrator, or their designee, determines that a nonconforming structure has been abandoned or more than 50 percent removed, physically deteriorated, or decayed, no permit may be granted that would allow such structure to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- D. Any person desiring to erect or increase the height of any structure not in accordance with the regulations prescribed in this Sec. 6.4. may apply to the Planning Commission for a variance from such regulations. The application for variance must be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. No application for variance to the requirements of this section may be considered by the Planning Commission unless a copy of the application has been furnished to the airport manager for advice as to the

aeronautical effects of the variance. If the airport manager does not respond to the application within 15 days after receipt, the Planning Commission may act without their review to grant or deny said application. In addition to the criteria established by Sec. 11.1.1.D. as grounds for granting a variance, the Planning Commission must also make a finding, before a variance may be granted, that the relief granted will not create a hazard to air navigation as defined by the Federal Aviation Administration.

- E. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this section and be reasonable in the circumstances, be so conditioned as to require the owner of the structure in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Planning Commission, this condition may be modified to require the owner to request the City of Gainesville, as the owner of the airport, to install, operate, and maintain the necessary markings and lights at its own expense.

#### 6.4.8. Other Standards

See Article 2 (Rules Common to All Districts) and Article 7 (Use Provisions) and Article 8 (Site Development) for additional standards which may be applicable.

## Sec. 6.5. Protected Water Supply Watershed Overlay

### 6.5.1. Intent

The purpose and intent of these overlay zones is to conserve natural resources or realize development objectives without unduly disturbing the expectations created by the Unified Development Code. The existing zoning provisions may properly regulate the relevant district, in general, but more specific and targeted provisions contained in an overlay district are needed to accomplish pressing land use objectives related to the conservation of fragile natural resources. These resources include, but are not limited to, ground water recharge areas, water supply watershed and wetlands.

### 6.5.2. Definitions

The following words have the meanings indicated below as used in this section 6.5.

**Aquifer.** Any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well.

**Buffer.** A natural or landscaped open space or screen for buffering incompatible land uses or to visibly separate uses through distance to shield or block noise, light, glare, or visual or other nuisances; that portion of a given lot, not covered by buildings, pavement, parking, access and service areas, established for the purpose of screening and separating properties with incompatible land uses, width of which is measured from the common property line and extending the developed portion of the common property line. A buffer consists of trees, shrubs and other natural vegetation undisturbed by grading or site development and replanted where sparsely vegetated or where disturbed for approved access and utility crossings.

**Buffer, undisturbed.** An undisturbed buffer is one left in a natural state or augmented with plantings to achieve the goal of buffering.

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

**Generalized wetlands maps.** All wetlands within the jurisdiction of Hall County, Georgia, as indicated on the National Wetlands Inventory Maps. Disclaimer Language: The generalized wetlands map does not necessarily represent the boundaries of jurisdictional wetlands within Hall County and cannot serve as a substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended.

**Hazardous waste.** Any solid waste which has been defined as a hazardous waste in regulations, promulgated by the administrator of the U.S. Environmental Protection Agency pursuant to the federal act, which are in force and effect on February 1, 1988, codified as 40 C.F.R. Section 261.3.

**Impervious surface.** Man-made structures or surfaces which prevent the infiltration of stormwater into the ground below the structure or surface. Examples include, but are not limited to, buildings, roads, driveways, parking lots, decks, swimming pools or patios.

**Intake.** The intake for the purpose of determining the watershed above the intake is the structure by which water will be removed from the North Oconee River and pumped to the reservoir, and will be located in the approximate area of the intersection of the Buffington Mill Creek and the North Oconee River.

**Jurisdictional wetlands.** An area that meets the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineers.

**Jurisdictional wetlands determination.** A delineation of jurisdictional wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, 33 U.S.C. § 1344, as amended.

**Land-disturbing activity.** Any grading, scraping, excavating, or filling of land; clearing of vegetation; and any construction, rebuilding, or alteration of a structure. Land-disturbing activity does not include ordinary maintenance and landscaping operations, individual home gardens, yard and grounds upkeep, repairs, additions or minor modifications to a single-family dwelling, or the cutting of firewood for personal use.

**Overlay district.** A zoning district that encompasses one or more underlying districts and imposes additional requirements above those required by the underlying district.

**Perennial stream.** A stream which flows throughout the entire year as indicated by a solid blue line on the most current USGS 7½ minute topographic series map.

**Pollution susceptibility.** The relative vulnerability of an aquifer to being polluted from spills, discharge, leaks, impoundments, application of chemicals, injections and other human activities in the recharge area.

**Pollution susceptibility maps.** Maps prepared by the Department of Natural Resources showing relative vulnerability of aquifers to pollution. Pollution susceptibility maps categorize the land areas of the state into areas having high, medium and low groundwater pollution potential.

**Recharge areas.** Any portion of the earth's surface where water infiltrates into the ground to replenish an aquifer.

**Regulated activity.** Any activity which will, or which may reasonably be expected to, result in the discharge of dredged or fill material into waters of the U.S., excepting those activities exempted in Section 404 of the Federal Clean Water Act.

**Reservoir boundary.** The edge of a water supply reservoir defined by its normal pool level.

**Significant recharge areas.** Those areas mapped by the Department of Natural Resources in Hydrologic Atlas 18 (1989 edition). Mapping of recharge areas is based on outcrop area, lithology, soil type and thickness, slope, density of lithologic contacts, geologic structure, the presence or karst, and potentiometric surfaces. Significant recharge areas for Hall County are typified by those in the Piedmont and Blue Ridge, where rocks have primary porosity, with most groundwater being stored in the overlying soils.

**Utility.** Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, stormwater systems, railroads or other utilities identified by a local government.

**Water supply reservoir.** A governmentally owned impoundment of water for the primary purpose of providing water to one or more governmentally owned public drinking water systems. This excludes multi-purpose reservoirs owned by the U.S. Army Corps of Engineers.

**Water supply watershed.** The area of land upstream of a governmentally owned public drinking water intake.

**Water supply watershed protection plan.** A land use plan prepared and adopted by a local government for the protection of the quality of drinking water obtained from the watershed.

**Wetland protection district.** All wetlands within Hall County which are indicated on the wetlands protection district overlay map as "wetlands providing significant wildlife habitat and/or which may be subject to extensive mitigation."

**Wetlands.** Those areas that are inundated or saturated by surface or groundwater at a frequency and duration to support, and that

under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, and that meets the definition of natural conditions. Wetlands may include any area delineated as a wetland by the United States Army Corps of Engineers under their jurisdiction pursuant to Section 404 of the Federal Clean Water Act as amended; or any area shown on a 1:24,000 scale, United States Fish and Wildlife Service National Wetland Inventory Map as being a wetland; or any area shown on a 1:24,000 scale, Georgia Department of Natural Resources land cover database map as being a wetland.

**Wetlands, freshwater.** A wetland, as defined in this Sec. 6.5.2., that does not include any areas defined as "coastal marshlands" by the State Coastal Marshlands Protection Act.

**6.5.3. District Classifications**

- A. The following are classified as Protected Water Supply Overlay Districts for the purposes of this section:
  - 1. North Oconee Water Supply Watershed District
  - 2. Protected Groundwater Recharge Area District
  - 3. Wetland Protection District

**6.5.4. North Oconee Water Supply Watershed District Standards**

The North Oconee River Small Water Supply Watershed Overlay District is hereby designated and consist of the land areas that drain to the North Oconee River public water supply intake and water supply reservoir. The boundaries of this overlay are defined by the ridgelines of the respective watershed and the boundary of a radius of seven miles upstream of the respective water supply intake. This district may be further delineated and defined on the Water Supply Watershed Protection Overlay Map of the Hall County Official Zoning

Map, which is hereby incorporated and made a part of this UDC by reference.

**A. Use Standards**

- 1. Permitted uses for perennial stream corridors within a seven mile radius upstream of the North Oconee River public drinking water supply intake include all uses allowed in the underlying zoning districts, except for those listed in Sec. 6.5.4.A.3, subject to the following standards:
  - a. A buffer must be maintained for a distance of at least 100 feet on both sides of the stream as measured from the stream banks.
  - b. No impervious surface may be constructed within a 150-foot setback area on both sides of the stream as measured from the stream banks. Septic tanks and septic tank drainfields are not permitted in this setback.
- 2. Permitted uses for perennial stream corridors outside a seven mile radius upstream of the North Oconee public drinking water supply intake include all uses allowed in the underlying zoning districts, except for those listed in Sec. 6.5.4.A.3., subject to the following standards:
  - a. A buffer must be maintained for a distance of at least 50 feet on both sides of the stream as measured from the stream banks.
  - b. No impervious surface may be constructed within a 75-foot setback area on both sides of the stream as measured from the stream banks. Septic tanks and septic tank drainfields are not permitted in this setback.
- 3. The following criteria apply to all locations in the North Oconee water supply watershed:

- a. The impervious surface area, including all public and private structures, utilities, or facilities, of the entire water supply watershed is limited to 25 percent of the lot area or existing use, whichever is greater.
  - b. New hazardous waste treatment or disposal facilities are not permitted.
  - c. New sanitary landfills are allowed only if they have synthetic liners and leachate collection systems.
  - d. New facilities located within seven miles of a water supply intake or water supply reservoir which handle hazardous material of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and amounts of 10,000 pounds or more on any one day, must perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements or the requirements of the Standard Fire Prevention Code.
- a. Agricultural activities involving the planting and harvesting of crops or the raising of poultry and livestock are exempted if they conform to the best management practices established by the Georgia Department of Agriculture, and the activity does not impair the quality of the drinking water system.
  - b. Silviculture activities must conform to the best management practices established by the Georgia Forestry Commission and not impair the quality of the drinking water system.
- 3. Utilities.
    - a. Utilities must be located as far as reasonably possible from the perennial stream bank and must not impair the quality of the drinking water stream.
    - b. Utilities must be installed and maintained without changing the integrity of the buffer and setback areas as much as possible.

**6.5.5. Protected Groundwater Recharge Area District Standards**

The protected groundwater recharge area overlays are hereby designated and consist of all lands within the jurisdiction of Hall County, Georgia that are mapped as significant recharge areas by the Georgia Department of Natural Resources in Hydrologic Atlas 18, 1989 edition and any amendments to the Atlas after the listed date. These districts may be further delineated and defined on the Ground Water Recharge Area Protection Overlay Map of the Hall County Official Zoning Map, which is hereby incorporated and made a part of this UDC by reference.

**A. Use Standards.**

**B. Exemptions**

The following uses are exempt from the stream corridor buffer and setback requirements:

- 1. Land uses existing prior to March 22, 2001, are exempt from the provisions of water supply watershed protection plans. Any existing structure which is nonconforming with respect to the setback, buffer or impervious surface requirements of this section may be reestablished if damaged or destroyed, provided the degree of nonconformity is not increased with the construction of the replacement structure.
- 2. Forestry and agricultural activities.

All uses allowed in the underlying zoning districts, except for those listed as prohibited uses below, are permitted in a significant protected groundwater recharge area overlay, subject to the following conditions and standards:

1. The Department of Natural Resources may not issue any permits for new sanitary landfills not having synthetic liners and leachate collection systems.
2. The Department of Natural Resources may not issue any new permits for the land disposal of hazardous waste.
3. The Department of Natural Resources may require all new facilities permitted or to be permitted to treat, store, or dispose of hazardous waste to perform such operations on an impermeable pad having a spill and leak collection system.
4. New above-ground chemical or petroleum storage tanks, having a minimum volume of 660 gallons, must have secondary containment for 110 percent of the volume of such tanks or 110 percent of the volume of the largest tank in a cluster of tanks. (Note: These figures are consistent with US EPA rules for oil pollution prevention, 40 CFR 112.1.) Such tanks used for agricultural purposes are exempt, provided they comply with all federal requirements.
5. New agricultural waste impoundment sites must be lined if they are within:
  - a. A high pollution susceptibility area.
  - b. A medium pollution susceptibility area and exceed 15 acre-feet.
  - c. A low pollution susceptibility area and exceed 50 acre-feet.

As a minimum, the liner must be constructed of compacted clay having a thickness of one-foot and a vertical hydraulic conductivity of less than 5 x

10<sup>-7</sup> cm/sec or other criteria established by the Natural Resources Conservation Service. (The average size of existing agricultural waste impoundments in Georgia is about 15 acre-feet; sheeps-foot rollers or pans with heavy rubber tires, which are normal equipment for most Georgia earth moving contractors, should be able to compact clay to the recommended vertical hydraulic conductivity.)

6. New homes served by a septic tank or drain field system must be on lots having minimum size limitations as follows, based on application of Table MT-1 of the Department of Public Health Manual (DPH Table MT-1). The minimums set forth in DPH Table MT-1 may be increased further based on consideration of other factors (set forth in Sections A-F) of the DPH Manual.
  - a. 150 percent of the district minimum lot size calculated based on application of DPH Table MT-1 if they are within a high pollution susceptibility area.
  - b. 125 percent of the district minimum lot size calculated based on application of DPH Table MT-1 if they are within a medium pollution susceptibility area.
  - c. 110 percent of the district minimum lot size calculated based on application of DPH Table MT-1 if they are within a low pollution susceptibility area.
7. New manufactured home parks served by septic tank or drain field systems must have lots or spaces having the following size limitations as follows, based on application of Table MT-2 of the Department of Public Health Manual (DPH Table MT-2). The minimums set forth in DPH Table MT-2 may be increased further based on

consideration of other factors (set forth in sections A—F) of the DPH manual.

- a. 150 percent of the subdivision minimum lot or space size calculated based on application of DPH Table MT-2 if they are within a high pollution susceptibility area.
- b. 125 percent of the subdivision minimum lot or space size calculated based on application of DPH Table MT-2 if they are within a medium pollution susceptibility area.
- c. 110 percent of the subdivision minimum lot or space size calculated based on application of DPH Table MT-2 if they are within a low pollution susceptibility area.

Each recharge area may be determined to have a pollution susceptibility of high, medium, or low based on the Georgia Pollution Susceptibility Map, Hydrologic Atlas 20, 1992 edition. Said map is hereby adopted and made a part of this section.

8. If Hall County requires a larger lot size than required by this Sec. 6.5.5. for homes or manufactured homes, the larger lot size must be used.
9. No construction may proceed on a building or manufactured home to be served by a septic tank unless the Hall County Health Department first approves the proposed septic tank installation as meeting the requirements of the DPH Manual and this Sec. 6.5.5.
10. New facilities which handle hazardous material of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and amounts of ten thousand (10,000) pounds or more on any one day, must

perform their operations on impervious surfaces in conformance with any applicable federal spill prevention requirements or the requirements of the Standard Fire Prevention Code.

11. The Department of Natural Resources may require conservative design in any new permits for the spray irrigation of wastewater or the land spreading of wastewater sludge in areas having high pollution susceptibility. This may be accomplished by comparing the Department's Criteria for Slow Rate Land Treatment (February, 1986 or latest edition) with amendments and other technical publications to site specific information submitted by a registered professional engineer for each project.
  12. Permanent stormwater infiltration basins may not be constructed in areas having high pollution susceptibility.
  13. Exclusive of mining settling basins, new wastewater treatment basins must have an impermeable liner in areas having high pollution susceptibility.
- B. Any lot of record approved prior to the date of the adoption of this resolution may be exempt from the lot size standards in 6. and 7. above.

### 6.5.6. Wetland Protection District Standards

Wetland protection district overlays are hereby designated and consist of all wetlands as indicated on the generalized wetlands map, as defined herein and located within the jurisdiction of Hall County. These districts may be further delineated and defined on the Wetland Protection District Overlay Map of the Hall County Official Zoning Map, which is hereby incorporated and made a part of this UDC by reference.



The generalized wetland map is a general reference document and wetland boundaries indicated on the map are approximations. The purpose of the generalized wetland map is to alert developers or landowners if they are within proximity to a wetland, which means that there is a high likelihood of the presence of a jurisdictional wetland and a need for the developer or landowner to seek U.S. Army Corps of Engineers guidance as to whether a Section 404 Permit will be required prior to any activity. The generalized wetland map does not necessarily represent the exact boundaries of jurisdictional wetlands within Hall County and cannot serve as a substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended. Any local government action under this section does not relieve the landowner from federal and state permitting requirements.

**A. Local development permits.**

1. No regulated activity may be permitted within the wetland protection district without prior approval by Hall County in the form of a local development permit. Issuance of a local development permit is contingent on full compliance with the terms of this Sec. 6.5. and all other applicable regulations. All activities which are not exempted below are prohibited without prior issuance of a local development permit.
2. Prior to the issuance of a local development permit, the Director of Planning and Zoning must assess whether the proposed activity is of a type that could result in a disturbance of wetlands and, if so, must also assess whether the proposed activity is located with the wetland protection district or within 50 feet of the district.
3. If the Director of Planning and Zoning determines that the proposed activity

is of a type that could not result in a disturbance of wetlands, or if the proposed activity is not located within the wetland protection district or within 50 feet of the wetland protection district, the normal procedures for issuing a development permit must be followed.

4. If the Director of Planning and Zoning determines that the proposed activity is of a type that could result in a disturbance of wetlands and that the proposed activity is located within the wetland protection district, or within 50 feet of the wetland protection district, a U.S. Army Corps of Engineers jurisdictional wetland determination must be required prior to issuance of a local development permit.
  - a. If the U.S. Army Corps of Engineers determines that a Department of the Army permit is required, a local development permit may be issued only following issuance of the Department of Army permit.
  - b. If the U.S. Army Corps of Engineers determines that the proposed activity would not require a Department of Army permit, the Department of Planning and Zoning may proceed with normal procedures for issuing a local development permit.

**B. Uses**

1. All uses allowed in the underlying zoning districts, except for those listed as prohibited uses in Sec. 6.5.6.C, are permitted in the wetland protection district overlay subject to the following standards:
  - a. No development permit may be issued on a project that appears to contain wetlands until a determination has been made by the Army Corps of Engineers on whether jurisdictional wetlands

exist on the site. If there are jurisdictional wetlands on the site that will be disturbed by the proposed development, the applicant must obtain a wetlands alteration Section 404 permit from the corps of engineers.

- b. If a project appears to contain wetlands, the following note must be printed in bold-face type on all development plans: “This site contains wetlands. The applicant will first obtain a wetland alteration Section 404 permit from the Corps of Engineers prior to disturbing any jurisdictional wetlands.”
  - c. Use of wetland areas without long term impairment is permitted. Acceptable uses may include:
    - i. Timber production and harvesting.
    - ii. Wildlife and fisheries management.
    - iii. Wastewater treatment.
    - iv. Recreational uses.
    - v. Natural water quality treatment or purification.
    - vi. Other uses permitted under Section 404 of the Clean Water Act.
- C. In the Wetland Protection District Overlay, the following are considered prohibited uses:
- 1. Receiving areas for toxic or hazardous waste or other contaminants.
  - 2. Hazardous or sanitary waste landfills.

**6.5.7. Other Standards**

See Article 2 (Rules Common to All Districts) and Article 7 (Use Provisions) and Article 8 (Site Development) for additional standards which may be applicable.

# Article 7. Use Provisions

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## Sec. 7.1. Use Classification

### 7.1.1. Principal Uses

- A. In order to regulate a variety of similar uses, use categories have been established for principal uses. Use categories provide a systematic basis for assigning uses to appropriate categories with other, similar uses. Use categories classify principal uses and activities based on common functional, product or physical characteristics.
- B. Where a use category contains a list of included uses, the list is to be considered example uses, and not all-inclusive. The Director has the responsibility for categorizing all uses.
- C. The allowed use table in Sec. 7.2. establishes permitted uses by zoning district. No building or lot may be used except for a purpose permitted in the district in which it is located. Principal uses not specifically listed must be approved by the Director in accordance with Sec. 7.1.4.
- D. Permitted uses may be further restricted as specified in Article 6 (Special and Overlay Districts).
- E. Use definitions and use standards for principal uses are specified in Sec. 7.3. (Residential Uses) through Sec. 7.7. (Agricultural Uses).

### 7.1.2. Accessory Uses

- A. An accessory use is any use that is subordinate in both purpose and size, incidental to and customarily associated with a permitted principal use located on the same lot.
- B. The allowed use table in Sec. 7.2. establishes permitted accessory uses by district, except as may be further

restricted in Article 6 (Special and Overlay Districts).

- C. Use definitions and use standards for accessory uses are specified in Sec. 7.8.

### 7.1.3. Temporary Uses

- A. A temporary use is a use that is in place for a limited period only.
- B. The allowed use table in Sec. 7.2. establishes permitted accessory uses by district, except as may be further restricted in Article 6 (Special and Overlay Districts).
- C. Use definitions and use standards for temporary uses are specified in Sec. 7.9.

### 7.1.4. Principal Uses Not Listed

- A. A principal use not specifically listed is prohibited unless the Director determines the use to be part of a use category as described below.
- B. The Director is responsible for categorizing all principal uses. If a proposed use is not listed but is similar to a listed use, the Director may consider the proposed use part of that use category. When determining whether a proposed use is similar to a listed use, the Director must consider the following criteria:
  1. The actual or projected characteristics of the proposed use;
  2. The relative amount of site area or floor area and equipment devoted to the proposed use;
  3. Relative amounts of sales;
  4. The customer type;
  5. The relative number of employees;
  6. Hours of operation;
  7. Building and site arrangement;

8. Types of vehicles used and their parking requirements;
  9. The number of vehicle trips generated;
  10. How the proposed use is advertised;
  11. The likely impact on surrounding properties; and
  12. Whether the activity is likely to be found independent of the other activities on the site.
- C. Where a use not listed is found by the Director not to be similar to any other permitted use, the Director may petition the Planning Commission for review and consideration of such determination. (See Sec. 11.2.).
- D. Where a use not listed is found by the Planning Commission not to be similar to any other permitted use, the use is only permitted following a text amendment to this UDC.

#### 7.1.5. Accessory Uses Not Listed

- A. An accessory use not specifically listed is prohibited unless the Director determines the accessory use:
1. Is clearly incidental to and customarily found in connection with an allowed principal use;
  2. Is subordinate to and serving an allowed principal use;
  3. Is subordinate in area, extent, and purpose to the principal use served;
  4. Contributes to the comfort, convenience or needs of occupants, business or industry in the principal use served; and
  5. Is located on the same lot as the principal use served.

#### 7.1.6. Legacy Uses

An applicant may establish or expand a business in any zoning district where the

below criteria are met, irrespective of the limitations of the Allowed Use Table in Sec. 7.2. These criteria are intended to allow existing commercial buildings to be utilized to incubate small businesses and artisans reflective of their traditional roles as community focal points, as a tool for economic development, and as an important component of the local identity.

- A. Legacy Uses are considered conditional uses permits and as such are subject to approval from the Planning Commission in accordance with Sec. 11.2.
- B. The use is limited to any of the following:
1. Restaurant.
  2. General retail.
  3. Craft manufacturing.
  4. Office.
- C. The use will occupy a principal building constructed prior to January 1, 1978; which was built or modified to include commercial space that faces and is directly accessible from the adjacent public right-of-way; and where it can be shown that a lawful commercial use occupies, or previously occupied, the commercial space.
- D. The use must meet all parking requirements of this UDC.
- E. The use may re-use an existing nonconforming sign, but new signs must comply with the sign provisions of this UDC. Request for re-use of such nonconforming signs must be included in the application for Legacy Use submitted to the Department of Planning and Zoning.
- F. Any nonconforming outdoor lighting, fence, or parking lot must be brought into conformance with this UDC prior to the issuance of a certificate of occupancy.

### 7.1.7. Use Table Key

#### A. Permitted Use (P)

Indicates a use is permitted in the respective district. The use is also subject to all other applicable requirements of this UDC.

#### B. Special Use (SU)

Indicates a use may be permitted in the respective district only where approved by the County Board of Commissioners in accordance with Sec. 11.2. Special uses are subject to all other applicable requirements of this UDC, including any applicable use standards, except where the use standards are expressly modified by the County Commission as part of the approval.

#### C. Conditional Use Permit (CUP)

Indicates a use is permitted in the respective district only when approved by the Planning Commission and subject to all other applicable requirements of this UDC, including the standards for such uses, except where the use standards are expressly modified by the Planning Commission as a part of the conditional use permit approval.

#### D. Use Not Permitted

A "--" in a cell indicates that a use is not permitted in the respective district.

## Sec. 7.2. Allowed Use Table

<b>Key:</b> P = Permitted Use SU = Special Use CUP = Conditional Use Permit “-” = Not permitted																
	Rural		Residential							Mixed-Use & Business						
Use Category Specific Use	AG-1	AR-1	V-C	R-1-L	R-1	R-TF	R-X	R-MF	MHP	O-I	S-S	H-B	M-U	I-1	I-2	Definition/ Standards
<b>Residential Uses</b>																
All household living, as listed below:																Sec. 7.3.1.A
Single-family detached dwelling	P	P	P	P	P	P	P	P	P	CUP	--	--	P	--	--	Sec. 7.3.1.B
Mobile home	P	P	--	P	--	--	--	--	P	--	--	--	--	--	--	Sec. 7.3.1.C
Manufactured home	P	P	--	P	--	--	--	--	P	--	--	--	--	--	--	Sec. 7.3.1.D
Two-family dwelling	--	--	--	--	--	P	P	P	--	CUP	--	--	P	--	--	Sec. 7.3.1.E
Townhouse	--	--	--	--	--	--	P	P	--	CUP	--	--	P	--	--	Sec. 7.3.1.F
Multi-family dwellings	--	--	--	--	--	--	P	P	--	CUP	--	--	P	--	--	Sec. 7.3.1.G
Live-Work	SU	SU	SU	SU	SU	SU	SU	SU	SU	CUP	--	--	CUP	--	--	Sec. 7.3.1.H
Cottage Court	--	--	--	--	--	--	CUP	--	--	--	--	--	CUP	--	--	Sec. 7.3.1.I
All group living, as listed below:																Sec. 7.3.2
Boardinghouse	SU	SU	SU	SU	SU	--	SU	SU	--	--	--	--	--	--	--	Sec. 7.3.2.B
Community Residence	P	P	P	P	P	P	P	P	P	--	--	--	--	--	--	Sec. 7.3.2.C
Group home	SU	SU	SU	SU	SU	--	SU	SU	--	--	--	--	--	--	--	Sec. 7.3.2.D
Institutional residential	SU	SU	SU	SU	SU	SU	SU	SU	--	P	--	--	--	--	--	Sec. 7.3.2.E
Emergency Shelter	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	--	--	Sec. 7.3.2.F
<b>Public/Institutional Uses</b>																
All civic, as listed below:																Sec. 7.4.1.A
Fraternal organization and club, non-profit	--	CUP	CUP	--	--	CUP	--	CUP	--	P	P	P	P	P	P	Sec. 7.4.1.B
Place of worship	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 7.4.1.C
Community center	SU	SU	SU	SU	SU	SU	SU	SU	SU	P	P	P	P	P	P	Sec. 7.4.1.D



<b>Key:</b> P = Permitted Use SU = Special Use CUP = Conditional Use Permit “-” = Not permitted																
	Rural		Residential							Mixed-Use & Business						
Use Category Specific Use	AG-1	AR-1	V-C	R-1-L	R-1	R-TF	R-X	R-MF	MHP	O-I	S-S	H-B	M-U	I-1	I-2	Definition/ Standards
Colleges, public or private	P	--	--	--	--	--	--	--	--	P	P	P	P	P	--	Sec. 7.4.1.E
Non-profit private clubhouse	P	P	P	P	P	P	P	P	P	--	--	--	P	--	--	Sec. 7.4.1.F
Public buildings and uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 7.4.1.G
Museum, library, private	SU	SU	SU	SU	SU	SU	SU	SU	SU	P	P	P	P	P	--	Sec. 7.4.1.H
School, private	SU	SU	SU	SU	SU	SU	SU	SU	SU	P	P	P	P	P	--	Sec. 7.4.1.I
All parks and open space, as listed below:																Sec. 7.4.2.A
Cemetery, private	SU	SU	SU	SU	SU	SU	SU	SU	--	--	P	P	--	P	P	Sec. 7.4.2.B
Marina	SU	SU	SU	SU	SU	SU	SU	SU	--	--	P	P	P	P	P	Sec. 7.4.2.C
Parks, plaza, square	P	P	P	P	P	P	P	P	P	P	P	P	P	--	--	Sec. 7.4.2.D
Playground	--	--	--	--	--	--	--	--	--	SU	SU	SU	SU	--	--	Sec. 7.4.2.E
Open space, private	P	P	P	P	P	P	P	P	P	P	P	P	P	--	--	Sec. 7.4.2.F
Major utilities, private	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	Sec. 7.4.3
Major utilities, public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 7.4.3
Small wireless facilities and antennas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 7.4.4
Telecommunications antennas and towers	SU	SU	--	--	--	--	--	--	--	--	SU	SU	--	SU	SU	Sec. 7.4.5
<b>Commercial Uses</b>																
Adult establishment	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	Sec. 7.5.1
All day care, as listed below:																Sec. 7.5.2
Adult care centers	SU	SU	SU	SU	SU	SU	SU	SU	--	P	--	--	P	P	P	Sec. 7.5.2.B
Day care centers	SU	SU	SU	SU	SU	SU	SU	SU	SU	P	P	P	P	P	--	Sec. 7.5.2.C
Family day care facility	P	P	P	P	P	P	P	P	P	SU	--	--	P	--	--	Sec. 7.5.2.D

<b>Key:</b> P = Permitted Use SU = Special Use CUP = Conditional Use Permit “-” = Not permitted																
	Rural		Residential							Mixed-Use & Business						
Use Category Specific Use	AG-1	AR-1	V-C	R-1-L	R-1	R-TF	R-X	R-MF	MHP	O-I	S-S	H-B	M-U	I-1	I-2	Definition/ Standards
Group day care facility	SU	SU	SU	SU	SU	SU	SU	SU	--	P	P	P	P	P	--	Sec. 7.5.2.E
Nursery, kindergarten	SU	SU	SU	SU	SU	SU	SU	SU	SU	P	P	P	P	P	--	Sec. 7.5.2.F
All event facilities	SU	SU	SU	--	--	--	--	--	--	SU	SU	SU	SU	SU	--	Sec. 7.5.3
Indoor Recreation, except as listed below:	--	--	--	--	--	--	--	--	--	CUP	P	P	P	P	P	Sec.7.5.4
Commercial amusement, indoor	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	Sec. 7.5.4.B
Concert hall, auditorium	--	--	--	--	--	--	--	--	--	CUP	P	P	CUP	P	P	Sec. 7.5.4.C
Indoor shooting range	--	--	--	--	--	--	--	--	--	SU	--	SU	--	P	P	Sec.7.5.4.E
Theater	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	Sec.7.5.4.G
Hotels, motels	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	Sec. 7.5.5.B
Bed and breakfast	CUP	CUP	CUP	CUP	CUP	CUP	CUP	--	--	--	--	CUP	CUP	--	--	Sec. 7.5.5.C
All medical, except as listed below:	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	Sec. 7.5.6
Hospital	--	--	--	--	--	--	--	--	--	SU	--	SU	--	SU	--	Sec. 7.5.6
All office, except as listed below	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	Sec. 7.5.7.A
Financial institutions	--	--	--	--	--	--	--	--	--	P	P	P	P	--	--	Sec. 7.5.7.B
Radio, film, recording, and television studios and stations	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	Sec. 7.5.7.C
Trade, vocational, business school	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	Sec. 7.5.7.D
All personal service, except as listed below:	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	Sec. 7.5.8.A
Animal care (indoor)	CUP	CUP	--	--	--	--	--	--	--	P	P	P	CUP	P	P	Sec. 7.5.8.B

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Use Category	AG-1	AR-1	V-C	R-1-L	R-1	R-TF	R-X	R-MF	MHP	O-I	S-S	H-B	M-U	I-1	I-2	Definition/Standards
Specific Use																
Animal care (outdoor)	CUP	CUP	--	--	--	--	--	--	--	CUP	CUP	P	--	P	P	Sec. 7.5.8.C
Catering service	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	Sec. 7.5.8.D
Funeral home	--	--	--	--	--	--	--	--	--	P	--	P	--	P	P	Sec. 7.5.8.F
Private morgue, mortuary, crematorium	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	Sec. 7.5.8.G
Laundry and Dry Cleaning	--	--	--	--	--	--	--	--	--	--	P	P	--	P	P	Sec. 7.5.8.H
Psychic, fortune teller	--	--	--	--	--	--	--	--	--	--	--	SU	--	P	P	Sec. 7.5.8.L
Tattoo parlor or body piercing	--	--	--	--	--	--	--	--	--	--	SU	SU	--	SU	SU	Sec. 7.5.8.N
Outdoor recreation, except as listed below:	--	--	--	--	--	--	--	--	--	SU	SU	SU	SU	SU	SU	Sec. 7.5.9
Outdoor shooting range	--	--	--	--	--	--	--	--	--	--	--	--	--	SU	SU	Sec. 7.5.9.B
Travel trailer park, campground, recreational vehicle park	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	--	--	--	--	--	--	--	Sec. 7.5.9.C
All eating and drinking, except as listed below:	--	--	--	--	--	--	--	--	--	SU	P	P	P	--	--	Sec. 7.5.10.A
Brewpub	--	--	--	--	--	--	--	--	--	--	SU	SU	SU	SU	--	Sec. 7.5.10.B
Drive-in restaurant	--	--	--	--	--	--	--	--	--	--	P	P	SU	--	--	Sec. 7.5.10.C
All retail, except as listed below:	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--	Sec. 7.5.11.A
Bakery	CUP	CUP	--	--	--	--	--	--	--	--	P	P	P	--	--	Sec. 7.5.11.C
Pawn shop, pawn broker, title pawn, title loan, check cashing	--	--	--	--	--	--	--	--	--	--	SU	SU	SU	P	P	Sec. 7.5.11.D
Smoke or vape shop	--	--	--	--	--	--	--	--	--	--	SU	SU	SU	P	P	Sec. 7.5.11.E

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All vehicular, as listed below:																Sec. 7.5.12
Boat and recreational vehicle sales, rental, or service	--	--	--	--	--	--	--	--	--	--	P	P	SU	P	P	Sec. 7.5.12.B
Car wash	--	--	--	--	--	--	--	--	--	--	P	P	SU	P	P	Sec. 7.5.12.C
Fuel sales	--	--	--	--	--	--	--	--	--	--	SU	SU	SU	P	P	Sec. 7.5.12.D
Service Station	--	--	--	--	--	--	--	--	--	--	SU	SU	SU	P	P	Sec. 7.5.12.E
Truck stop	--	--	--	--	--	--	--	--	--	--	--	SU	--	P	P	Sec. 7.5.12.F
Vehicle sales, rental, or auction	--	--	--	--	--	--	--	--	--	--	--	P	--	P	P	Sec. 7.5.12.F
Vehicle repair, minor	--	--	--	--	--	--	--	--	--	--	SU	P	--	P	P	Sec. 7.5.12.H
Vehicle repair, major	--	--	--	--	--	--	--	--	--	--	--	SU	--	P	P	Sec. 7.5.12.I
<b>Industrial Uses</b>																
All craft manufacturing	CUP	CUP	--	--	--	--	--	--	--	--	CUP	CUP	--	P	P	Sec. 7.6.1
All data center	--	--	--	--	--	--	--	--	--	--	--	--	--	SU	SU	Sec. 7.6.2
All heavy industrial, except as listed below	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	Sec. 7.6.3
Asphalt emulsion	--	--	--	--	--	--	--	--	--	--	--	--	--	SU	SU	Sec. 7.6.3.B
Airport	--	--	--	--	--	--	--	--	--	--	--	--	--	--	SU	Sec. 7.6.3.A.1
Airfield, private	SU	SU	--	--	--	--	--	--	--	--	--	--	--	--	SU	Sec. 7.6.3.A.2
All light industrial uses, except as listed below	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	Sec. 7.6.4.A
Brewery, winery, distillery	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	Sec. 7.6.4.B
Micro-brewery	--	--	--	--	--	--	--	--	--	--	--	SU	SU	P	P	Sec. 7.6.4.D
Micro-distillery	--	--	--	--	--	--	--	--	--	--	--	SU	SU	P	P	Sec. 7.6.4.E

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All research and development	SU	--	--	--	--	--	--	--	--	SU	--	--	--	P	P	Sec. 7.6.5
All storage lots, except as listed below:	--	--	--	--	--	--	--	--	--	--	--	SU	--	P	P	Sec. 7.6.6
Storage of soil, mulch or lumber, including the splitting of logs	P	P	--	--	--	--	--	--	--	--	--	--	--	P	P	Sec. 7.6.6.A.6
Truck terminal	--	--	--	--	--	--	--	--	--	--	--	SU	--	P	P	Sec. 7.6.6.D
Truck yard	--	--	--	--	--	--	--	--	--	--	--	SU	--	P	P	Sec. 7.6.6.E
All self-service storage	--	--	--	--	--	--	--	--	--	--	SU	SU	--	P	P	Sec. 7.6.7
All warehouse and distribution	--	--	--	--	--	--	--	--	--	--	--	SU	--	P	P	Sec. 7.6.8
All waste related services, except as listed below:	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	Sec. 7.6.9.A
Composting of organic materials	P	P	--	--	--	--	--	--	--	--	--	--	--	P	P	Sec. 7.6.9.B
Junk or salvage yard	--	--	--	--	--	--	--	--	--	--	--	--	--	--	SU	Sec. 7.6.9.C
Slow rate land treatment system	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	Sec. 7.6.9.D
Waste-related energy recovery or production	SU	--	--	--	--	--	--	--	--	--	--	--	--	SU	SU	Sec. 7.6.9.E
All wholesale	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	Sec. 7.6.10
<b>Agricultural Uses</b>																
Agriculture, general	P	P	P	P	P	P	P	P	P	--	--	--	--	--	--	Sec. 7.7.1
Equestrian center	SU	SU	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 7.7.2
Agri-entertainment events	SU	SU	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 7.7.3

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Farm winery	SU	SU	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 7.7.4
Sawmill	SU	SU	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 7.7.5
<b>Accessory Uses</b>																
Accessory uses not listed below, as determined by the Director	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 7.1.5
Accessory structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 7.8.2
Accessory dwellings units (ADU).	P	P	P	P	P	--	P	--	--	--	--	--	P	--	--	Sec. 7.8.3
Caretaker’s residence	SU	SU	--	--	--	--	--	--	--	SU	--	SU	--	SU	SU	Sec. 7.8.4
Drive-thru facility	--	--	--	--	--	--	--	--	--	P	P	P	SU	P	P	Sec. 7.8.5
Garage, private	P	P	P	P	P	P	P	P	P	--	--	--	P	--	--	Sec. 7.8.6
Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 7.8.7
Guest house	P	P	P	P	P	--	P	--	--	--	--	--	--	--	--	Sec. 7.8.8
Home-based business, as listed below																Sec. 7.8.9
Home office	P	P	P	P	P	P	P	P	P	--	--	--	P	--	--	Sec. 7.8.9.B
Home occupation	P	P	P	P	P	P	P	P	P	P	--	--	P	--	--	Sec. 7.8.9.C
Residential business	P	CUP	CUP	--	CUP	CUP	--	CUP	--	--	--	--	CUP	--	--	Sec. 7.8.9.D
Rural business	P	CUP	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 7.8.9.E
Institutional accessory uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 7.8.10
Keeping of livestock and poultry	P	P	P	P	P	P	P	P	P	--	--	--	--	--	P	Sec. 7.8.11
Modular offices/classrooms	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	Sec. 7.8.12
On-site parking	P	P	--	--	--	--	--	--	--	P	P	P	P	P	P	Sec. 7.8.13
Outdoor storage, minor	P	P	--	--	--	--	--	--	--	P	P	P	P	P	P	Sec. 7.8.14
Outdoor storage, major	--	--	--	--	--	--	--	--	--	SU	SU	SU	SU	P	P	Sec. 7.8.15

<b>Key:</b> P = Permitted Use SU = Special Use CUP = Conditional Use Permit “-” = Not permitted																
	Rural		Residential							Mixed-Use & Business						
Use Category	AG-1	AR-1	V-C	R-1-L	R-1	R-TF	R-X	R-MF	MHP	O-I	S-S	H-B	M-U	I-1	I-2	Definition/Standards
Religious accessory uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 7.8.16
Short-term rental	P	P	P	P	P	P	P	P	P	--	--	--	--	--	--	Sec. 7.8.17
Swimming pool, hot tub, spa	P	P	P	P	P	P	P	P	P	--	--	--	P	--	--	Sec. 7.8.18
<b>Temporary Uses</b>																
Farmer’s market	P	P	--	--	--	--	--	--	--	SU	SU	SU	SU	SU	SU	Sec. 7.9.1
Mobile food establishment	CUP	CUP	--	--	--	--	--	--	--	P	P	P	P	P	P	Sec. 7.9.2
Garden market	P	P	--	--	--	--	--	--	--	SU	SU	SU	SU	SU	SU	Sec. 7.9.3
Temporary buildings, as listed below																
Construction trailer, 12 months or less	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	P	P	P	P	P	P	Sec. 7.9.4.B
Construction trailer, more than 12 months	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	Sec. 7.9.4.B
Sales office, 12 months or less	--	--	P	P	P	P	P	P	P	--	--	--	P	--	--	Sec. 7.9.4.C
Temporary events, 90 days or less	P	P	--	--	--	--	--	--	--	P	P	P	P	--	--	Sec. 7.9.5
Temporary events, more than 90 days	CUP	CUP	--	--	--	--	--	--	--	CUP	CUP	CUP	CUP	--	--	Sec. 7.9.5
Yard/garage sales	P	P	P	P	P	P	P	P	P	--	--	--	--	--	--	Sec. 7.9.6
<b>Other</b>																
Conservation Subdivision	--	--	SU	--	SU	--	--	--	--	--	--	--	--	--	--	Sec. 4.8
Subdivision, residential	SU	SU	SUP	SUP	SUP	SUP	SUP	SUP	--	SU	--	--	SU	--	--	Article 9
Subdivision, non-residential	--	--	--	--	--	--	--	--	--	SU	SU	SU	SU	SU	SU	Article 9
Minor subdivision	P	P	SUP	SUP	SUP	SUP	SUP	SUP	--	--	--	--	--	--	--	Sec. 12.2

## Sec. 7.3. Residential Uses

### 7.3.1. Household Living

#### A. Defined

Occupancy of a dwelling unit by a household. Household living includes the following:

1. Single-family dwelling.
2. Mobile home.
3. Manufactured home.
4. Two-family dwelling.
5. Townhouse.
6. Multi-family dwelling.
7. Live-work.
8. Cottage Court.

#### B. Single-Family Dwelling

##### 1. Defined

A detached dwelling on its own lot, other than a mobile home, modular home, or travel trailer, designed and used for permanent occupancy by one family.

#### C. Mobile Home

##### 1. Defined

A dwelling manufactured prior to June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on-site, is 320 or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.

#### D. Manufactured Home

##### 1. Defined

A dwelling fabricated in an off-site facility for installation or assembly at the building site, bearing a label certifying that it is constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401, et seq.), which first became effective on June 15, 1976. The term "manufactured home" includes a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on-site, is 320 or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein, except that such term includes any structure which meets all the requirements of this definition except the size requirement and with respect to which the manufacturer voluntarily files a certification required by the Federal Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974.

#### E. Two-Family Dwelling

##### 1. Defined

A detached dwelling designed and used for permanent occupancy by two



families living independently of each other.

**F. Townhouse**

**1. Defined**

A building containing three or more attached dwelling units in which each unit is designed and used for permanent occupancy by one family, each unit is located on an individual lot and has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common walls. This definition also includes the terms “single-family attached” or “zero-lot line”.

**2. Use Standards**

- a. No individual building may contain more than 6 attached units.
- b. When more than one principal building is constructed on a lot, buildings must be separated by at least 10 feet.
- c. Common parking areas must be located to the side or rear of the dwellings. Access to parking areas must be provided by a shared driveway or alley at least 20 feet in width.
- d. Driveway access for individual units is not permitted when located along a public street and must be located to the rear of the dwelling. Access must be provided by a shared driveway or alley at least 20 feet in width.
- e. Buildings containing more than three attached units must be designed so that facades and roofs are staggered or offset by at least 3 feet for every grouping of three units.

- f. When subdivided fee simple, each townhouse lot must be at least 2,000 square feet in area.

**G. Multi-Family Dwelling**

**1. Defined**

A building or lot designed and used for permanent occupancy by three or more families living independently of each other in attached or detached units, and not otherwise meeting the definition of townhouse.

**2. Use Standards**

- a. Multi-family dwellings must be developed with adequate provisions for access and for adequate protection of the surrounding properties.
- b. When more than one principal building is constructed on a lot, the buildings must collectively and individually adhere to the setback requirements of the district in which they are located.
- c. When more than one principal building is constructed on a lot, external areas must be lighted.
- d. When more than one principal building is constructed on a lot, buildings must be separated by at least 10 feet.
- e. When swimming facilities are provided, they must be enclosed by a fence at least 4 feet high. Fences must include a self-latching or self-closing gate.
- f. Areas not utilized for buildings, off-street parking, or off-street loading must be landscaped and maintained by the property owner.
- g. Off-street loading, unloading, and service areas are required in accordance with Sec. 8.1.5.

**H. Live-Work**

1. **Defined**

Nonresidential activity conducted wholly within a dwelling unit that allows employees, customers, clients or patrons to visit.

2. **Use Standards**

- a. Live-work is only permitted on the ground floor of a dwelling unit.
- b. A minimum of one person must occupy the dwelling containing the live-work use as their primary place of residence.
- c. The live-work use may employ no more than two persons not living on the premises at any one time.
- d. No business storage or warehousing of material, supplies or equipment is permitted outside of the dwelling containing the live-work use.
- e. The nonresidential use of the live-work use is limited to a permitted or special use allowed in the zoning district.
- f. No equipment or process may be used that creates, without limitation, noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal human senses, off the premises.
- g. No more than five customers are permitted on the premises at any one time.

I. **Cottage Court**

1. **Defined**

Clustered groups of smaller detached dwellings arranged around a central common area such as a park, commons, courtyard, or garden.

2. **Use Standards**

- a. At least 4 and no more than 12 detached dwelling units are permitted for each central common area.
  - i. When more than one cottage court is developed on a lot, each cluster must be accessible from a public right-of-way or shared private driveway with access to a public right-of-way.
- b. Each dwelling unit must have frontage on and direct access to the central common area.
- c. Front porches must be provided for each individual dwelling unit.
- d. Common areas must be provided at a ratio of 600 square feet for each dwelling unit. No common area may be less than 3,000 square feet.
- e. Common areas should consist of pervious materials except for walkways, trails, benches, decorative elements, and other impervious materials as approved by the Director.
- f. Common parking areas must be located to the side or rear of the dwellings. Access to parking areas must be provided by a shared driveway or alley at least 20 feet in width.
- g. Individual parking areas, where provided, must be located to the side or rear of the dwelling. Access must be provided by a shared driveway or alley at least 20 feet in width.

**7.3.2. Group Living**

A. **Defined**

Residential occupancy of a structure by a group of people that does not meet the

definition of household living. Generally, group living facilities have a common eating area for residents, and residents may receive care or training.

The Fair Housing Act (42 U.S.C. Section 3604(f)(3)) makes it unlawful to make a dwelling unavailable to a person because of race, color, national origin, sex, familial status, handicap or disability. No policy or practice of this UDC is intended to have a disparate impact on a protected class. Further, in order to avoid prohibited discrimination, if a person or persons identified as a protected class believes a reasonable accommodation can be made to any use restriction, that person or persons are required to make an application for a special use or zoning text or map change.

Group living includes the following:

1. Boardinghouse.
2. Community Residence.
3. Group home.
4. Institutional residential.
5. Shelter.

**B. Boardinghouse**

**1. Defined**

A dwelling in which meals and lodging are furnished for compensation to more than four but not more than nine guests. Such dwellings may not contain more than five guest rooms.

**C. Community Residence**

**1. Defined**

A single dwelling unit occupied on a relatively permanent basis in a family-like environment by a group of unrelated persons with disabilities or pregnant or parenting youth who are displaced or in DFACS custody plus paid support staff by a sponsoring

agency, either living with the residents on a 24-hour basis, or present whenever residents with disabilities are present at the dwelling.

**2. Standards**

A community residence must comply with applicable federal, state, and local licensing requirements.

**D. Group Home**

**1. Defined**

A residential care facility in which:

- a. The operator is not legally related to the individuals supervised and is licensed by the State of Georgia to provide community alternatives in a residential environment to institutional care for individuals in need of such care.
- b. More than five persons reside, including operators, supervisors, and individuals under care.
- c. Such individuals are provided with room, board, personal or physical care and supervision in a family environment. The term group home includes, without limitation by reason of enumeration, home as established under the “Community Services Act for the Mentally Retarded” (Ga. Laws 1972, page 700), and other homes of similar intention and purpose; but does not include facilities housing persons convicted of crimes but not housed in penal institutions.

**E. Institutional Residential**

**1. Defined**

An umbrella term that encompasses the following:

- a. Assisted Living Facility.  
Residences for the frail or elderly that provide rooms, meals,

personal care, and supervision of self-administered medication.

b. Independent Living.

Adults at least 55 years of age or older living within multi-family rental properties with central dining facilities that provide residents, as part of their monthly fee, access to meals and other services such as housekeeping, linen service, transportation, and social and recreational activities. Independent living facilities do not provide, in a majority of the units, assistance with activities of daily living such as supervision of medication, bathing, dressing, and toileting. There are no licensed skilled nursing beds on the property.

c. Intermediate Care Home.

A facility that admits residents on medical referral only, and includes the provision of food, and special diets when required, shelter, laundry and personal care services, such as help with dressing, getting in and out of bed, bathing, feeding, medications and similar assistance, such services being under appropriate licensed supervision. Intermediate care does not normally include providing care for bed-ridden patients except on an emergency or temporary basis.

d. Nursing home.

A facility that admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision, maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has a satisfactory agreement with a physician and

dentist who will be available for any medical or dental emergency and who will be responsible for the general medical and dental supervision of the home.

e. Skilled Nursing Care Facility.

A facility that admits residents on medical referral; it maintains the services and facilities for skilled nursing care and has a satisfactory agreement with a physician and dentist who will provide continuing supervision including emergencies; it complies with rules and regulations of the Georgia Department of Human Resources. The term “skilled nursing care” means the application of recognized nursing methods, procedures, and actions directed toward implementation of the physician’s therapeutic and diagnostic plan, detection of changes in the human body’s regulatory system, preservation of such body defenses, prevention of complications and emotional well-being, including but not limited to the following:

i. The administration of oral or injectable medications which cannot be self-administered. Others include the administration of oxygen, the use of suction, the insertion or changing of catheters, the application of medicated dressings, the use of aseptic technique and preparation of the patient for special procedures.

ii. Observation in the care of the patient for symptoms and/or physical and mental signs that may

develop and which will require attention of the physician and a revision in the patient's treatment regimen.

**2. Use Standards**

- a. Facilities must conform with the requirements of the Georgia State Board of Health and any other applicable federal or state licensing requirements.
- b. Plans for facilities must receive the written approval of the Hall County Board of Health before issuance of any permits.
- c. Copies of the above approvals must be attached to the building permit to be retained in the files of the County Building Official.

**F. Emergency Shelter**

**1. Defined**

A facility providing temporary sleeping facilities for displaced persons.

## Sec. 7.4. Public/Institutional Uses

### 7.4.1. Civic

#### A. Defined

Places of public assembly that provide ongoing governmental, life safety, educational and cultural services to the general public, as well as meeting areas for religious practice. Civic includes the following:

1. Fraternal organization and club, non-profit.
2. Place of worship.
3. Community centers.
4. College, public or private.
5. Non-profit private club.
6. Public buildings and uses.
7. Museum, library.
8. School, private.

#### B. Fraternal Organization and Club, Non-profit

##### 1. Defined

A building or facility in which organized fraternal, social or educational meetings are conducted on a regular non-profit basis.

##### 2. Use Standards

- a. The minimum lot size is 2 acres.
- b. Organizations must provide evidence of recognition or sanction from a parent group or organization.

#### C. Place of worship

##### 1. Defined

A specially designed structure or consecrated space where individuals or a group of people such as a

congregation come to perform acts of devotion, veneration, or religious study. Temples, churches, synagogues, and mosques are examples of structures created for worship.

#### D. Community Center

##### 1. Defined

A non-commercial building, structure, or use that provides indoor community meeting rooms and may also provide outdoor facilities such as swimming pools, tennis courts, and playgrounds.

#### E. College, Public or Private

##### 1. Defined

A public or private institution of higher education having the authority to award bachelor's and higher degrees.

#### F. Non-Profit Private Club

##### 1. Defined

A non-commercial building, structure, or use that may include indoor meeting rooms, indoor recreation areas or outdoor recreation facilities such as golf courses, tennis courts, swimming pools or playgrounds.

##### 2. Use Standards

- a. When a non-profit private club includes outdoor recreation facilities, the minimum lot size is 2 acres.
- b. A private club must show that its membership is limited by either:
  - i. The use and operation of an outdoor recreation facility; or

- ii. Exclusive use by residents of a development or their nonpaying guests.

**G. Public Buildings and Uses**

**1. Defined**

Any building, structure, or use owned or operated by the federal government, State of Georgia, county, city or other municipality, or any authority, agency, board, or commission of the above governments, that is necessary to serve a public purpose, including but not limited to, government administrative buildings, post offices, police, fire and EMS stations, public health facilities, public libraries, public museums, public schools, public works facilities, community centers, and jails and correctional facilities.

**H. Museum, Library, Private**

**1. Defined**

A private facility having public significance by reason of its architecture or former use or occupancy, or a building serving as a repository for a collection of books, natural, scientific, literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be viewed by members of the public, with or without an admission fee, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.

**I. School, Private**

**1. Defined**

An educational facility for students in grades pre-kindergarten through 12 that is operated by a private entity and has a curriculum at least equal to a public school with regard to the branches of learning

and study required to be taught in the public schools of the State of Georgia.

**2. Use Standards**

- a. The minimum lot size is 2 acres.
- b. Buildings and parking areas must be at least 50 feet from any property line.
- c. Accessory structures and uses such as recreational facilities, playgrounds, fields and similar structures or uses must be at least 100 feet from any property line.

**7.4.2. Parks and Open Space**

**A. Defined**

Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, and having few structures. Parks and open space include the following:

- 1. Cemetery.
- 2. Marina.
- 3. Parks, plaza, square.
- 4. Playgrounds.
- 5. Open space, private.

**B. Cemetery, Private**

**1. Defined**

The use of a property as a burial place, including mausoleums or columbariums, and other accessory structures customarily incidental to the principal use. Does not include family burial plots or burial grounds on private property as established in the Official Code of Georgia § 36-72-1.

**C. Marina**

**1. Defined**

A dock or basin providing secure moorings for docking or storage, and

other related goods or services, for private watercraft.

**D. Parks, Plaza, Square**

**1. Defined**

A parcel of land owned by a public or private organization that is used for noncommercial outdoor assembly, enjoyment, play, recreation, or natural resource protection, often containing seating, walking paths, trails, recreational equipment, ball fields, soccer fields, basketball courts, swimming pools, and tennis courts. Uses may include food or recreational sales as accessory uses.

**E. Playground**

**1. Defined**

An area used for children to play often containing recreational equipment such as slides, swings, or climbing frames, but not recreational fields.

**2. Use Standards**

- a. Playgrounds may be private or public.
- b. Playgrounds may be permitted as an accessory use in residential districts or uses.

**F. Open Space, private**

**1. Defined**

A privately owned or controlled natural or improved open space, including, but not limited to, playgrounds, parks, plazas, gardens, natural areas, and other areas for passive use or aesthetic appeal.

**7.4.3. Major Utilities**

**A. Defined**

Public or private infrastructure serving the general community, including but not limited to water, sewer, gas, electric,

telephone, Internet, cable and other similar services. Major utilities include the following.

- 1. Natural gas metering station.
- 2. Utility substation.
- 3. Water or sanitary sewer treatment plants, aeration facilities, or filter beds.
- 4. Water and fire towers.

**B. Natural Gas Metering Station**

**1. Defined**

A pipeline station designed for the continuous and simultaneous analysis of the quantity and quality of the natural gas being transported in the pipeline.

**C. Utility Substation**

**1. Defined**

A facility consisting of equipment used for reducing electric, gas, water, cable, internet, or other public utility transmission to one that is suitable for supply to consumers.

**2. Use Standards**

- a. Exterior lighting must be of a type which prevents direct view of the light source from adjacent residences.
- b. Major utilities must be screened in a manner to hide it from view from the adjacent property. The screening material must be a landscaped buffer as provided for in Sec. 8.2.4 and may be no less than 10 feet in width.
- c. The equipment contained on the site must be enclosed by a locked security fence at least 6 feet in height. A masonry wall at least 6 feet in height may also serve as the security fence.



### 7.4.4. Small Wireless Facilities and Antennas

#### A. Authority and Applicable Law

Federal law, specifically Title 47 U.S.C. § 253 (c) provides that counties, including Hall County, have the authority to manage their public rights-of-way. State law, specifically O.C.G.A. § 32-4-42 (6) provides that counties, including Hall County, have the authority to establish reasonable regulations for the installation, construction, maintenance, renewal, removal, and relocation of pipes, mains, conduits, cables, wires, poles, towers, traffic signals and other signals, and other equipment, facilities, or appliances in, on, along, over, or under the public roads of the county. Finally, the Georgia Streamlining Wireless Facilities and Antennas Act, found at O.C.G.A. Title 36, Chapter 66C (the “SWFAA”), addresses the placement of small wireless facilities in the public rights-of-way belonging to counties.

#### B. Findings

The county finds that it is in the best interest of the county and its residents and businesses to establish requirements, specifications, and reasonable conditions regarding placement of small wireless facilities and poles in the public rights-of-way. These requirements, specifications, and conditions are adopted to protect the public health, safety, and welfare of the residents and businesses of the county and to reasonably manage and protect the public rights-of-way and its uses in the county. The goals of this section are to:

1. Implement the SWFAA; and
2. Ensure that use of the public rights-of-way is consistent with the design, appearance, and other features of nearby land uses; protects the integrity of historic, cultural, and

scenic resources; and does not harm residents’ quality of life.

#### C. Definitions

1. The following words shall have the meanings as ascribed to them in this Sec. 7.4.4.
2. In the event that any federal or state law containing definitions used in this section is amended, the definition in the referenced section, as amended, shall control.

**Antenna.** Communications equipment that transmits, receives, or both transmits and receives electromagnetic radio frequency signals used in the provision of wireless services or other wireless communications; or other similar equipment used for the transmission, reception, or both transmission and reception of surface waves. Such term shall not include television broadcast antennas, antennas designed for amateur radio use, or satellite dishes for residential or household purposes.

**Applicable laws.** Applicable local, state, and federal law, including uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted by a recognized national code organization to the extent such codes have been adopted by the state or county or are otherwise applicable in the county.

**Applicant.** Any person that submits an application.

**Application.** A written request submitted by an applicant to the county for a permit to collocate a small wireless facility in a right-of-way, or install, modify, or replace a pole or decorative pole in a right-of-way on which a small wireless facility is or will be collocated.

**Articles.** Refers to this Sec. 7.4.4. and Articles I, II, and III of Chapter 7.412 of the Official Code of Hall County, Georgia.

**Authority pole.** A pole owned, managed, or operated by or on behalf of the county. Such term shall not include poles, support structures, electric transmission structures, or equipment of any type owned by an electric supplier.

**Collocate or collocation.** To install, mount, modify, or replace a small wireless facility on or adjacent to a pole, decorative pole, or support structure.

**Communications facility.** The set of equipment and network components, including wires and cables and associated equipment and network components, used by a communications service provider to provide communications services.

**Communications service provider.** A provider of communications services.

**Communications services.** Cable service as defined in 47 U.S.C. § 522 (6); telecommunications service as defined in 47 U.S.C. § 153 (53); information service as defined in 47 U.S.C. § 153 (24), as each such term existed on January 1, 2019; or wireless services.

**Consolidated application.** An application for the collocation of multiple small wireless facilities on existing poles or support structures or for the installation, modification, or replacement of multiple poles and the collocation of associated small wireless facilities.

**Decorative pole.** An authority pole that is specially designed and placed for aesthetic purposes.

**Electric supplier.** Any electric light and power company subject to regulation by the Georgia Public Service Commission,

any electric membership corporation furnishing retail service in this state, and any municipality which furnishes such service within this state.

**Eligible facilities request.** An eligible facilities request as set forth in 47 U.S.C. § 1.40001(b)(3), as it existed on January 1, 2019.

**FCC.** The Federal Communications Commission of the United States.

**Fee.** A one-time, nonrecurring charge based on time and expense.

**Historic site.** Refers to the following:

1. Any site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the secretary of the interior of the United States in accordance with Section VI.D.1.a.iv of the Nationwide Programmatic Agreement codified by 47 U.S.C. § Part 1; or
2. Any area designated as a historic district under Article 2 of Chapter 10 of Title 44, referred to as the Georgia Historic Preservation Act; or
3. Any area designated as a historic district or property by law prior to April 26, 2019.

**Law.** Includes any and all federal, state, or local laws, statutes, common laws, codes, rules, regulations, orders, or ordinances.

**Micro wireless facility.** A small wireless facility not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height that has an exterior antenna, if any, no longer than 11 inches.

**Permit.** A written authorization, in electronic or hard copy format, required to be issued by the county to initiate, continue, or complete the collocation of a small wireless facility or the installation,

modification, or replacement of a pole or decorative pole upon which a small wireless facility is collocated.

**Person.** Any individual, corporation, limited liability company, partnership, association, trust, or other entity or organization.

**Pole.** A vertical pole such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal, or other material that is lawfully located or to be located within a right-of-way, including without limitation a replacement pole and an authority pole. Such term shall not include a support structure, decorative pole, or electric transmission structure.

**Rate.** A recurring charge.

**Reconditioning work.** The activities associated with substantially painting, reconditioning, improving, or repairing authority poles.

**Replace, replacement, or replacing.** To replace a pole or decorative pole with a new pole or a new decorative pole, similar in design, size, and scale to the existing pole or decorative pole consistent with 47 C.F.R. § 1.40001 (b) (7) as it existed on January 1, 2019, in order to address limitations of, or change requirements applicable to, the existing pole to structurally support the collocation of a small wireless facility.

**Replacement work.** The activities associated with replacing an authority pole.

**Right-of-way.** Generally, property or any interest therein, whether or not in the form of a strip, which is acquired for or devoted to a public road; provided, however, that such term shall apply only to property or an interest therein that is under the ownership or control of the county and shall not include property or

any interest therein acquired for or devoted to an interstate highway or the public rights, structures, sidewalks, facilities, and appurtenances of buildings for public equipment and personnel used for or engaged in administration, construction, or maintenance of public roads or research pertaining thereto or scenic easements and easements of light, air, view, and/or access.

**Small wireless facility.** Radio transceivers; surface wave couplers; antennas; coaxial, fiber optic, or other cabling; power supply; backup batteries; and comparable and associated equipment, regardless of technological configuration, at a fixed location or fixed locations that enable communication or surface wave communication between user equipment and a communications network and that meet both of the following qualifications:

1. Each wireless provider’s antenna could fit within an enclosure of no more than six cubic feet in volume; and
2. All other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume, measured based upon the exterior dimensions of height by width by depth of any enclosure that may be used. The following types of associated ancillary equipment are not included in the calculation of the volume of all other wireless equipment associated with any such facility:
  - a. Electric meters;
  - b. Concealment elements;
  - c. Telecommunications demarcation boxes;
  - d. Grounding equipment;
  - e. Power transfer switches;
  - f. Cut-off switches; and

- g. Vertical cable runs for connection of power and other services.

Such term shall not include a pole, decorative pole, or support structure on, under, or within which the equipment is located or collocated or to which the equipment is attached and shall not include any wireline backhaul facilities or coaxial, fiber optic, or other cabling that is between small wireless facilities, poles, decorative poles, or support structures or that is not otherwise immediately adjacent to or directly associated with a particular antenna.

**State.** The State of Georgia.

**Support structure.** A building, water tank, or any other structure to which a small wireless facility is or may be attached. Such term shall not include a decorative pole, electrical transmission structure, or pole.

**Wireless infrastructure provider.** Any person, including a person authorized to provide telecommunications services in this state, that builds, installs, or operates small wireless facilities, poles, decorative poles, or support structures on which small wireless facilities are or are intended to be used for collocation but that is not a wireless services provider.

**Wireless provider.** A wireless infrastructure provider or a wireless services provider.

**Wireless services.** Any services provided to the public using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile.

**Wireless services provider.** A person that provides wireless services.

**Wireline backhaul facility.** An above ground or underground wireline facility used to transport communications data from a telecommunications demarcation

box associated with a small wireless facility or facilities to a network.

**D. Permit**

A permit is required to collocate a small wireless facility in the public right-of-way or to install, modify, or replace a pole or a decorative pole in the public right-of-way. A permit is not required to perform the activities described in O.C.G.A. § 36-66C-6 (e) or (f).

**E. Application**

Any person seeking to collocate a small wireless facility in the public right-of-way or to install, modify, or replace a pole or decorative pole in the public right-of-way shall submit an application to the Department of Planning and Zoning for a permit on forms made available by the County. Any material change to information contained in an application shall be submitted in writing to the Department of Planning and Zoning within 30 days after the events necessitating the change.

**F. Pre-application Meeting**

Any person who intends to submit an application to the county pursuant to this section shall meet with the Department of Planning and Zoning at least 30 days prior to the submitting an application for a permit. The purpose of such meeting shall be to inform the county, in good faith, when the applicant expects to commence deployment of small wireless facilities and poles within the county, the number of small wireless facilities and poles it expects to deploy during the 24 months after commencement, and the expected timing of such deployment. All documents or other information provided by the applicant in the course of or in association with such pre-application meeting shall be presumed confidential and proprietary

and a trade secret as such term is defined in O.C.G.A. § 10-1-761 and exempt from disclosure as specified in Article 4 of Chapter 18 of Title 50, known as the Georgia Open Records Act.

**G. Requirements for Application**

All small wireless facility permit applications required by this section shall be filed via the county’s electronic permitting system. Each application shall be submitted by the applicable wireless provider or its duly authorized representative and shall contain the following:

1. The applicant’s name, address, telephone number, and e-mail address, including emergency contact information for the applicant;
2. The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, action on behalf of the applicant with respect to filing the application;
3. A general description of the proposed work and the purposes and intent of the proposed facility. The scope and detail of such description shall be appropriate to the nature and character of the physical work to be performed, with special emphasis on those matters likely to be affected or impacted by the physical work proposed;
4. Detailed construction drawings regarding the proposed use of the right-of-way;
5. To the extent the proposed facility involves collocation on a pole or support structure, a structural report performed by a duly licensed engineer evidencing that the pole or support structure will structurally support the collocation (or that the pole or support structure can and will be modified to

- meet structural requirements) in accordance with applicable codes;
6. For any new above-ground facilities, visual depictions or representations if not included in the construction drawings;
7. Information indicating the horizontal and approximate vertical location, relative to the boundaries of the right-of-way, of the small wireless facility for which the application is being submitted;
8. If the application is for the installation of a pole, a certification that complies with O.C.G.A. § 36-66C-6(k).
9. If the small wireless facility will be collocated on a pole or support structure owned by a third party, a certification that the wireless provider has permission from the owner to collocate on the pole or support structure;
10. If the applicant is not a wireless services provider, a certification that a wireless services provider has requested in writing that the applicant collocate the small wireless facilities or install, modify, or replace the pole or decorative pole at the requested location; and
11. The applicant may designate portions of its application materials that it reasonably believes contains trade secrets or other proprietary or confidential information by submitting with it an affidavit affirmatively declaring that specific information in the records constitutes trade secrets pursuant to Article 27 of Chapter 1 of Title 10. The applicant shall be solely responsible for clearly identifying and labeling as “proprietary” or “confidential” each page of such materials, but shall undertake all reasonable efforts to minimize the scope and frequency of

such designations. If the applicant submits such an affidavit, the county and the applicant shall follow the requirements of O.C.G.A. § 50-18-72 (a) (34).

**H. Application Fees**

Each application for a permit shall include the maximum application fees permitted under O.C.G.A. § 36-66C-5 (a) (1), (a) (2), and (a) (3). Such maximum application fees shall automatically increase on January 1 of each year beginning on January 1, 2024, as provided under O.C.G.A. § 36-66C-5 (b).

**I. Application Review Period**

The county Department of Planning and Zoning shall review applications for permits according to the following timelines and using the procedures identified in O.C.G.A. §§ 36-66C-7 and 36-66C-13 as well as any applicable federal regulations. Any conflict between the contents of this UDC and Federal law and regulations under Section 704 of the Telecommunications Act of 1996 and subsequent amendments, and any other Federal statutes or regulations regarding telecommunication regulations, the Federal statute shall prevail over this UDC.

1. The county has 90 days from receipt of a completed application for a small wireless facility to make a final decision of approval or disapproval. If the application is incomplete, the Director must notify the applicant within 10 days of application submission. At that time, the 90-day window clock stops and is reset to zero. Within 90 days of the date of a completed application is filed the county must:
  - a. Complete the review;
  - b. Make a final decision of approval or disapproval; and

- c. Advise the applicant in writing of the final decision.
2. Within 60 days of the date of a complete application is filed with the county for attaching equipment to a structure which is part of an existing small cell system, the county must:
  - a. Complete the review;
  - b. Make a final decision of approval or disapproval; and
  - c. Advise the applicant in writing of the final decision.

**J. Approval of Application**

Applications for permits shall be approved unless the requested collocation of a small wireless facility or the requested installation, modification, or replacement of a pole or decorative pole:

1. Interferes with the operation of traffic control equipment;
2. Interferes with sight lines or clear zones for transportation of pedestrians;
3. Fails to comply with the Americans with Disabilities Act, 42 U.S.C. Section 12101, et seq., or similar laws of general applicability regarding pedestrian access or movement, transportation or pedestrians;
4. Requests that ground-mounted small wireless facility equipment be located more than 7.5 feet in radial circumference from the base of the pole, decorative pole, or support structure to which the small wireless facility antenna would be attached, provided that the County shall not deny the application if a greater distance from the base of the pole, decorative pole, or support structure is necessary to avoid interfering with sight lines or clear zones for transportation or pedestrians or to otherwise protect public safety;

5. Fails to comply with applicable codes;
6. Fails to comply with the maximum limitations set forth in O.C.G.A. § 36-66C-7 (h) or (i);
7. With respect to an application to install a pole or decorative pole, interferes with the widening, repair, reconstruction, or relocation of a public road or highway by the county or the department of transportation that has been advertised for bid and scheduled for completion within six months after the application is filed;
8. With respect to an application to install a pole or decorative pole, interferes with a public works construction project governed by Chapter 91 of Title 36 which is advertised for bid and scheduled for completion within six months after the application is filed;
9. Fails to comply with O.C.G.A. § 36-66C-10, O.C.G.A. § 36-66C-11, or O.C.G.A. § 36-66C-12 or any applicable federal regulations;
10. Fails to comply with laws of general applicability addressing pedestrian and vehicular traffic and safety requirements; or
11. Fails to comply with laws of general applicability that address the occupancy or management of the right-of-way and that are not consistent with this Sec. 7.4.4.

**K. Special Rules for Development in Residentially Zoned Areas**

For application for new poles in the public right-of-way in areas zoned for residential use, the Department of Planning and Zoning may propose an alternate location in the public right-of-way within 100 feet of the location set forth in the application, and the wireless provider shall use the proposed alternate location unless the location imposes technical limits or

significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and it shall provide a written summary of the basis for such determination to the Department of Planning and Zoning.

**L. Nature of Permission Authorized by Permit**

A permit issued under this section shall authorize such person to occupy the public rights-of-way to:

1. Collocate a small wireless facility on or adjacent to a pole or a support structure that does not exceed the limitations set forth in O.C.G.A. § 36-66C-7 (h) (3) or on or adjacent to a decorative pole in compliance with O.C.G.A. § 36-66C-12; and
2. Install, modify, or replace a pole or decorative pole for collocation of a small wireless facility that does not exceed the limitation set forth in O.C.G.A. § 36-66C-7 (h) (1) and (h) (2).

**M. Annual Payments**

Upon the issuance of a permit under this division, and on each anniversary of such issuance, every person issued a permit shall submit to the county the maximum annual payments permitted under O.C.G.A. § 36-66C-5 (a) (4) and (a) (5); provided, however, that if such person removes its small wireless facilities from the public rights-of-way pursuant to O.C.G.A. § 36-66C-5 (e), then such person shall be responsible for the pro rata portion of the annual payment based on the number of days of occupation since the last annual payment. Upon making such pro rata payment and removal of the small wireless facilities, the person’s annual payment obligations under this section shall cease as of the date of the actual removal. The maximum annual payments shall automatically increase on January 1 of

each year beginning on January 1, 2023, as provided under O.C.G.A. § 36-66C-5 (b).

**N. Permit Fees**

Any person issued a permit shall pay the fees identified in O.C.G.A. § 36-66C-5 (a) (6) and (a) (7), as applicable.

**O. Revocation of Permit**

The County may revoke a permit issued pursuant to this section if the wireless provider or its equipment placed in the public right-of-way under that permit subsequently is not in compliance with any provision of this section or the Georgia Streamlining Wireless Facilities and Antennas Act. Upon revocation, the County may proceed according to Sec. 7.4.4.P.

**P. Restoration of Right-of-way Upon Revocation**

If a wireless provider occupies the public rights-of-way without obtaining a permit required by this section or without complying with the SWFAA, then the County may, at the sole discretion of the County, restore the right-of-way to the extent practicable in the reasonable judgment of the County, to its condition prior to the unpermitted collocation or installation and to charge the responsible wireless provider the reasonable, documented cost of the county in doing so, plus a penalty not to exceed \$1,000.00. The County may suspend the ability of the wireless provider to receive any new permits from the county under this section until the wireless provider has paid the amount assessed for such restoration costs and the penalty assessed, if any; provided, however, that the County may not suspend such ability of any applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.

**Q. Public Inspections of Applications**

All accepted applications for permits shall be publicly available subject to the limitations identified herein and in O.C.G.A. § 36-66C-6 (c).

**R. Consolidated Application for Multiple Installations**

An applicant may file a consolidated application related to multiple small wireless facilities, poles, or decorative poles so long as such consolidated application meets the requirements of O.C.G.A. § 36-66C-13.

**S. Completion of Installation**

Activities authorized under a permit shall be completed within the timelines provided in O.C.G.A. § 36-66C-7 (k) (2).

**T. Authorized Activities**

Issuance of a permit authorizes the applicant to:

1. Undertake the collocation, installation, modification, or replacement approved by the permit, and
2. Operate and maintain the small wireless facilities and any associated pole covered by the permit for a period of 10 years.

**U. Permit Renewal**

Permits shall be renewed following the expiration of the term identified in Sec. 7.4.4.T. upon the terms and conditions identified in O.C.G.A. § 36-66C-7 (k) (2) (B).

**V. Collocation on County Poles**

If an application for a permit seeks to collocate small wireless facilities on authority poles in the public rights-of-way, then the County shall, within 60 days of receipt of the completed application:



1. Provide a good faith estimate for any make-ready work necessary to enable the authority pole to support the proposed facility; or
2. Notify the wireless provider that the wireless provider will be required to perform the make-ready work. Any make-ready work performed by the County shall be completed pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7 (n).

**W. Removal, Relocation, Reconditions, Replacement, and Abandonment**

1. *Removal by owner/operator.* A person may remove its small wireless facilities from the public rights-of-way according to the procedures of O.C.G.A. § 36-66C-5 (e).
2. *Required restoration upon removal and county's recovery of costs.* In the event of a removal under Sec. 7.4.4.W.1. the right-of-way shall be, to the extent practicable in the reasonable judgment of the County, restored to its condition prior to the removal. If a person fails to return the right-of-way to its condition prior to the removal as determined by the County's reasonable judgment within 90 days of the removal, the County may, at its sole discretion, restore the right-of-way to such condition and charge the person at issue the County's reasonable and documented cost of removal and restoration, plus a penalty not to exceed \$500.00. The County may also suspend the person's ability to receive any new permits until the person has paid the amount assessed for such restoration costs and the penalty assessed, if any; provided, however, that the County will not suspend the ability of any person to receive any new permits who has deposited the amount in controversy in escrow pending an adjudication of

the merits of the dispute by a court of competent jurisdiction.

3. *Relocation to accommodate certain county projects.* If, in the reasonable exercise of police powers, the County determines that a pole or support structure unreasonably interferes with the widening, repair, reconstruction, or relocation of a public road or highway; or that relocation of poles, support structures, or small wireless facilities is required as a result of a public project, the wireless provider shall relocate such poles, support structures, or small wireless facilities pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7 (I). If the wireless provider fails to relocate a pole, support structure, or small wireless facility or fails to provide a written good faith estimate of the time needed to relocate the pole, support structure, or small wireless facility within the time period prescribed in O.C.G.A. § 36-66C-7 (I), then the County may take any action authorized by O.C.G.A. § 36-66C-7 (o), in addition to any other powers under applicable law.
4. *Reconditioning and replacing county poles.* The County shall recondition and replace authority poles consistent with the provisions of O.C.G.A. § 36-66C-7 (m). Wireless providers shall accommodate and cooperate with reconditioning and replacement consistent with the provisions of O.C.G.A. § 36-66C-7 (m).
5. *Required notification upon abandonment.* A wireless provider must notify the County of its decision to abandon any small wireless facility, support structure, or pole pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7 (p) (1). The wireless provider shall perform all acts and duties identified in O.C.G.A. § 36-66C-7 (p) regarding abandonment.

The County may take all actions and exercise all powers authorized under O.C.G.A. § 36-66C-7 (p) upon abandonment, in addition to any other powers authorized by applicable law.

**X. Standards**

1. *Standards applying to installations.* Small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities are authorized in the public right-of-way:

- a. Upon a receipt of a permit;
- b. Subject to applicable codes; and
- c. So long as such small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities comply with the appropriate provisions of O.C.G.A. § 36-66C-7 (h).

2. *Concealment.* Unless it is determined that another design is less intrusive, or placement is required under applicable law, small wireless facilities shall be concealed as follows:

- a. Antennas located at the top of poles and support structures shall be incorporated into the pole or support structure, or placed within shrouds of a size such that the antenna appears to be part of the pole or support structure;
- b. Antennas placed elsewhere on a pole or support structure shall be integrated into the pole or support structure, or be designed and placed to minimize visual impacts;
- c. Radio units or equipment cabinets holding radio units and mounted on a pole shall be placed as high as possible, located to avoid interfering with, or creating any hazard to, any other use of the public rights-of-way, and located

on one side of the pole. Unless the radio units or equipment cabinets can be concealed by appropriate traffic signage, radio units or equipment cabinets mounted below the communications space on poles shall be designed so that the largest dimension is vertical, and the width is such that the radio units or equipment cabinets are minimally visible from the opposite side of the pole on which they are placed.

- d. Wiring and cabling shall be neat and concealed within or flush to the pole or support structure, ensuring concealment of these components to the greatest extent and degree possible.

3. *Historic place or district.* Notwithstanding any provision of this section to the contrary, an applicant may collocate a small wireless facility within a historic district, and may place or replace a pole within a historic district, only upon satisfactory issuance of a permit pursuant to this section and compliance with applicable codes.

4. *Collocation on Decorative Poles.* Notwithstanding any provision of this section to the contrary, an applicant may collocate a small wireless facility on a decorative pole, or may replace a decorative pole with a new decorative pole, in the event the existing decorative pole will not structurally support the attachment, only upon satisfactory issuance of a permit pursuant to this section and compliance with applicable codes.

5. *Existing Right-of-way Agreements for Deployment of Small Wireless Facilities.* Any existing right-of-way agreement for small wireless facility deployment by and between the County and any wireless provider that

is effective and not terminated prior to the effective date of this section shall remain in effect until its expiration or earlier termination and provided therein, to the extent permissible by law.

**Y. State and Federal Laws Incorporated**

1. The provisions of the Georgia Streamlining Wireless Facilities and Antennas Act (SWFAA) are incorporated by reference as if set out fully herein. In the event of a conflict between the SWFAA and this section, the SWFAA controls.
2. The provisions of Sec. 6409(a) of the Middle-Class Tax Relief and Job Creation Act of 2012 (Pub. L. 112-96), which addresses telecommunications and has been interpreted by the FCC to apply to small cells and distributed antennae systems, are incorporated by reference as if set out fully herein.

**7.4.5. Telecommunications Antennas and Towers**

**A. Purpose**

The purpose of this Sec. 7.4.5. is to establish guidelines for the siting of all wireless, cellular, television, and radio telecommunications towers and antennas.

**B. Goals**

The goals of this section include the following:

1. Provide for the appropriate location and development of telecommunication facilities in Hall County;
2. To encourage the location of towers in nonresidential areas;
3. To minimize the total number of towers within the community;

4. To strongly encourage the joint use of new and existing tower sites among service providers;
5. To encourage the location of telecommunications towers and antennas in areas where adverse impacts on the community are minimized; and
6. To encourage design and construction of towers and antennas to minimize adverse visual impacts; and
7. To enhance the ability of the telecommunications service providers to deliver such services to the community effectively and efficiently.

**C. Definitions**

1. The following terms have the meanings as assigned in this Sec. 7.4.5.
2. Words not defined herein shall be construed to have the meaning given by common and ordinary usage and shall be interpreted within the context of the sentence, section, and article in which they occur.
3. For the purpose of this Section, certain words or terms used herein shall be defined as follows.
  - a. The term “erected” includes the terms “constructed,” “located,” and/or “relocated.”
  - b. The term “map” or “zoning map” means the official zoning map of the county.
  - c. The term “parcel” includes the terms “plot” and/or “lot.”
  - d. The terms “used” or “occupied” include the words “intended, arranged, or designed to be used or occupied.”

**Alternative tower structure.** Clock towers, bell towers, church steeples, light/power poles, electric transmission towers, manmade trees (without accessory

buildings/structures), and similar natural or manmade alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

**Antenna.** Any exterior apparatus designed for wireless telecommunication, radio, or television communications through the sending and/or receiving of electromagnetic waves.

**Collocation.** The placement of the antennas of two or more service providers upon a single tower or alternative tower structure.

**Department.** The county Department of Planning and Zoning.

**FAA.** The Federal Aviation Administration.

**FCC.** The Federal Communications Commission.

**Geographic antenna placement area.** The general vicinity within which the placement of an antenna is necessary to meet the engineering requirements of an applicant’s cellular network or other broadcasting need.

**Governing authority.** The Hall County Board of Commissioners.

**Height.** The distance measured from ground level of a tower or other structure to the highest point on the same tower structure or lightning rod or appurtenance attached to the tower, when the term is used to refer to a tower or other structure.

**Pre-existing tower and/or antenna(s).** Structures as set forth in subsection Sec. 7.4.5.C.

**Public officer.** The Director of the county Department of Planning and Zoning when used in reference to the procedures and legal remedies found in O.C.G.A. §§ 41-2-7 to 41-2-17.

**Scenic views.** Those geographic areas containing visually significant or unique natural features, as indicated on the county’s comprehensive plan or other official county documentation.

**Tower.** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term “tower” includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telecommunication towers, manmade trees (with accessory buildings/structures), and other similar structures.

**Visual quality.** The appropriate design, arrangement, and location of tower structures in relation to the built or natural environment to avoid abrupt or severe differences.

#### D. Application of Regulations

1. *District height limitations.* Except as set forth in subsection 3 of this section, the requirements of this Sec. 7.4.5. shall govern the location of telecommunications towers that exceed, and antennas that are installed at a height in excess of 50 feet.
2. *Governmental exemption.* The provisions of this section shall not apply to governmental facilities and structures, including those of Hall County, Georgia.
3. *Amateur radio; receive-only antennas.* This section shall not govern any tower, or the installation of any antenna, which is 75 feet or less in height and is owned and operated by a federally-licensed amateur radio station operator from the operator’s residence, or which is 75 feet or less in height and is used exclusively as a receive-only antenna.

4. *Pre-existing towers and antennas.* Any tower or antenna for which a permit has been properly issued prior to the effective date of the ordinance from which this section is derived shall not be required to meet the provisions of this section, other than the requirements of Sec. 7.4.5.H.9. and 7.4.5.H.10. Any such towers or antennas shall be referred to in this section as “pre-existing towers” or “pre-existing antennas.”
5. *Additional antennas.* If an additional antenna is collocated upon a pre-existing tower after adoption of this section, the fencing and landscaping requirements of this section shall be met.

**E. Removal of Abandoned Towers and Antennas**

1. Any tower or antenna that is not operated for a continuous period exceeding six months shall be considered abandoned, whether or not the owner or operator intends to make use of it or any part of it. The owner of any such antenna or tower shall remove the structure within 60 days of receipt of notice from the County that the tower or antenna is considered by the county to be abandoned.
2. If, after receipt of notice of abandonment from the County, the owner of a tower or antenna does not remove the abandoned tower or antenna within 60 days, the governing authority may, in the manner provided by O.C.G.A. §§ 41-2-7 to 41-2-17, remove such antenna or tower at the owner’s expense. If there are two or more users of a single abandoned tower or antenna, then notice shall not be sent by the County until all users cease to utilize the tower or antenna. Delay by the County does not in any way waive the County’s right to take action.

3. Prior to the issuance of a permit for the construction of a tower or antenna, the owner of the such facility shall procure a bond or a letter of credit from a surety doing business in the State of Georgia with an office located in Hall County, Georgia, in an amount not less than \$25,000.00 conditioned upon the removal of the tower and/or antenna, should it be deemed abandoned under the provisions set forth in this section. Such bond or letter of credit must be renewed at least every two years during the life of the tower or antenna, and the failure to renew a bond or letter of credit shall be grounds for revocation of the tower or antenna permit.

**F. Legal Status Provisions**

Whenever the regulations of this section require a greater width, depth, or size of yard or impose other more restrictive standards than are required in or under any other statute or covenants, the requirements of this section shall govern. Whenever the provisions of any other statute or covenants require more restrictive standards than those of this section, the provisions of such statutes or covenants shall govern.

**G. Annual Registration of Telecommunications Towers**

1. On or before May 1 of each calendar year, the owner of any telecommunications tower shall register such tower with the Director of the Department of Planning and Zoning in a manner prescribed by the County. The initial annual registration shall identify such telecommunications tower by tax parcel number, physical street address, and/or GIS coordinates, and shall describe all structures and equipment on site associated with such telecommunications tower.

Annually thereafter, each subsequent registration shall identify any transfer of ownership or such tower, and/or any modifications to such tower which occurred during the preceding calendar year.

2. For all telecommunications towers which were constructed more than 10 years prior to the submittal of the annual registration, at least once every three years the owner of such tower shall submit certification to the Director that such tower was inspected and that a registered professional engineer has determined that no signs of defect, disrepair, or other hazardous condition exist.
3. Any telecommunications tower owner which owns more than 20 towers that are subject to subsection 2 of this section shall be deemed to be in compliance with its requirements so long as all of such tower owner's towers which are more than ten years old are inspected within three years of the first deadline for registration under this section.
4. The annual registration fee for each telecommunications tower shall be \$100.00 for the first registration year and \$50.00 per tower per year thereafter.

**H. General Provisions**

1. *Principal or accessory use.* A tower and/or antenna is considered a principal use if located on any lot or parcel of land as the sole or primary structure, and is considered an accessory use if located on a lot or parcel shared with a different existing primary use or existing structure. An existing use or structure on the same lot or parcel shall not preclude the installation of an antenna or tower. For purposes of determining whether the installation of a tower or antenna complies with zoning district

requirements, including, but not limited to, setback, buffer, and other requirements, the dimensions of the entire lot or parcel shall control, even though the antenna or tower may be located on a leased area within such lot or parcel. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this section shall not be deemed to constitute the expansion of a nonconforming use or structure.

2. *Inventory of existing sites.*
  - a. The Department of Planning and Zoning shall maintain an inventory of all towers or alternative tower structures, active and inactive, which are present in the county. This inventory shall include specific information about the location (latitude and longitude coordinates), height, design, tower type, and general suitability for antenna collocation of each tower, and other pertinent information as may be decided by the County.
  - b. To facilitate the collocation of antennas, each applicant seeking to locate a new tower, alternative tower structure, or antenna, or modify any such existing structure, shall provide to the County an affidavit setting forth an inventory of its existing towers or alternative tower structures as provided for below. The applicant shall specifically identify its towers or alternative structures, active or inactive, which are present in the county. Applicants seeking to erect an amateur radio tower or antenna shall be exempt from this provision.
  - c. The applicant's affidavit shall include all of its structures that are within the jurisdiction of the governing authority; within a

- municipality located in whole or in part within the county; or within one mile of the border of the county, and shall include specific information about the location (latitude and longitude coordinates), height, design, tower type, and general suitability for antenna collocation of each such tower, and other pertinent information as may be required by the County. Such information may be shared with other applicants for a tall structure permit under this section or other organizations seeking to locate towers or antennas within the jurisdiction of the governing authority, provided however that the County shall not, by sharing such information, in any way be deemed to have represented or warranted that such sites are available or suitable.
- d. An application for a tall structure permit shall not be considered complete without this affidavit of inventory.
3. *Collocation design requirements.* In addition to all applicable building and safety codes, all towers, except amateur radio towers, shall be designed to accommodate the collocation of cellular telecommunication antennas according to the following criteria:
    - a. For towers up to 125 feet in height, the structure and fenced compound shall be designed to accommodate at least two providers; and
    - b. For towers greater than 125 feet in height, the structure and fenced compound shall be designed to accommodate at least four providers.
  4. *Collocation; availability of suitable existing structures.*
    - a. No new tower, except amateur radio towers, shall be permitted unless the applicant demonstrates to the satisfaction of the Department of Planning and Zoning and Board of Commissioners that no existing tower or existing alternative tower structure can accommodate the applicant's proposed antenna. All evidence submitted shall be signed and sealed by appropriate licensed professionals or qualified industry experts and shall consist of more than mere conclusory statements that no existing tower is suitable. Evidence submitted to demonstrate that no existing tower or structure can accommodate the proposed antenna shall consist of one or more of the following:
      - i. That no existing towers or suitable alternative tower structures are located within the geographic antenna placement area required to meet the applicant's engineering requirements.
      - ii. That existing towers or structures do not have sufficient structural strength to support the applicant's antenna and related equipment.
      - iii. That the applicant's proposed antenna(s) would cause electromagnetic interference with the antenna(s) on the existing towers or structures, or the antenna(s) on the existing towers or structures would cause interference with the

- applicant's proposed antenna(s).
      - iv. That the cost or contractual provisions required by the tower owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
      - v. That the applicant adequately demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
    - b. For each of the above, the applicant must submit an affidavit listing the existing towers which were considered, and ultimately rejected, by the applicant and provide a detailed explanation of why the existing towers are not useable.
- 5. *Aesthetic Standards.* The following guidelines shall apply to the design and construction of all towers and the installation of all antennas governed by this section.
  - a. Towers and/or antennas shall either maintain a galvanized steel or concrete finish, or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
  - b. At all tower sites, the design of all buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and building environment.
- c. For antennas installed on a structure other than a tower, the antenna and supporting electrical and mechanical ground equipment shall be a neutral color so as to make the antenna and related equipment visually unobtrusive.
            - d. Towers shall not be illuminated, unless required by the FAA, FCC, or other state or federal agency or competent jurisdiction. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. If a tower requires lighting by virtue of its height, the county may require the construction of the tower at a lower height in order to avoid lighting requirements.
            - e. No signage or other identifying markings of a commercial nature shall be permitted upon any tower or alternative tower structure within the county.
- 6. *Setbacks and separation.* The following setbacks and separation requirements shall apply to all towers:
  - a. Towers shall be set back a distance equal to one-half of the height of the tower, from its base, to any public way or property line of the lot or parcel containing the tower.
  - b. All towers in residentially zoned areas greater than 50 feet in height shall be set back a distance equal to the full height of the tower from any adjoining off-site residential structure.
  - c. Guy-wires and accessory buildings and facilities shall meet the minimum accessory use location and setback requirements.



- d. In zoning districts other than S-S, H-B, I-1, and I-2, or county-owned property, towers over 100 feet in height shall not be located closer than 1,500 feet from any existing tower that is over 100 feet in height. This requirement shall not apply to amateur radio towers.

7. *Security fencing.*

- a. All towers and supporting equipment shall be enclosed by fencing not less than 6 feet in height and shall also be equipped with appropriate anti-climbing devices. Fencing shall be constructed of chain link, wood, or other approved alternative.
- b. Amateur radio towers and antennas, or receive-only antennas, shall not be subject to the provisions of this section unless compliance is required by the Board of Commissioners through the tall structure permit process.

8. *Landscaping.* All sites must use landscaping to screen the view of the tower compound from adjacent rights-of-ways, public property and residential property.

- a. Where existing vegetation is not sufficient, tower facilities shall be landscaped in a manner which effectively screens the view of the tower, accessory buildings and equipment, and the tower compound generally. Landscaped strips of plant material shall be a minimum of 10 feet in width and located outside the fenced perimeter of the tower compound. Landscaped strips of plant material shall satisfy the minimum design and planting requirements for landscaped buffers established in Sec. 8.2. and any other applicable ordinances relating to buffers.

- b. Native vegetation and natural landforms shall be preserved to the maximum extent possible. Where existing vegetation around the perimeter of the site would provide an adequate visual screen, an undisturbed buffer may be utilized.

- c. The Board of Commissioners may waive or modify the landscaping requirement where lesser requirements are desirable for adequate visibility for security purposes or for continued operation of existing bona fide agricultural or forest uses such as farms, nurseries, or tree farms.

- d. Amateur radio towers and antennas, or receive-only antennas, shall not be subject to the provisions of this section unless compliance is required by the Board of Commissioners through the tall structure permit process.

9. *Review of tower and antenna erection.* If, upon receipt of an application for the erection of any tower or alternative tower structure governed by this section, the Department of Planning and Zoning deems that the proposed structure may interfere with the use of the airway of the County by the public or interfere with the operation of existing or proposed airport facilities, a copy of the application shall be submitted by the Department for review to the appropriate governmental or aviation authority.

10. *Federal requirements.* All towers must meet or exceed current standards and regulation of the FAA, FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are

changed, the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with any such revised standards and regulations within six months of the effective date of such standards and regulations unless a more or less stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations in the time frame established by the County or controlling federal agency shall constitute grounds for the removal of the tower or antenna at the owner's expense. Any such removal by the governing authority shall be in the manner provided by O.C.G.A. §§ 41-2-7 through 41-2-17.

11. *Building codes and safety standards.*

To ensure the structural integrity of towers, the tower's or alternative tower structure's owner, permittee, or subsequent lessee shall ensure that it is maintained in compliance with standards contained in applicable local building and technical codes so as to ensure the structural integrity of such facilities. If, upon inspection, the Department of Planning and Zoning concludes that a tower fails to comply with all applicable codes and standards, or constitutes a danger to persons or property, then upon receipt of written notice to the owner, permittee, or lessee of the tower, said party shall have 15 days to bring the tower into compliance with such standards. If the owner, permittee, or lessee fails to bring the tower into compliance within the 15-day period, the governing authority may remove the tower at the expense of the owner, permittee, or lessee. Prior to the removal of any tower, the Department of Planning and Zoning may consider detailed plans submitted by the owner,

permittee, or subsequent lessee for repair of substandard towers, and may grant a reasonable extension of the above-referenced compliance period. Any such removal by the governing authority shall be in the manner provided in O.C.G.A. §§ 41-2-7 through 41-2-17.

12. *Change of ownership notification.*

Upon transfer of ownership of any tower, alternative tower structure, or lot upon which such a structure has been erected, the tower permittee shall notify the Department of the transaction in writing within 30 days of the effective date of the transaction.

**I. Permitted Uses**

The uses listed in this section are deemed to be permitted uses and shall not require administrative review or approval of a tall structure permit. However, all such uses shall comply with requirements set forth in Sec. 7.4.5.I. and all other applicable codes and ordinances.

1. *Collocation of antennas required.*

Applicants for the erection of a tower or placement of an antenna shall be required to collocate upon an existing tower or alternative tower structure. An exception to collocation shall only be made if the applicant adequately demonstrates that an existing tower suitable for collocation does not exist in the geographic antenna placement area utilizing the tower inventory maintained by the Department of Planning and Zoning, and that no suitable alternative tower structure is available as set forth in this section.

2. *Uses.*

a. If it is adequately demonstrated that antenna collocation, as required by Sec. 7.4.5.I.1., is not possible for a given geographic antenna placement area, the following uses are permitted uses.

- i. Constructing a new tower, including the placement of a service building or other supporting equipment used in connection with said tower or antenna, in the S-S, H-B, I-1 or I-2 zoning districts; provided, however, that all structures shall meet the setback, screening, and buffer requirements contained herein, and shall be located a minimum distance of two times the height of the tower from any residentially-zoned property.
  - ii. Installation of an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower, or other freestanding nonresidential structure) that is 50 feet in height or greater, provided that the additional antenna height adds no more than 20 feet to the height of the existing structure, subject to the zoning district restrictions of subsection (i) of this section in the S-S, H-B, I-1, I-2, POD, PCD, or PID zoning districts.
- b. If it is adequately demonstrated that antenna collocation, as required by Sec. 7.4.5.I.1., is not possible for a given geographic antenna placement area, the following special uses are permitted subject to approval by the county's Board of Commissioners per the provisions of this UDC.
- i. Constructing a new tower, including the placement of a service building or other supporting equipment used in connection with said tower or antenna, in the AG-1 and AR-1 zoning districts; provided, however, that all structures shall meet the setback, screening, and buffer requirements contained herein, and shall be located a minimum distance of two times the height of the tower from any residentially-zoned property.
- J. Public Notice**
1. At least ten days prior to the issuance of a building permit for the construction of a tower as a permitted use, the Department of Planning and Zoning shall cause a sign to be posted on the property and the publication of public notice in a newspaper of general circulation within the territorial boundaries of the county. Said public notice shall state the nature of the application, street location of the proposal and height of the proposed structure.
  2. If during the public notice period an objection to the building permit application is raised, the validity of the application and all pertinent documentation shall be determined by the county's Planning Commission. The objection shall be placed on the first available agenda of a regularly scheduled meeting following the expiration of the ten day appeal period. The Planning Commission shall dispense with the objection by either determining that the application is valid and meets all applicable criteria of this section, which shall result in the issuance of a building permit, or determining that the application is in error. Applications

found to be in error must, as a result, be processed through the tall structure permit process set forth in this Sec. 7.4.5.J.

**K. Appeal of Administrative Determination**

If a building permit application for a tower as a permitted use is determined by the Department of Planning and Zoning to not meet all applicable criteria of this section, the building permit applicant may appeal the determination to the county’s Planning Commission. The Planning Commission shall dispense with the objection by either:

1. Determining that the application is valid and meets all applicable criteria of this section, which shall result in the issuance of a building permit; or
2. Determining that the application does not satisfy all applicable criteria of this section. Applications that do not satisfy all applicable criteria must, as a result, be processed through the tall structure permit process set forth in Sec. 7.4.5.M

**L. Administrative Approvals**

1. The County may administratively approve the placement of additional antennas upon towers or alternative tower structures as follows:
  - a. For a minor change in an existing tower or base station under FCC regulations for which all the following are true:
    - i. The height of a tower is not increased by more than 10 percent.
    - ii. The addition will not extend more than 20 feet from the tower.
    - iii. The modifications will not add more than one equipment shelter or four equipment cabinets.

- iv. The modification does not involve excavation outside the tower site or existing utility and access easements.
2. Each applicant requesting an administrative approval under this section shall submit a scaled site plan, scaled elevation view and supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including topography (utilizing minimum two-foot contour intervals), tower height requirements, setbacks, access driveways or easements, parking, fencing, landscaping, adjacent uses. The Department may request any other information it considers necessary to assess compliance with this section and compatibility with surrounding uses.
3. Amateur radio antennas shall meet the requirements of the county’s construction code. Certain documentation requirements of this section may be waived by the Director for amateur radio antenna applications.
4. The Department of Planning and Zoning shall respond to each application within 30 days of its receipt by either approving or denying it. One 30-day extension of this review period may be exercised by the Department if such additional time is deemed necessary to adequately assess the request. If the Department fails to respond to the applicant within a maximum of 60 days, the application shall be deemed to be approved.
5. As part of any administrative approval, the Department of Planning and Zoning may reduce setback requirements by up to 10 percent to

compensate for irregularly shaped lots or parcels.

6. If a request for administrative approval is denied, the applicant may appeal the decision to the county's Planning Commission. In such an instance, the Planning Commission may authorize such variances from the terms of the telecommunications tower and antenna ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variances may be granted in such individual cases of unnecessary hardship upon a finding by the Planning Commission that the denial of the variance presents a significant detriment to the telecommunications service provider making application, and that the denial of the variance is insubstantially related to the public welfare.

**M. Tall Structure Permit Required**

1. If the proposed location, height, setback, or other aspect of a tower or antenna cannot comply with the minimum requirements established in Sec. 7.4.5.H. and 7.4.5.L. then a tall structure permit shall be required for the construction of a tower or the placement of an antenna in any zoning district.
2. The following provisions shall also govern the issuance of tall structure permits for telecommunications and personal wireless service towers and antennas:
  - a. In granting a tall structure permit, the Board of Commissioners may impose conditions to the extent that the board concludes such

conditions are necessary to minimize adverse effects from the proposed tower on adjoining or nearby properties, including limiting the height of proposed towers located in or near residential areas. In no event shall a new tower exceeding 100 feet in height be placed on residentially-zoned property, nor shall a new tower exceeding 195 feet in height be placed on property with any zoning classification.

- b. All information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer or qualified industry expert.
  - c. Amateur radio antennas shall meet the requirements of all applicable county codes.
3. *Application, contents, fee.* All applications for tall structure permits shall be submitted to the Department of Planning and Zoning. Each application shall contain detailed plans and specifications as set forth in Sec. 7.4.5.M.4. An application for a tall structure permit shall not be accepted for processing without the information required in this section. An application fee shall be charged by the Department for each such application consistent with applicable law in an amount calculated to reimburse the County for the cost of processing and administering the tall structure application.
  4. *Exhibits required.* Each applicant requesting a tall structure permit under this section shall submit a scaled site plan, scaled elevation view, and supporting drawings, calculations, and other documentation signed and sealed by appropriate licensed professionals or qualified industry

experts, showing the location and dimensions of all improvements, including topography (utilizing minimum two-foot contour intervals), tower height requirements, setbacks, access driveways or easements, parking, fencing, landscaping, adjacent uses, affidavit of inventory as set forth in Sec. 7.4.5.H, and any other information deemed by the Department of Planning and Zoning to be necessary to assess compliance with this section and compatibility with surrounding uses.

5. *Review of application by radio-frequency engineer.*

a. Within five business days of accepting a tall structure permit application, the Department of Planning and Zoning shall refer that tall structure permit application to a radio-frequency engineer for review and recommendation. Within 30 business days after receiving the tall structure permit application for review, the radio-frequency engineer shall submit a detailed report and findings regarding the application to the Department of Planning and Zoning including, but not limited to, the need for the tower in the proposed location, whether or not the height of the tower should be lower than the height requested by the applicant, and possible alternatives for the location of the tower. These findings shall be submitted to the county's Board of Commissioners and the applicant for review within ten business days of receipt by the Department of Planning and Development, along with any staff report or recommendations prepared by the Department of Planning and Development for the

Board of Commissioners' consideration.

b. The applicant shall have ten business days after receiving the findings of the radio-frequency engineer and staff report to withdraw the tall structure permit application without prejudice. If the application is not withdrawn by the applicant within such time period, it shall be placed on the next available agenda for a public hearing by the Board of Commissioners, consistent with the notice requirements of Sec. 7.4.5.J.

6. *Collocation of antennas required.*

Applicants for the erection of a tower or antenna, except amateur radio operators, shall be required to collocate upon an existing tower structure. An exception to collocation shall only be made if the applicant adequately demonstrates that an existing tower suitable for collocation does not exist in the geographic antenna placement area utilizing the tower inventory maintained by the department, and that no suitable alternative tower structure is available as set forth in Sec. 7.4.5.G.4. An applicant must provide a detailed affidavit listing all towers within one mile of the proposed tower and explain why it cannot collocate on each of the existing towers.

7. *Public hearing.*

Before taking action upon the proposed tall structure permit, the Board of Commissioners shall hold a public hearing on the matter. At least 30 days prior to the date of the public hearing, the following notice requirements shall be met by the applicant:

a. A sign shall be erected, in a conspicuous location, on or adjacent to each road frontage of

- the property under consideration. The sign shall state the time, place, location, and purpose of the public hearing.
- b. A letter shall be sent by regular mail to all property owners of record of abutting parcels, and all residentially-zoned parcels lying in whole or in part within 1,000 feet of the subject property, giving notice of the public hearing. Owners of record shall be as indicated by the county tax commissioner's records. The letter shall state the same information as required for the sign, referenced in subsection (a) of this section.
8. *Considerations in approval or denial of a tall structures permit.* Any denial of a request to place, construct, or modify a telecommunications facility shall be in writing and supported by substantial evidence contained in a resolution signed by the chairman of the county's Board of Commissioners. The governing authority shall consider, but is not limited to, the following factors in acting upon a tall structure permit application under the provisions of this section:
    - a. The height and setbacks of the proposed tower;
    - b. The proximity of the tower to residential structures and residential district boundaries;
    - c. The nature of uses, as well as the height of existing structures, on adjacent and nearby properties;
    - d. The surrounding topography;
    - e. The surrounding tree coverage and foliage;
    - f. The design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
    - g. The proposed ingress and egress to the tower area;
    - h. The availability of suitable existing towers or other structures for antenna collocation;
    - i. The impact of the proposed tower upon scenic views and the visual quality of the surrounding area;
    - j. The evidence submitted regarding the need for the tower in the area, including, but not limited to, propagation maps and other similar materials;
    - k. The portion of the tower that will be visible from adjacent and nearby residential properties;
    - l. The number of required trips to the tower site on a monthly basis;
    - m. The tower's effect on property values of adjacent and nearby residential properties;
    - n. The ratio of the height of the proposed tower to the height of the tallest adjacent and nearby residential structure;
    - o. Safety concerns associated with the proposed tower or antenna;
    - p. The tower's effect upon potential purchasers of adjacent and nearby residentially-zoned property; and
    - q. The coverage or lack of coverage experienced by cell phone users in the area of the proposed tower.

**N. Coordination with Federal Law**

Whenever the Board of Commissioners finds that the application of this section would unreasonably discriminate among providers of functionally equivalent services or prohibit or have the effect of prohibiting the provision of personal wireless services, the Board of Commissioners may waive any or all of the

provisions of this article as part of a special use approval.

Regulations from the FAA, other federal entities, and the Georgia Streamlining of Wireless Facilities & Antenna Act (SWFAA) in

place at the time of the application shall supersede any contrary local regulations.



## Sec. 7.5. Commercial Uses

### 7.5.1. Adult Establishment

#### A. Defined

Any adult establishment, adult business, adult video store, bathhouse, or escort bureau as defined by Sec. 5.20.020 of the Hall County Business License Code.

#### B. Use Standards

1. Where an adult establishment is allowed it must meet all specifications and requirements of Sec. 5.20 of the Hall County Business License Code and all other applicable County regulations.

### 7.5.2. Day Care

#### A. Defined

A facility providing care, protection, and supervision of children or adults on a regular basis away from their primary residence. Care is provided to a given individual for less than 24 hours a day. Day care includes the following:

1. Adult care center.
2. Day care center.
3. Family day care facility.
4. Group day care facility.
5. Nursery, kindergarten.

#### B. Adult Care Center

##### 1. Defined.

Any facility licensed or registered with the State of Georgia and licensed by the county to provide, for fewer than 24-hours per day, basic adult day care or adult day health services to one or more adults who require basic services. Includes any establishment that regularly provides adult custodial services.

#### C. Day Care Center

##### 1. Defined

Any facility licensed or registered with the State of Georgia and licensed by the county to provide, for fewer than 24-hours per day and without transfer of legal custody, care for 19 or more children under 18 years of age.

##### 2. Use Standards

- a. A minimum of 100 square feet of outdoor play area must be provided for each child.
- b. Play areas must be enclosed by a fence at least 42 inches in height.
- c. No play area may be located within 25 feet of any adjacent property.

#### D. Family Day Care Facility

##### 1. Defined

A private residence licensed or registered with the State of Georgia operated by the person residing there who receives pay for supervision and care, for fewer than 24 hours per day and without transfer of legal custody, for three but not more than six children under 18 years of age who are not related to such person and whose parents or guardians are not residents in the same private residence.

#### E. Group Day Care Facility

##### 1. Defined

Any facility licensed or registered with the State of Georgia operated by any person, partnership, association or corporation which receives pay for supervision and care for not less than seven or more than 18 children under 18 years of age, for less than 24 hours and without transfer of legal custody.

#### F. Nursery, Kindergarten

**1. Defined**

Any facility licensed or registered with the State of Georgia to provide early childhood education for children ages three through six.

**2. Use Standards**

- a. A minimum of 100 square feet of outdoor play area must be provided for each child.
- b. Play areas must be enclosed by a fence at least 42 inches in height.

**7.5.3. Event Facility**

**A. Defined**

A facility available for lease by private parties or special events, such as weddings.

**7.5.4. Indoor Recreation**

**A. Defined**

A commercial or non-profit facility providing daily or regularly scheduled recreation-oriented activities in an indoor setting. Indoor recreation includes the following:

- 1. Commercial amusement, indoor.
- 2. Concert Hall, auditorium.
- 3. Health spa, gym.
- 4. Indoor shooting range.
- 5. School of the arts.
- 6. Theaters.

**B. Commercial Amusement, Indoor**

**1. Defined**

A place where recreational activity such as arcades, billiards, game rooms, bowling alleys, skating rinks, sporting activities and other recreational amusements are conducted within a building.

**C. Concert Hall, Auditorium**

**1. Defined**

A place of assembly that customarily charges an entrance fee to the public for concerts, plays or other similar live entertainment within a building or portion of a building.

**D. Health Spa, Gym**

**1. Defined**

An establishment that for-profit or gain provides as one of its primary purposes services or facilities which are purported to assist patrons to improve their physical condition or appearance. Not included within this definition are facilities operated by nonprofit organizations, facilities wholly owned and operated by a licensed physician at which such physician is engaged in the practice of medicine, or any establishment operated by a health care facility, hospital, intermediate care facility, or skilled nursing care facility.

**E. Indoor shooting range**

**1. Defined**

A building, room, or enclosure where the firing of firearms is permitted to practice marksmanship.

**2. Use Standards**

- a. All shooting ranges must meet the licensing requirements of the state and Hall County.
- b. No indoor shooting range may be located within 500 feet of any residential district or use.
- c. Buildings containing ranges must have walls, ceilings and floors that are either impenetrable to the bullets of the firearms being used within or have internal baffling constructed so that bullets cannot hit walls or ceilings.

**F. School of the Arts**

**1. Defined**

An educational facility not operated by the Hall County Board of Education that offers or provides instruction to more than two students at a time in dance, singing, music, painting, sculpting, fine arts or martial arts.

**G. Theater**

**1. Defined**

A building or area designed primarily for showing performing arts or motion pictures.

- a. The bed and breakfast must be occupied and operated by the property owner.
- b. The area to be used as guest accommodations, including sleeping areas and bathroom facilities, may not exceed 60 percent of the total floor area.
- c. Bed and breakfast facilities of more than five rooms may be permitted upon approval of a conditional use permit.

**7.5.5. Lodging**

**A. Defined**

A facility where members of the public can obtain lodging on a temporary or short-term basis. Lodging includes the following:

- 1. Hotel/motel.
- 2. Bed and breakfast.

**B. Hotel/Motel**

**1. Defined**

Any structure consisting of one or more buildings containing dwelling units with provisions for transient occupancy or temporary lodging of 30 days or less and which is offered for pay to persons. Includes such terms as auto court and motor lodge, but not group living or bed and breakfast as defined in this article.

**C. Bed and breakfast**

**1. Defined**

A principal or accessory dwelling in which five or fewer rooms are provided for transient occupancy for a daily fee not to exceed 30 consecutive days. Breakfast and refreshments are the only food typically served and are reserved only for guests.

**2. Use Standards**

**7.5.6. Medical**

**A. Defined**

A facility providing medical or surgical care to patients. Some facilities may offer overnight care. Medical includes the following:

- 1. Hospital.
- 2. Medical office, dental office or chiropractor, osteopath, physician, medical practitioner.
- 3. Medical clinic, urgent care, emergency medical office.

**B. Hospital**

**1. Defined**

A facility providing inpatient health care for people, including:

- a. General medical and surgical services.
- b. Outpatient facilities.
- c. Psychiatric care and specialty medical facilities.

**7.5.7. Office**

**A. Defined**

A facility used for activities conducted in an office setting and generally focusing on business, professional or financial services. Office includes the following:

1. Business services including, but not limited to, advertising, business management consulting, computer or data processing, graphic design, commercial art, or employment agency.
2. Counseling in an office setting.
3. Financial institutions including banks and savings and loan facilities.
4. Financial services including but not limited to, lender, investment or brokerage house, call center, insurance adjuster, real estate or insurance agent, mortgage agent or collection agency.
5. Professional services including but not limited to, lawyer, accountant, auditor, bookkeeper, engineer, architect, sales office, travel agency, interior decorator or security system services.
6. Radio, film, recording, and television studios and stations.
7. Trade, vocational, business school.

**B. Financial Institutions**

**1. Defined**

State and national banking associations, federal savings and loan associations or state building and loan associations which are regulated by the Georgia Banking and Finance Department and Federal law. Title pawn businesses are not included within this definition.

**C. Radio, Film, Recording, and Television Studios and Stations**

**1. Defined**

A facility in which video, radio or sound production takes place, either for live broadcasting or for the acquisition of raw footage for postproduction.

**D. Trade, Vocational, Business School**

**1. Defined**

An educational use not operated by the Hall County Board of Education and having a curriculum devoted primarily to business (including barbers and beauticians), industry, nursing, driving, trade or other vocational-technical instruction.

**7.5.8. Personal Service**

**A. Defined**

A facility involved in providing personal or repair services to the public. Personal service includes, but is not limited to, the following:

1. Animal care (indoor).
2. Animal care (outdoor).
3. Beauty, hair, or nail salon.
4. Catering service.
5. Funeral home.
6. Private morgue, mortuary, or crematorium.
7. Laundry and dry cleaning.
8. Massage therapy.
9. Personal repair.
10. Photocopying, printing and reproduction service.
11. Psychic, fortune teller.
12. Tailor, milliner or upholsterer.
13. Tattoo parlor or body piercing.
14. Taxidermist.

**B. Animal Care (Indoor)**

**1. Defined**

A facility designed or arranged for the care of animals without any outdoor activity. No outdoor activity associated with the care of animals is allowed, except for outdoor pet elimination

areas no more than 2,000 square feet in area. Includes animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, kennel (5 or more dogs or cats), and doggy day care. May include as an accessory use the sale of products such as pet foods, leashes, collars, or animal care products.

**C. Animal Care (Outdoor)**

**1. Defined**

A facility designed or arranged for the care of animals that includes outdoor activity. Includes animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, kennel (5 or more dogs or cats), and doggy day care. May include as an accessory use the sale of products such as pet foods, leashes, collars, or animal care products.

**2. Use Standards**

- a. The minimum lot size is 5 acres in the AR-1, AG-1 and AG-2 districts.
- b. No structure or area for the keeping of animals may be located within 100 feet of a property line.
- c. An opaque fence or wall at least 6 feet in height must be erected adjacent to any area used for the keeping of animals.
- d. A vegetative buffer is required in accordance with Sec. 8.2.

**D. Beauty, Hair, or Nail Salon**

**1. Defined**

A commercial facility where cosmetology services are offered or provided for a fee.

**E. Catering Service**

**1. Defined**

A commercial facility providing prepared foods and/or service for off-site consumption. This does not include the delivery of packaged foods for individual sale.

**F. Funeral Home**

**1. Defined**

A facility used for undertaking services, such as preparing the dead for burial and the arranging and managing of funerals. Such facilities may include chapels, storage areas for caskets, urns, and other funeral supplies, and storage for funeral vehicles.

**G. Private Morgue, Mortuary, or Crematorium**

**1. Defined**

A facility used for the temporary storage of human corpses awaiting identification, burial, cremation or autopsy.

**H. Laundry and Dry Cleaning**

**1. Defined**

A facility where customers wash their clothes using self-operated machines or leave clothes for on or off-site cleaning. Laundry and dry cleaning includes dry cleaning pick-up and delivery stations, clothes drop-off facility, laundromat, and washeteria.

**I. Massage Therapy**

**1. Defined**

Any building, structure, or place, other than a regularly licensed and established hospital, whose principal business is to practice nonmedical or nonsurgical manipulative exercises or devices upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational or physical therapist, chiropractor or osteopath with or without the use of

therapeutic, electrical, mechanical or bathing devices.

**J. Personal Repair**

**1. Defined**

A business whose primary use is repair services to the public. Personal repair specifically includes, but not limited to, repair of appliances, bicycles, canvas product, clocks, computers, jewelry, musical instruments, office equipment, radios, shoes, televisions, watches, or similar items. Personal repair specifically excludes small engine repair, vehicle repair, and any other principal or accessory use that is otherwise identified in this article.

**K. Photocopying, Printing and Reproduction Services**

**1. Defined**

A commercial establishment where copying, reproduction and other business services are performed.

**L. Psychic, Fortune Teller**

**1. Defined**

All persons, firms or corporations engaging in the business, trade or profession of fortune-telling, astrology, phrenology, palmistry, clairvoyance, or related practices for a charge or by donation.

**M. Tailor, Milliner, or Upholsterer**

**1. Defined**

A facility where professional services are provided for the alteration or repair of clothing, headwear, furniture, or similar household items.

**N. Tattoo Parlor or Body Piercing**

**1. Defined**

A business providing one or more of the following:

- a. Placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration or modification of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.
- b. Creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.
- c. This definition does not include procedures performed by a licensed physician at a medical facility as defined in Sec. 7.5.6.

**2. Use Standards**

- a. No use may be licensed or operated within 300 linear feet of the front entrance (measured in a straight line) of any residential use, day care facility, place of worship, public or private school, park or playground, or any establishment where alcohol is consumed on premises.
- b. Hours of operation are only allowed from 8:00 a.m. through 9:00 p.m.
- c. All spaces that are used to tattoo, pierce or otherwise modify a body must be separate and not within the line of sight of the public.
- d. Any establishment must remain in compliance with all applicable regulations of the Georgia Department of Public Health.

**O. Taxidermist**

**1. Defined**

A business engaged in the preparing, stuffing, and mounting of animal skins to make them appear lifelike.

**7.5.9. Outdoor Recreation**

**A. Defined**

A facility or use, varying in size, which provides daily or regularly scheduled entertainment, recreation or amusement activities for profit, including but not limited to an outdoor shooting range, amusement park, private zoo, sports stadium or arena, outdoor sports field or court, swimming pool, travel trailer park, campground or recreational vehicle park, or outdoor theater.

**B. Outdoor Shooting Range**

**1. Defined**

An area of land set aside for the discharge of firearms to practice marksmanship.

**C. Travel Trailer Park, Campground, Recreational Vehicle Park**

**1. Defined**

A parcel of land which has been planned and developed to accommodate two or more travel trailers, tents or other camping units, or recreational vehicles for temporary occupancy. Accessory uses or facilities may be provided on site including management offices, community facilities for sanitation or recreation, and commercial uses for essential goods or services for exclusive use for park patrons.

**2. Use Standards**

- a. The minimum lot size is 5 acres.
- b. All designated spaces must be located on an interior driveway. All interior driveways must have unobstructed access to a public street or highway and must be

graded, stabilized and covered with a dust-free material.

- c. Parks designed to accommodate 15 or more designated spaces must provide at least one recreation area with a minimum area of 3,000 square feet. When recreation areas include swimming facilities they must be enclosed by a fence at least 4 feet high. Fences must include a self-latching or self-closing gate.
- d. All park grounds must be maintained with grass, trees or shrubs to enhance the appearance of the park and to prevent soil erosion or the creation of dust during dry weather.
- e. No permanent structure may be erected on any designated space within the park.
- f. Parks must have a public, community or private water and sewer system approved by the County health department and the local water department when appropriate. Water and sewer approval must be obtained prior to submission of the site plan to the Planning Commission.

**7.5.10. Eating and Drinking Establishment**

**A. Defined**

A facility that prepares and sells food and drink for on- or off-premise consumption. Eating and drinking establishment includes the following:

- 1. Brewpub.
- 2. Coffee, tea, or juice shop.
- 3. Drive-in restaurant.
- 4. Restaurant.
- 5. Yogurt or ice cream shop.

**B. Brewpub**

**1. Defined**

An eating or drinking establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36, for on-site retail consumption in draft form.

**2. Use Standards**

All brewpubs must meet the requirements of Title 5, Chapter 5.30 of the Hall County Official Code.

**C. Drive-In Restaurant.**

**1. Defined**

Any restaurant designed for customers to park and place and receive food orders while remaining in their vehicles.

goods, dry goods, dispensaries, electronics, fabric, food and beverages, furniture, garden supplies, groceries, hardware, home improvement, household products, jewelry, medical supplies, magazines, meat, music, musical instruments, newspaper, novelties, office supplies, package shipping, pets, pet supplies, pharmaceuticals, phones, photo finishing, picture frames, plants, pottery, printed materials, produce, seafood, shoes, sporting goods, stationery, tobacco and related products, toys, media, vehicle parts and accessories, video games and related products, except as otherwise defined in this article.

**C. Bakery**

**1. Defined**

A business whose primary use is the retail sale of breads, cakes, cookies, pastries, and other baked goods that have been produced on-site or off-site to the public.

**7.5.11. Retail Sales**

**A. Defined**

A facility involved in the sale, lease, or rental of new or used products for personal or household consumption, including processing or manufacturing incidental or subordinate to selling and occupying less than 40 percent of the floor area. Retail sales includes the following:

1. General retail.
2. Bakery.
3. Pawn shop, pawn broker, title pawn, title loan, check cashing.
4. Smoke or vape shop.

**D. Pawn Shop, Pawn Broker, Title Pawn, Title Loan, Check Cashing**

**1. Defined**

A business involved in any part of the pledge, pawn, or exchange of any goods, wares, merchandise, or any kind of personal property or title as security for the repayment of money lent.

**B. General Retail**

**1. Defined**

A facility involved in the sale, lease, or rental of new or used appliances, antiques, art supplies, bait and tackle, batteries, beer, liquor, wine, bikes, books, building supplies, cameras, carpet and floor coverings, crafts, clothing, computers, convenience

**E. Smoke or Vape Shop**

**1. Defined**

Any business whose principal use involves the sale or on-site use of tobacco products, alternative nicotine products, vape juice, or any combination of these. For the purposes of this definition, "alternative nicotine products" refer to any products or devices that employ an electronic



heating element, power source, electronic circuit, battery, or other electronic, chemical, or mechanical means to produce a vapor that delivers nicotine to the person inhaling from the device, including electronic cigarettes, electronic cigars, electronic hookahs, electronic bong and electronic pipes, whether manufactured, distributed, marketed, or sold as an electronic cigarette, electronic cigar, or electronic pipe. For the purposes of this definition, “vape juice” refers to any liquid that contains compounds containing pharmaceutical grade vegetable glycerin, propylene glycol, nicotine, food-grade flavoring, and water, and can be used for vaping by means of an alternative nicotine product. For purposes of this definition, “principal use” means that the combined total sales of tobacco products, alternative nicotine products, and vape juice constitute at least 25% of the business’s aggregate sales. “Principal use” also means that any amount of on-site use of sold tobacco products, alternative nicotine products, vape juice, or any combination of these occurs on the premises. A business will be deemed a smoke or vape shop when either or both of these “principal use” meanings are met.

**7.5.12. Vehicular**

**A. Defined**

A facility primarily providing the sale, leasing, servicing, repair, parts, or storage of passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles. Vehicular includes the following:

1. Boat and recreational vehicle sales, rental, or service.
2. Car wash.
3. Fuel sales.
4. Service Station.
5. Truck Stop.
6. Vehicle sales, rental, or auction.
7. Vehicle repair, minor.
8. Vehicle repair, major.

**B. Boat and Recreational Vehicle Sales, Rental, or Service**

1. A facility that sells, repairs or rents boats, travel trailers or recreational vehicles for a fee. Includes the outdoor storage and display of merchandise.

**C. Car Wash**

**1. Defined**

A facility with mechanical or hand-operated equipment used for the cleaning, washing, polishing, or waxing of motor vehicles, including, but not limited to, self-service, full-service, and hand-detailing service.

**2. Use Standards**

- a. When located within 200 feet of any residential district or use, a car wash is subject to the following:
  - i. Operation of the establishment is limited to the hours between 6 AM to 10 PM on all days of the week.
  - ii. Vacuums and compression machines must be located on the site so as not to cause excessive noise onto adjacent properties.
  - iii. No equipment or structure may be located within 20 feet of the adjacent residential district or use.

- iv. In addition to the screening and buffer requirements of Sec. 8.2., a solid fence or wall at least 8 feet in height must be provided along the adjoining property line.
- b. Adequate stacking spaces must be provided to avoid encroachment by any vehicles into the public right-of-way.
- c. Canopies may not exceed a height of 18 feet to the bottom of the underside of the canopy and 23 feet to the top of the roof of the canopy.
- d. All car wash facilities must meet the architectural standards of Sec. 6.2.6.

**D. Fuel Sales**

**1. Defined**

A facility for the dispensing and distribution of vehicle fuels with or without a retail convenience store. Fuel sales may be a primary or accessory use.

**2. Use Standards**

- a. Canopies may not exceed a height of 18 feet to the bottom of the underside of the canopy and 23 feet to the top of the roof of the canopy.
- b. Fuel pumps must be located at least 50 feet from any residential district.

**E. Service Station**

**1. Defined**

A facility where gasoline, oil, grease, batteries, tires and other automobile accessories may be dispensed at retail. Tire recapping facilities are not permitted as a service station.

**2. Use Standards**

- a. No part of the premises may be used for the storage of dismantled or wrecked vehicles.

**F. Truck Stop**

**1. Defined**

A facility for heavy trucks which may provide fuel, minor service or repair facilities, vehicular washing areas, restaurants, convenience retail goods, and restroom or showering facilities on site.

**G. Vehicle Sales, Rental, or Auction**

**1. Defined**

A facility that sells, leases, or auctions new or used passenger vehicles, light or medium trucks, or motorcycles.

**H. Vehicle Repair, Minor**

**1. Defined**

A facility where minor vehicle repair and service is conducted. Includes audio and alarm installation, custom accessories, quick lubrication facilities, minor scratch and dent repair, emissions testing, bed-liner installation, and glass repair or replacement.

**2. Use Standards**

- a. For all vehicular repair garages except those provided for under Sec. 7.8.9.E. any operative or non-operative vehicle which is visible from beyond the premises must have a current vehicle registration and a paid ad valorem tax receipt, except that a maximum of three vehicles which are either non-operative or not registered, exempt from registration because they are used for racing or competition events or qualify as antique or classic vehicles undergoing restoration, may be stored within view from beyond the premises

without having a current vehicle registration.

**I. Vehicle Repair, Major**

**1. Defined**

A facility used for the service or major commercial repair of motor vehicles, including transmission, brake, muffler and tire shops, along with body and paint shops.

**2. Use Standards**

- a. All service and repair work must be performed within fully enclosed buildings.
- b. All vehicles, dismantled parts, or supplies must be stored within fully enclosed buildings.

- c. For all vehicular repair garages except those provided for under Sec. 7.8.9.E., any operative or non-operative vehicle which is visible from beyond the premises must have a current vehicle registration and a paid ad valorem tax receipt, except that a maximum of three vehicles which are either non-operative or not registered, exempt from registration because they are used for racing or competition events or qualify as antique or classic vehicles undergoing restoration, may be stored within view from beyond the premises without having a current vehicle registration.

## Sec. 7.6. Industrial Uses

### 7.6.1. Craft Manufacturing

#### A. Defined

A facility whose primary use is the shared or individual use of hand-operated tools for the manufacturing of products or parts, including their design, processing, fabrication, assembly, treatment and packaging. Craft manufacturing may also include the incidental storage, sale, and distribution of said products or parts. Craft manufacturing specifically includes, but is not limited to, the manufacturing of electronic goods, food and bakery products, non-alcoholic beverages, printmaking, household appliances, leather products, jewelry and clothing, metalwork, furniture, glass or ceramics, and paper.

#### B. Use Standards

1. No individual facility may exceed 20,000 square feet of floor area.
2. The operation may not result in noise, electrical interference, vibration, smoke, gas, fume, odor, dust, fire hazard, dangerous radiation, or other injurious or obnoxious conditions detectable to the normal human senses off the premises.

### 7.6.2. Data Center

#### A. Defined

A facility dedicated to the housing of telecommunications exchanges, or computer or data processing, management, storage, equipment or systems. Data centers may also include accessory utility infrastructure such as air handler, power generator, water cooling and storage facilities, and similar infrastructure necessary to the operations at a data center.

### 7.6.3. Heavy Industrial

#### A. Defined

A facility that involves dangerous, noxious or offensive uses, or a facility that has smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception, radiation or any other likely cause. Heavy industrial includes the following:

1. Airport, which means any area of land or water designed and set aside for the landing and taking off of aircraft and utilized or to be utilized in the public interest for such purposes. An airport shall include all runways, terminal buildings, hangers, and related facilities located on the airport premises.
2. Airfield, private, which means a privately-owned airfield. Airfield means any area of land or water utilized for the landing or taking off of aircraft.
3. Animal processing, packing, treating and storage, livestock or poultry slaughtering, processing of food and related products, production of lumber, explosives, fireworks, tobacco, chemical, rubber, leather, clay, bone, paper, pulp, plastic, stone, or glass materials or products, production or fabrication of metals or metal products including enameling and galvanizing.
4. Asphalt emulsion.
5. Bulk fuel sales.
6. Bulk storage or manufacturing of flammable liquids, chemicals, cosmetics, drugs, soap, paints, fertilizers and abrasive products.

7. Concrete, cement, asphalt, brick, lime, gypsum or tile manufacturing.
8. Laboratory, except those as defined in Sec. 7.6.5.
9. Mineral extraction such as quarrying stone or mining.
10. Petroleum, liquefied petroleum gas and coal products and refining.
11. Prefabricated building manufacturing.
12. Private energy facility used for the generation of power to be sold to a public utility provider, including solar, wind, geothermal or hydraulic facilities.

**B. Asphalt Emulsion**

**1. Defined**

A facility where asphalt, water, and an emulsifying agent are combined to create a semi-solid asphalt used for maintenance and repair of concrete, cement, or asphalt roads or walkways.

**7.6.4. Light Industrial**

**A. Defined**

A facility conducting light industrial operations which do not result in adverse effects beyond the boundary of the property. Light industrial includes the following:

1. A facility that involves conducting food and beverage production; land-intensive outdoor sales and services; or repair or servicing of industrial, business, or consumer machinery, equipment, or products mainly by providing centralized services for separate retail outlets.
2. Brewery, winery, distillery.
3. Laundry, dry-cleaning, and carpet cleaning plants.
4. Light manufacturing.
5. Micro-brewery.

6. Micro-distillery.

**B. Brewery, Winery, Distillery**

**1. Defined**

An industrial facility where malt beverages, distilled spirits, or wine are produced on the premises and then sold or distributed for off-premises consumption in compliance with State law and Department of Revenue licensing requirements. The sale, by a retail licensee, of beverages manufactured at the facility is permitted from the premises. Restaurants and event facilities are also permitted within the facility as accessory uses. Does not include farm winery as defined in Sec. 7.7.4.

**C. Light Manufacturing**

**1. Defined**

A facility conducting light manufacturing operations within a fully enclosed building. Light manufacturing includes the following:

- a. Clothing, textile or apparel manufacturing.
- b. Facilities engaged in the assembly or manufacturing of scientific measuring instruments; semiconductor and related devices, including but not limited to clocks, integrated circuits, jewelry, medical, musical instruments, photographic or optical instruments or timing instruments.
- c. Pharmaceutical or medical supply manufacturing.
- d. Printing, bookbinding, or publishing plants.
- e. Sheet metal, welding, machine shop, tool repair.

- f. Stone, clay, glass, or concrete products.
- g. Woodworking, cabinet makers, or furniture manufacturing facility which does not meet the definition of craft manufacturing in Sec. 7.6.1.

**D. Micro-brewery**

**1. Defined**

A small-scale malt beverage manufacturing facility in which malt beverages manufactured on-premises or at another of the brewer’s licensed premises under common ownership as defined in OCGA 3-5-24.1 may be sold for consumption on-premises or by the package for off-premises consumption. Malt beverages manufactured or brewed on-premises shall be limited to 10,000 barrels per calendar year, of which no more than 6,000 barrels may be sold at retail for on-premises consumption or by the package for off-premises consumption.

**E. Micro-distillery**

**1. Defined**

A small-scale distilled spirit manufacturing facility in which distilled spirits manufactured on-premises or at another of the distiller’s licensed premises as defined in OCGA 3-4-24.2 may be sold for consumption on-premises or by the package for off-premises consumption. Distilled spirits manufactured or distilled on-premises shall be limited to 3,000 barrels per calendar year, of which no more than 750 barrels may be sold at retail for on-premises consumption or by the package for off-premises consumption.

A facility focused primarily on the research and development of new products. Research and development includes the following:

1. Laboratories, offices and other facilities used for research and development by or for any individual, organization or concern, whether public or private.
2. Prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product.
3. Pilot plants used to test manufacturing processes planned for use in production elsewhere.

**7.6.6. Storage Lot**

**A. Defined**

A facility used entirely for:

1. Contractors equipment storage.
2. Heavy equipment storage.
3. Fleet storage.
4. New and operable used vehicle, boat, or other similar operable vehicle storage where no retail sale of vehicles is conducted.
5. Storage of stone, pipe, steel, and other similar material or equipment.
6. Storage of soil, mulch or lumber, including the splitting of logs.
7. Towing/impounding of vehicles.
8. Truck terminal.
9. Truck yard.

**B. Contractors Equipment Storage**

**1. Defined**

A facility engaged in the provision of offsite contractor activities, including, but not limited to, plumbing, electrical work, building, roofing, carpentry, exterminating and landscaping and

**7.6.5. Research and Development**

**A. Defined**

other such activities, including the storage of material and the overnight parking of commercial vehicles.

**2. Use Standards**

a. When storage of equipment or vehicles occurs outside and adjacent to any non-industrial district, the buffer standards for Industrial uses in Table 8.2.1. apply.

**C. Heavy Equipment Storage**

**1. Defined**

A facility engaged in the storage of heavy equipment used for farming, grading or paving, usually uncovered or outside.

**2. Use Standards**

a. The buffer standards for Industrial Uses with Outdoor Storage in Sec. 8.2. apply to all such facilities.  
 b. In addition to the standards of Sec. 8.2., an opaque fence or wall at least 8 feet in height must be provided to screen storage areas from adjacent properties.

**D. Truck Terminal**

**1. Defined**

A facility for the receipt, transfer, short-term storage, and loading or unloading of goods transported by heavy trucks. Does not include the overnight storage of such vehicles.

**E. Truck Yard**

**1. Defined**

A facility for the temporary parking or storage of heavy trucks which are in active use.

**2. Use Standards**

a. The minimum lot size is 2 acres.  
 b. Parking or storage may be overnight.

c. No loading or unloading may occur on the premises.  
 d. No truck yard may be located within 500 feet of a residential district.  
 e. No storage of inoperable vehicles is allowed.

**7.6.7. Self-Service Storage**

**A. Defined**

A facility providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.

**B. Use Standards**

1. No outside storage is allowed.  
 2. New self-service storage facilities must be located at least 1,500 feet from any other self-service storage facility.

**7.6.8. Warehouse and Distribution**

**A. Defined**

A facility involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers. Warehouse and distribution includes the following:

1. Building materials storage yard.
2. Bulk storage, including non-flammable liquids, cold storage plants, frozen food lockers, household moving and general freight storage.
3. Distribution of products and merchandise.
4. Parcel services.
5. Transfer and storage business where there are no individual storage areas or where employees are the primary

movers of the goods to be stored or transferred.

of organic material may be no less than 100 feet when the adjacent property is zoned AG-1 or AR-1.

### 7.6.9. Waste Related Services

#### A. Defined

A facility used for the sale, exchange, storage, salvage, baling or cleaning of waste material. Waste-related service includes the following:

1. Composting or storage of organic material.
2. Hazardous household materials collection center.
3. Hazardous waste facility.
4. Junk or salvage yard.
5. Landfill.
6. Recycling processing center.
7. Scrap metal processor.
8. Solid or liquid waste transfer station.
9. Slow rate land treatment system.
10. Waste-related energy recovery or production.

#### B. Composting or Storage of Organic Material

##### 1. Defined

A facility or lot used for the controlled biological decomposition of organic matter in a stable humus-like material or for the storage of such organic material.

##### 2. Use Standards

- a. Commercial or agricultural composting operations must be at least 200 feet from any side or rear property lines.
- b. Structures for the storage of organic material or waste must be at least 200 feet from any side or rear property line.
- c. In the AG-1 and AR-1 districts the setback for composting or storage

#### C. Junk or Salvage Yard

##### 1. Defined

The use of any facility whether indoors or outdoors for the storage, keeping, salvage or sale of junk, scrap metals or other scrap materials. Includes the dismantling, demolition or abandonment of one or more automobiles or other vehicles or machinery or parts thereof.

##### 2. Use Standards

- a. No person, firm or corporation may operate, use or expand a junk yard unless and until a valid occupancy permit has been issued. An application must be made on the proper form and a detailed site plan must be attached. Occupancy permits may be issued according to the provisions of these requirements.
- b. A landscape buffer strip of evergreen species must be planted to form a hardy screen dense enough to interrupt vision and noise.
- c. The landscape buffer must be at least 50 feet when adjacent to any residential district or use and at least 30 feet for all other uses, regardless of the zoning of the adjacent property.
- d. The landscape buffer must attain a height of at least 8 feet within five years of establishment of the buffer.
- e. The landscape buffer must be planted at least 5 feet from any street right-of-way or side and rear property line.



- f. Either larger plants or a greater number of plants than will be needed at maturity must be planted as necessary to attain full screening horizontally while the plants are growing to full height. Spacing must be the minimum required for mature plants, and two staggered rows may be used if necessary to attain the required initial screening. New plants must be nursery-grown and of such size, species, and condition as to ensure the maximum initial screening commensurate with a high rate of survival and a high growth rate.
- g. A detailed description or site plan of the landscape buffer strip that meets these requirements must be submitted for review and approval.
- h. Where a certificate of occupancy has been issued for a site prior to the adoption of landscape buffer requirements, a certificate of zoning compliance may be used to indicate approval of a completed landscape buffer strip.
- i. In addition to the landscape screening, a fence at least 6 feet in height must be erected no closer than 10 feet from any property line. The fence must completely obstruct view into the property. Wood or metal slatted chain-link fencing must be used unless specifically modified by the Planning Commission. The slatting used on chain-link fencing must be wide enough to completely fill the area between the links. Gates must be of the same material as the fence and must obstruct view into the property when closed.
- j. The parking of non-operable motor vehicles or the storage of

junk on public rights-of-way or outside the fenced enclosure is specifically prohibited and may be deemed cause for immediate revocation of the occupancy permit.

**D. Slow Rate Land Treatment System**

**1. Defined**

A system for wastewater treatment by spray irrigation (land application). The term refers to the advanced treatment of wastewater by irrigation onto land to support vegetative growth. For purposes of this regulation, the term may include ponds or lagoons used for the temporary storage of the treated wastewater before application to the spray fields.

**2. Use Standards**

- a. The treatment system must be properly sited, designed and operated in conformance with state and local regulations.
- b. Any treated wastewater stored in ponds or lagoons must have been treated to a level that the wastewater could be sprayed without further treatment.
- c. Any ponds or lagoons must have liners to prevent seepage.

**E. Waste-related Energy Recovery or Production.**

**1. Defined**

A private facility where non-recyclable waste materials are converted into usable heat, electricity, or fuel through a variety of processes including, but not limited to, combustion, gasification, pyrolization, anaerobic digestion or landfill gas recovery.

**2. Use Standards**

- a. The minimum lot size is 10 acres.

- b. No structure or facility used in the recovery or production process may be within 200 feet of any property line.

A facility involved in the sale, lease, or rent of products, primarily to other businesses. Wholesale may include display or storage areas for products.

### 7.6.10. Wholesale

#### A. Defined

## Sec. 7.7. Agricultural Uses

### 7.7.1. Agriculture, General

#### A. Defined

The use of a lot for the following activities: raising, growing, harvesting, or storing of crops; post-harvest services on crops with the intent of preparing them for market or further processing, including, but not limited to crop cleaning, drying, shelling, fumigating, curing, sorting, grading, packing, ginning, canning, pickling, and cooling; feeding, breeding, or managing livestock or poultry; producing or storing feed for the use in the production of livestock or poultry; slaughtering and processing of poultry and other animals raised on site; manufacturing dairy products; producing horticultural, viticultural, silvicultural, grass sod, dairy, livestock, poultry, egg, and apiarian products; keeping of up to four equines and equine related activities such as riding rings or dressage fields; or similar agrarian activity for gain or profit, and the related buildings, structures, and appurtenances necessary to carry out the use.

Includes the operation of facilities which allow the public to participate in agricultural related activities such as petting zoos, educational tours, guest ranches, and pay fishing. This does not include the raising of dangerous animals.

#### B. Use Standards

1. The minimum lot size is 5 acres.
2. No commercial poultry house or structure for the keeping of livestock or equine for commercial purposes may be located within 200 feet of the side and rear property lines.
3. In the raising of exotic animals no structure, including outside runs or

pens used to house such animals, may be located within 200 feet of a property line.

### 7.7.2. Equestrian Center

#### 1. Defined

A lot on which more than four adult equines are kept for the purpose of training, instruction, practice sessions, shows, competitive equestrian events, or riding lessons are provided a fee. Includes facilities for riding trails and rings, dressage fields, and other equestrian related activities.

#### 2. Use Standards

- a. The minimum lot size is 5 acres.
- b. No structure for the keeping of equines, including stables, may be located within 200 feet of any property line.
- c. No other structures or facilities, including but not limited to riding trails, show and training rings or jumps, may be located within 50 feet of any property line.

### 7.7.3. Agri-entertainment Events

#### A. Defined

The gathering of individuals for social, celebratory or entertainment purposes at an agricultural location or venue wherein a fee is charged by the owner or representative of the property for the use of the venue. Events include weddings, receptions, private parties, public gatherings, community events or similar agri-entertainment uses as determined by the Director.

#### B. Use Standards

1. A pre-application meeting with the Department of Planning and Zoning is required prior to any application for agri-entertainment use.

2. The minimum lot size is 5 acres.
3. The agri-entertainment event barn or primary event structure may be constructed only on the property described in the application. The barn or primary structure must be located at least 300 feet from any property line under separate ownership.
4. Accessory buildings or structures for the use of the property as an agri-entertainment event facility must be located at least 50 feet from any property line under separate ownership.
5. All parking for an agri-entertainment event must be located at least 200 feet from any property line under separate ownership. Parking on grass or gravel may be permitted.
6. The maximum number of attendees to occupy any agri-entertainment event barn or structure on the premises is determined by the Hall County Fire Marshal.
7. The occupancy of the agri-entertainment event barn or primary event structure must not exceed the occupancy load provisions of the Uniform Building Code. e Occupancy load limits will be posted on the premises by the Hall County Building Inspection Department.
8. The use of the premises for an agri-entertainment venue may be permitted only after the issuance of a certificate of occupancy by the Hall County Building Inspection Department.
9. Any improvements required to support the property as an agri-entertainment venue may be made only after the issuance of a building permit by the Hall County Building Inspection Department.
10. Outdoor activities may not involve the outside amplification of voice, music or instruments except during a wedding ceremony.
11. Agri-entertainment events may operate between the hours of 9:00 a.m. to 10:00 p.m. on Sunday through Thursday and 9:00 a.m. to 12:00 a.m. on Friday and Saturday.
  - a. Operate, as used in this Sec. 7.7.3., means the conclusion of services for guests or attendees such as food, drinks, and entertainment.
12. All agri-entertainment events must provide adequate potable water and sanitary waste disposal systems as determined by the Hall County Environmental Health Department.
13. All agri-entertainment events must provide adequate access and egress for emergency vehicles.
14. All agri-entertainment events must provide adequate personnel to assist with parking, emergency and other potential impacts of each event.
15. If the property being considered for agri-entertainment use is a "bona-fide conservation use property" as defined under O.C.G.A. §§ 48-5-7.1 through 48-5-7.4, caution should be used to ensure that the proposed agri-entertainment use of the property does not constitute a breach of the conservation covenants applicable to the property.

#### 7.7.4. Farm Winery

##### A. Defined

The same meaning as set forth by state law and Chapter 5 of the Hall County Code of Ordinances.

##### B. Use Standards

1. The minimum lot size is 5 acres.
2. The farm winery must be located on a lot used for agricultural purposes,

including the cultivation of grapes, berries or fruits utilized in the manufacture or production of wine.

3. The farm winery must be owned and operated by persons who work in the production of a large part of the agricultural produce used in its annual production.
4. Parking areas must be screened from roads and adjacent properties.
5. No amplified sound is permitted unless it is within an enclosed structure.
6. Activity areas such as tasting rooms, buildings used for production, storage, bathroom facilities, and parking areas must be at least 100 feet from any lot line. This does not include the propagation of grapes or other crops.
7. The maximum number of attendees and hours of operation will be evaluated by the Board of Commissioners on a case-by-case basis for each site to protect the public's health, safety, and welfare.

8. Tasting rooms must not exceed 2,500 square feet in size.
9. The farm winery must comply with applicable requirements for a Farm Winery in Chapter 5 of the Hall County Code of Ordinances.

### 7.7.5. Sawmill

#### A. Defined

A facility used to process timber grown and harvested on-site.

#### B. Use Standards

1. The minimum lot size is 5 acres.
2. The sawmill must be located at least 200 feet from the nearest residence on any adjacent property.
3. No sale of products resulting from the sawmill may occur on the property.
4. Hours of operation are limited to Monday to Saturday, 7:00 a.m. through 7:00 p.m.

## Sec. 7.8. Accessory Uses

### 7.8.1. General

- A. Accessory uses are permitted in conjunction with an allowed principal use. Allowed accessory uses include those listed in this section and additional accessory uses as interpreted by the Director.
- B. Accessory uses may not be erected before construction of the principal building to which they are accessory.
- C. Accessory buildings or structures may not be utilized unless the principal structure is also occupied.
- D. Accessory buildings may not be used for any use not allowed in the zoning district.
- E. Dimensional standards for accessory buildings and structures are included with the building setback for each zoning district; by use standards within this section; subject to the yard encroachments allowed under Sec. 2.1.4.B.

### 7.8.2. Accessory Structure

#### A. Defined

A building detached from and subordinate to a main building or use on the same lot and used for purposes customarily incidental to the use of that property. Any agricultural use shall be deemed to be an accessory building whether situated on the same lot with the principal building or not. Except as otherwise permitted in this UDC, accessory structures may not be used as a dwelling.

### 7.8.3. Accessory Dwelling Unit (ADU)

#### A. Defined

A small, self-contained dwelling unit located on the same lot as a principal residence.

#### B. Use Standards

1. The design and size of the ADU must conform to all codes required for any new construction.
2. The ADU must be a site-built structure. Mobile or modular structures may not be used as an ADU.
3. Only one ADU may be created per principal dwelling unit.
4. The ADU must be either:
  - a. Detached in an accessory building; or
  - b. Attached or within the principal dwelling unit but not accessible from the interior of said dwelling unit. Such ADU must have its own independent entrance.
5. If not attached to the principal dwelling, the building containing the ADU must be located in the rear or side yard.
6. No ADU may exceed 1,000 square feet in floor area nor be less than 300 square feet in floor area, excluding any related garage area or other ancillary storage. In addition to the above, no ADU may exceed the floor area of the principal dwelling nor have more than two bedrooms.
7. The ADU must be constructed of materials similar in appearance to the primary residence.

### 7.8.4. Caretaker's Residence

#### A. Defined

A residence (including a manufactured home) for a bona fide caretaker, watchman, owner, or other employee that is accessory to a permitted use.

**B. Use Standards**

1. The lot which contains the residence must be an approved, recorded lot and must front a publicly maintained road, or it must be a lot of record as defined in Sec. 12.2.
2. The proposed residence must meet all setback requirements for the zoning district in which it is located.
3. The proposed residence may be permitted only if the residence is necessary to the property's orderly operation or safety.
4. Only one caretaker residence is permitted on a piece of property at a time, except that in the AG and AR zoning districts one caretaker residence may be permitted for each five acres of land.
5. The proposed residence may only be of a type inherently permitted in the zoning district in which it is located, unless otherwise specified by the zoning regulations.
6. The applicant for a caretaker residence must demonstrate in writing how the circumstances are unique and different from those of other similar uses in the area to warrant approval of the accessory use.

**7.8.5. Drive-Thru Facility**

**A. Defined**

A facility at which the customer is served while sitting in a vehicle, typically associated with drive-thru restaurants, banks, and pharmacies.

**7.8.6. Garage, Private**

**A. Defined**

An accessory building or portion of a principal building used for the private storage of motor vehicles.

**7.8.7. Garden**

**A. Defined**

A plot of ground where herbs, fruits, flowers, or vegetables are cultivated for personal or group use, consumption, or donation. Includes a rooftop garden or green roof.

**7.8.8. Guest House**

**A. Defined**

Accessory living quarters located within a detached structure located on the same lot as a principal residence. A guest house is distinct from an ADU in that it is not intended for long-term occupancy.

**B. Use Standards**

1. No more than one guest house may be erected on a lot.
2. The guest house must be a site-built structure. Mobile or modular structures may not be used as a guest house.
3. No guest house may be used as a primary residence.
4. Any guest house must be located at least 20 feet from the primary structure.
5. The floor area of the guest house and any attached structures, such as garages or accessory storage, may not exceed 20 percent of the total lot area and must be subordinate to the primary structure in size.

**7.8.9. Home-Based Business**

**A. Defined**

Any business, profession, occupation, trade, or activity conducted within a

dwelling or its accessory building, which is clearly incidental to the residential use, and which is conducted for profit by a person or household residing on the premises, and which does not change the essential residential character of the property. Home-based business includes the following:

1. Home office.
2. Home occupation.
3. Residential business.
4. Rural business.

**B. Home Office**

**1. Defined**

An office use conducted entirely within a dwelling.

**2. Use Standards**

- a. The home office may not exceed more than 300 square feet in floor area.
- b. Uses are limited to routine office, clerical or bookkeeping procedures.
- c. No employees other than family members residing on the premises may be permitted.
- d. Home offices may not include any business which involves the sale, manufacture or repair of merchandise on the premises or the storage of inventory, raw materials or other materials to be used in the business.
- e. Home offices may not include any business requiring access by the public, including but not limited to customers, clients or vendors.
- f. No outside storage or display, including signs, is permitted.

**C. Home Occupation**

**1. Defined**

An occupation or profession conducted entirely within a dwelling.

**2. Use Standards**

- a. Home occupations may not include the repair or maintenance of motor vehicles, large scale manufacturing or any use which will create noise, noxious odors or any hazard that may endanger the health, safety or welfare of the neighborhood.
- b. The home occupation may not allow customers or the public to come to the premises.
- c. The dwelling must be the primary residence of the principal practitioner at the time of the application and the home occupation may be valid only as long as the original principal practitioner resides in the dwelling, is conducting the business and has a current business license.
- d. Home occupations may not exceed 25 percent of the total heated floor area of the residence or 500 square feet, whichever is less.
- e. Any additions or alterations to the residence which will be used for the home occupation must be architecturally compatible with the surrounding residential and agricultural development.
- f. The portion of the residence in which the business is conducted must be completely enclosed so that the business is not visible from surrounding properties.
- g. No employees other than family members residing on the premises may be permitted.
- h. There may be no exterior evidence of a business being



conducted on the premises. No outside storage or display, including signs, is permitted.

- i. No more than two home occupations, residential businesses or rural businesses are allowed in a residence at one time.
- j. No use that creates noise, dust, vibration, odor, smoke, glare, or electrical interference that would be detectable to the normal senses beyond the dwelling unit is permitted.
- k. Two business vehicles used exclusively by the resident are permitted. The vehicle is limited to a passenger car, a van or a truck up to one ton. Utility trailers or similar trail behind cargo trailers are not considered business vehicles.
- l. Pickups from and deliveries to the site for the business are restricted to vehicles having no more than two axles and may not exceed two per day.

**D. Residential Business**

**1. Defined**

An occupation or profession conducted entirely within a dwelling which may require access by the public.

**2. Use Standards**

- a. Residential businesses may include but are not limited to beauty shops, barber shops, professional offices and minor repair services. In the R-I district, the use is restricted to those uses where no customers or clients are coming to the site.
- b. Residential businesses may not include the repair or maintenance of motor vehicles, large scale

manufacturing, or any use which will create noise, noxious odors or any hazard that may endanger the health, safety or welfare of the neighborhood.

- c. The residential business may not involve group instruction or group assembly of people on the premises.
- d. The dwelling must be the primary residence of the principal practitioner and the residential business may be valid only as long as the principal practitioner resides in the dwelling, is conducting the business, and has a current business license.
- e. Residential businesses may not exceed 35 percent of the total heated floor area of the residence or 600 square feet, whichever is less.
- f. Any additions or alterations to the residence which will be used for the residential business must be of an architectural style in keeping with the surrounding residential and agricultural development.
- g. The portion of the residence in which the business is conducted must be completely enclosed in a manner that the business is not visible from surrounding properties.
- h. Only one employee outside of family members residing on the premises may be permitted. For uses where no customers or clients are coming to the site, the number of employees permitted at any one time may be increased to three.
- i. Property on which the residential business is proposed must have frontage on a public road.

- j. Parking for customers or clients must be provided on site as provided in Table 8.1 of Sec. 8.1.
- k. No outside storage or display may be allowed.
- l. Days and hours of operation allowing access by the public, employees, customers or clients are limited to Monday to Saturday, 8:00 a.m. through 6:00 p.m.
- m. No more than one home occupation, residential business or rural business is allowed on a lot at one time.
- n. The principal practitioner may be permitted to park one commercial vehicle in the approved parking area. The commercial vehicle is limited to a passenger car, a van or a light truck (up to one ton).
- o. Any utility trailer needed for the orderly operation of the business must be specifically requested and approved by the Planning Commission. The request must include the proposed use and size of the trailer.
- p. Pickups and deliveries to the site in regard to the business are restricted to vehicles having no more than two axles, may not exceed two per day, and must occur during applicable hours of operation.
- q. See Sec. 8.6.14. and 8.6.15. for sign standards.
- c. Retail sales or services of a specialty nature including antique shops, specialty foods, custom furniture, custom-made sporting goods, and meat cutting as a retail service to the public; provided, however, that no slaughtering or wholesale meat cutting or processing is permitted.
- d. Small repair shops for appliances, machinery, farm equipment or automobiles, provided the following:
  - i. The operation may not result in noise, electrical interference, vibration, smoke, gas, fumes, odor, dust, fire hazard, dangerous radiation, or other injurious or obnoxious conditions detectable to the normal human senses.
  - ii. No more than two vehicles may be actively worked on at any time.
  - iii. Machinery, farm equipment, or vehicles must be parked or stored within a designated area a maximum of 1,000 square feet in size. Said area must be located to the side or rear of the property and must be screened as provided in Sec. 8.2.
  - iv. Storage of spare parts must occur within a structure, the area of which is counted towards the overall square footage of the business.

**E. Rural Business**

**1. Defined**

An occupation or profession conducted within a dwelling, accessory structure or outside. Rural business includes the following:

- a. Offices.
- b. Beauty shops, barber shops.

**2. Use Standards**

- a. The minimum lot size is 1 acre.

- b. The dwelling must be the primary residence of the principal practitioner and the rural business may be valid only as long as the principal practitioner resides in the dwelling, is conducting the business and has a current business license.
- c. Rural businesses may not exceed 1,000 square feet if in a structure or 1,000 square feet of land if outside a structure. Should the use require both inside and outside areas, the total area used may not exceed 1,200 square feet. When a rural business is conducted in the residence, it may not exceed 35 percent of the heated floor space or 1,200 square feet, whichever is less. The proposed size of the business must be specified at the time of application for a rural business.
- d. Any buildings or structures for the rural business must be located at least 50 feet from any property line.
- e. Any additions or alterations to the residence which will be used for the rural business must be of an architectural style in keeping with the primary structure. Any structure built to house the business must be located to the side or rear of the residence, or, if the structure is in front of the residence, must be at least 100 feet from the front property line. The structure must be readily and easily usable for customary agricultural and residential uses.
- f. Any outside area other than accessory on-site parking must be completely enclosed or screened in such a manner that the business or outside storage is not visible from the surrounding property as set forth in Sec. 8.2.
- g. Only one employee outside of family members residing on the premises may be permitted.
- h. Property on which the rural business is proposed must have frontage on a public road.
- i. Parking for customers or clients must be provided on-site as provided in Table 8.1 of Sec. 8.1.
- j. Days and hours of operation requiring access by the public, customers or clients are limited to Monday to Saturday, 8:00 a.m. through 6:00 p.m.
- k. No more than one home occupation, residential business or rural business is allowed on a lot at one time.
- l. See Sec. 8.6.14. and 8.6.15. for sign standards.

### 7.8.10. Institutional Accessory Uses

#### A. Defined

Accessory uses administered by an institution that are related directly to the campus or institution, including parks, athletic fields, stadiums, playgrounds, bookstores, soda shops, art galleries, restaurants, cafeterias, card and souvenir shops, clinics, medical and dental offices, boarding and rooming houses, clubs, sororities, fraternities, and temporary lodging facilities.

### 7.8.11. Keeping of Livestock and Poultry

#### A. Defined

The raising or keeping of cattle, horses, donkeys, mules, goats, sheep, swine and other hoofed animals; poultry, ducks, geese, pigeons, peacocks and other live fowl; and fur or hide-bearing animals;

whether for pleasure or utility, as an accessory use to a single-family detached dwelling. The keeping of livestock and poultry does not include small species of pigs, cage birds, cats, dogs, or rabbits kept within a dwelling as a household pet; nor does it include the butchering, slaughtering or killing of animals; nor does it include the keeping, breeding, or training of livestock or fowl for profit in any residential district.

**B. Use Standards**

1. At least 15,000 square feet of land must be provided for each one domestic livestock or hoofed animal.
2. Livestock and fowl must be adequately contained within the property boundaries.
3. Structures or buildings for the keeping of animals must be at least 100 feet from any property line.
4. The breeding or sale of livestock, poultry or other animals is not permitted.

**7.8.12. Modular Offices/Classrooms**

**A. Defined**

A structure or building designed to be moveable from one location to another and which is not designed to be permanently attached or anchored to the ground but intended for occupancy. The use of such structures for public buildings and uses does not require a permit.

**7.8.13. On-Site Parking**

**A. Defined**

Parking provided on-site to serve a principal use of the site.

**7.8.14. Outdoor Storage, Minor**

**A. Defined**

Minor outdoor storage includes, but is not limited to:

1. The outdoor storage of merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers.
2. Outdoor sale or rental areas for sheds, building supplies, garden supplies, plants, lawnmowers, barbecues, and other similar items.
3. The overnight outdoor storage of vehicles awaiting repair (but not new vehicles for sale).
4. The outdoor storage of contractors' equipment that is accessory to a retail sales business with a floor area of 25,000 square feet or larger.

The use does not include the storage or sale of any items identified under major outdoor storage; nor does it include the outdoor display of tires or animals; nor does it include any temporary events under Sec. 7.9.5.

**B. Use Standards**

1. **Accessory to Large Retail Sales.** Where minor outdoor storage is allowed accessory to a retail sales business with a floor area of 25,000 square feet or larger, it is subject to the following:
  - a. Minor outdoor storage must be located to the side or rear of the business it is accessory to, or within 100 feet of the primary entrance, or within 10 feet of the front facade.
  - b. Minor outdoor storage may not impede the safe movement of pedestrian traffic.
  - c. Minor outdoor storage may not exceed 10% of the enclosed floor area size of the business it accessory to.

- d. Minor outdoor storage may or may not be fully or partially covered. No covering may extend higher than the roof level of the principal building.
2. **Accessory to All Other Business.** Where minor outdoor storage is allowed and is not subject to clause 1 above, it is subject to the following:
- a. Minor outdoor storage must be located to the side or rear of the business it is accessory to.
  - b. Minor outdoor storage may not exceed the enclosed floor area size of the business it accessory to.
  - c. Minor outdoor storage must be enclosed by a permanent, minimum 6 feet high opaque fence or wall that is compatible with the principal building in terms of texture, quality, material, and color.
  - d. Scrap materials, building materials, non-operable vehicles or other items intended for repair must be stored within an enclosed building.

### 7.8.15. Outdoor Storage, Major

#### A. Defined

Major outdoor storage includes, but is not limited to:

- 1. The outdoor storage of contractors' equipment that is not accessory to a retail sales business with a floor area of 25,000 square feet or larger.
- 2. The outdoor storage of soil, mulch, stone, lumber, pipe, steel, salvaged or recycled materials, and other similar merchandise, material or equipment.
- 3. The outdoor storage of vehicles (including fleet vehicles), boats,

recreational vehicles, or other similar vehicles.

- 4. The outdoor storage of pallets, kegs, cardboard, air and gas-filled tanks, and similar items, as determined by the Director.

#### B. Use Standards

- 1. Where major outdoor storage is allowed, it must be screened with a high opaque fence or wall at least 6 feet in height.

### 7.8.16. Religious Accessory Uses

#### A. Defined

Accessory uses administered by a religious institution that are related directly to their place of worship, including cemeteries, education and activity buildings, athletic fields, monasteries or convents, playgrounds, parsonages or parish houses.

### 7.8.17. Short Term Rental

#### A. Defined

An accommodation for transient occupancy where, in exchange for compensation, all or part of a privately owned dwelling is provided for lodging for a period of no less than 2 and no more than 30 consecutive nights per stay.

#### B. Use Standards

All Short Term Rentals must meet the requirements of Title 5 of the Hall County Official Code.

### 7.8.18. Swimming Pool, Hot tub, and Spa

#### A. Use Standards

- 1. Swimming pools, except for those constructed in-ground, hot tubs or spas must meet all setback requirements for the district in which they are located.

2. Accessory structures such as pergolas, cabanas, or structures housing equipment or mechanical features must meet all setback requirements for the district in which they are located.

## Sec. 7.9. Temporary Uses

Temporary uses are only allowed in the zoning districts specified in this section.

### 7.9.1. Farmers' Market

#### A. Defined

The outside temporary display and sale of agricultural products sold directly by farmers. A farmers' market typically consists of booths, tables or stands where farmers sell fruits, vegetables, meats, and sometimes value-added farm products and prepared foods and beverages.

#### B. Use Standards

1. At least 75% of the displayed inventory of the products sold in each farmers' market must be farm products or value-added farm products.
2. At least 75% of the booths open during the market's hours of operation must be producers, or family members or employees or agents of producers.
3. If a booth sells farm products or value-added farm products that are not produced by the vendor, the booth must explicitly disclose the producer's name and location in writing with lettering that is at least 2 inches tall and visible to the consumer.

### 7.9.2. Mobile Food Establishment

#### A. Defined

A vehicle mounted food establishment where food preparation and service for sale to the public is housed in a truck or trailer. Also referred to as a food truck or mobile food unit.

#### B. Use Standards

1. All mobile food establishments must be properly licensed by the County, including compliance with any

business license or public health requirements.

2. Written permission from the property owner is required to be submitted to the Department of Planning and Zoning as a part of the approval process for such temporary use.
3. During business hours, the permit holder must provide a trash receptacle for customer use and must keep the area clear of litter and debris at all times.

### 7.9.3. Garden Market

#### A. Defined

The outside temporary display and sale of agricultural products grown on-site. A garden market typically consists of booths, tables or stands where fruits, vegetables, meats, and sometimes value-added farm products and prepared foods and beverages are sold.

#### B. Use Standards

1. All the displayed inventory of the products sold in each garden market must be farm products grown on-site.
2. All the booths open during the market's hours of operation must be the on-site producers, or family members or employees or agents of said producers.

### 7.9.4. Temporary Buildings

#### A. Defined

A temporary building, sign or buildings for use in connection with a construction project or subdivision development. Temporary buildings and signs include the following:

1. Construction trailer.

- 2. Temporary sales office.

**B. Construction Trailer**

**1. Defined**

A trailer designed for temporary office use by a contractor working on utility line installation or road improvements for a governmental unit or public utility company. Includes any storage areas, parking areas or other accessory uses or structures normally associated with such contracts.

**2. Use Standards**

- a. Trailers must meet all building code requirements for such structures.
- b. Trailers and storage areas may not be located within 200 feet of any residence.
- c. Trailers and accessory structures must meet setback requirements for the zoning district in which they are located and may not be located on public right-of-way.
- d. No outside lighting is permitted except for security lighting. Security lighting must be designed in a manner so as not to be directly cast into any residential district or roadway.
- e. Parking must be provided in accordance with the requirements for office uses in Sec. 8.1.
- f. Driveways serving the trailer or storage areas must be constructed according to the “Rules and Regulations for Driveway Construction in Unincorporated Hall County”.
- g. The trailer, accessory structures and all storage areas must be removed from the site and the site returned to its original condition upon completion of the contracted work.

- h. In the O-I, S-S, H-B, M-U, I-1, and I-2 districts:

- i. Trailers are permitted for a period of three months with no screening requirement.
- ii. Trailers permitted for a period of up to 12 months must screen all outdoor storage so as not to be visible from surrounding properties or rights-of-way. Such screening must include a buffer at least 10 feet wide that meets the standards of Sec. 8.2.4.
- iii. Conditional use permit approval by the Planning Commission is required for construction trailers expected to exceed a period of 12 months. Approval must be obtained prior to installation.

- i. In all other districts:

- i. Construction trailers require conditional use permit approval by the Planning Commission.
- ii. All outside storage must be screened in a manner so as not to be visible to surrounding property or rights-of-way.

- j. See Sec. 8.6.4. for standards for construction trailer signs.

**C. Temporary Sales Office**

**1. Defined**

A structure, often a model home, located within an approved, recorded subdivision used for the sale of approved lots within the boundaries of that subdivision.

**2. Use Standards**

- a. The temporary sales office must be located on an approved, recorded



- lot and must front a publicly maintained road.
- b. The area around the structure must be landscaped.
- c. A site plan showing the dimensions of the lot and location of the proposed sales office is required. The site plan must include any proposed landscaping and screening and its location within the site.
- d. The temporary sales office is restricted in use to the sale of approved lots within the boundaries of that subdivision in which the office is located. The office may not be used for any other use other than a sales office. The storage of construction materials or equipment is prohibited.
- e. Temporary sales offices must be removed when 75% of lots are occupied or sold.

### 7.9.5. Temporary Events

#### A. Defined

An activity having a specific duration or the end of which is related to a specific action, usually lasting for only a few days or months at a time. Temporary events include, but are not limited to, the following:

1. Sale of seasonal goods on non-residential property for a period not to exceed 90 consecutive days.
2. Promotional activities or devices intended to attract attention to a specific place, business, organization, event, or district, such as signs, searchlights, or balloons.
3. Fundraising or non-commercial events by a civic, philanthropic, educational or religious organization, such as a community fair or religious

assembly, including any on-site signs and structures.

4. For profit events such as carnivals or festivals.

#### B. Use Standards

1. An application for a temporary event must be submitted to the Department of Planning and Zoning at least 14 days prior to the event.
2. A detailed site plan showing the proposed location of any structures associated with the event, including tents, food trucks, games or rides, restrooms, and similar structures must be submitted to the Department of Planning and Zoning as a part of the application.
3. Written permission from the property owner is required to be submitted to the Department of Planning and Zoning as a part of the application process for such temporary use.
4. A 24-hour emergency contact number must be provided to the Department of Planning and Zoning as a part of the application.
5. The hours of operation for such events are 8:00 a.m. to 12:00 a.m. Monday through Saturday and 12:00 p.m. to 7:00 p.m. on Sundays.
6. All temporary events must be properly licensed by the County, including compliance with any business license or public health requirements.

### 7.9.6. Yard/Garage Sales

#### A. Defined

A sale of personal belongings or household effects held at a person's home, usually in the garage or front yard.

#### B. Use Standards

1. The duration of the sale may not exceed 72 hours.

2. A sale on a particular property may not occur more frequently than four times during any 12-month period.
3. No goods purchased for resale or consignment goods may be offered for sale.

# Article 8. Site Development

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## Sec. 8.1. Parking and Loading

### 8.1.1. General

In order to facilitate the movement of emergency vehicles, to lessen congestion in the streets, and to prevent obstructing traffic and blocking streets, alleys and entrances to buildings, the following standards for off-street parking and loading are established.

### 8.1.2. Off-Street Parking Requirements

#### A. Required Parking

1. Off-street parking spaces must be provided on every lot on which any use is established.
2. Off-street parking spaces must be provided with vehicular access to a street or alley and must be equal in

number to the minimum requirements as specified in Table 8.1.1.

3. Each fraction occurring in the total spaces required will be construed to mean one additional space.
4. In the case of any use which is not specifically mentioned, the Director may make the determination on required off-street parking based on the most similar use.
5. Spaces equipped with an electric vehicle (EV) charging station may be used to reduce the minimum requirements at a ratio of 1.5 standard parking spaces for every 1 EV charging station for a maximum of 10 EV equipped parking spaces.

**Table 8.1.1 Required Parking**

Minimum Vehicle Parking Required	
<b>Residential Uses</b>	
All household living, except as listed below	2 spaces per dwelling unit
Townhouse	2 spaces per dwelling unit plus 1 guest space for every 4 dwelling units
Multi-family	2 spaces per dwelling unit plus 1 guest space for every 15 dwelling units
Cottage court	1.5 spaces per dwelling unit plus 1 guest space for every 4 dwelling units
All group living	1 space for every 3 dwellings
<b>Public/Institutional Uses</b>	
All club or lodge	1 space per 200 sq. ft.
All college, public or private	1 space per 500 sq. ft.
All museum, library	1 space per 200 sq. ft.
All parks and open space, except as listed below	None
Marina	5 spaces for each boat ramp, plus 1 space for every 3 boat slips available for rent or lease
All places of worship or community center	1 space for every 3 seats in the largest assembly space; or 1 per every 100 sq. ft. (if no fixed seating is provided)

All public buildings and uses as listed below	
Government facility, except school	1 space per 500 sq. ft.
Government facility, school	2 per classroom plus 1 space per student in grades 10-12
School, private	2 per classroom 5 per classroom for high schools plus 1 per 4 seats (if fixed seating is provided); or 1 per 100 sq. ft. (if no fixed seating is provided) for places of assembly
<b>Commercial Uses</b>	
All adult businesses	1 space per 100 sq. ft.
All animal care	1 space per 300 sq. ft. of indoor area accessible to patrons
All day care, except as listed below	1 space for each 10 children plus 1 space for each employee; an additional 1 space per vehicle operated by the facility
Adult day care	1 space per employee plus 1 space per vehicle operated by the facility
All eating and drinking establishments	1 space per 100 sq. ft. of indoor floor area
All event facilities	1 space per every 4 seats; or 1 space per every 200 sq. ft. of floor area (if no fixed seating is provided)
All indoor recreation, except as listed below	5 spaces per 1,000 sq.ft.
Bowling alley	4.5 spaces per each alley
Movie Theater	1 space per every 4 seats
All lodging	1 space per guestroom
All medical, except as listed below	4.5 spaces per 1,000 sq.ft.
Hospital	1 space per every 2 beds
All office	3 spaces per 1,000 sq.ft.
All outdoor recreation, except as listed below	1 per 300 sq. ft. plus 1 per 1,000 sq. ft. of outdoor area
Campground, travel trailer park, recreational vehicle park	1 space per 300 sq. ft. of office space plus 1 per camp site
Drive-in theater	No minimum
Amusement park, large outdoor assembly, outdoor sports fields, stadium, arenas	1 per 300 sq. ft. of office space plus 1 per 4 seats (if fixed seating is provided); or 1 per 100 sq. ft. (if no fixed seating is provided)
All personal service, except as listed below	3 spaces per 1,000 sq.ft.
Funeral home	1 per 300 sq. ft. of viewing rooms and chapels
All retail	3 spaces per 1,000 sq.ft.; or 4 spaces for every 1,000 sq. ft. for retail centers greater than 15,000 square feet in size
All vehicular as listed below	
Car wash	None
Fuel sales	1 space per fuel pump
Service Station	3 spaces per each service bay plus 1 space per employee
Vehicular repair (major or minor)	2 spaces per 300 sq. ft.

Vehicular sales lot, including boat and recreational vehicles	1 space per 500 sq. ft.
<b>Industrial Uses</b>	
All craft manufacturing	1 per 300 sq. ft. of office plus 1 per 3,000 sq. ft. additional indoor area
All data center	1.5 spaces per 5,000 sq. ft.
All light industrial/manufacturing	1.5 spaces per 5,000 sq. ft.
All heavy industrial/manufacturing	1.5 spaces per 5,000 sq. ft.
All research and development	1 per 300 sq. ft. of office plus 1 per 3,000 sq. ft. additional indoor area
All self-service storage	1 space per every 300 sq. ft. of office plus 1 per every 20 storage units
All warehouse and distribution, including storage lot	1 per 300 sq. ft. of office plus 1 per 5,000 sq. ft. additional indoor area
All waste related services	1 per 300 sq. ft. of office plus 1 per 5,000 sq. ft. additional indoor area
All wholesale	1 per 300 sq. ft. of office plus 1 per 3,000 sq. ft. additional indoor area
<b>Agricultural Uses</b>	
All agriculture, except as listed below	None
Agri-entertainment	1 per 300 sq. ft. of office space plus 1 per 4 seats (if fixed seating is provided) or 1 per 250 sq. ft. (if no fixed seating is provided) for places of assembly
Equestrian center	1 per 300 sq. ft. of office space plus 1 per 4 seats (if fixed seating is provided) or 1 per 250 sq. ft. (if no fixed seating is provided) for places of assembly
Farm winery	1 space per 300 sq. ft. of indoor area accessible to patrons

**8.1.3. Parking Lot Construction and Design Standards**

The following standards apply to all off-street parking facilities.

**A. Design Standards**

1. All off-street parking facilities must be constructed of materials which will have a surface resistant to erosion, adequately drained to prevent damage to abutting properties or public streets, and maintained by the property owner.
2. Parking facilities must be arranged for convenient access and safety for pedestrians and vehicles.

3. Each parking space for nonresidential uses must be clearly defined and must be provided with adequate access to a public right-of-way.
4. Minimum dimensions for off-street parking spaces and drive aisles are provided in Table 8.1.2.
  - a. Parking provided beyond the minimum required in Table 8.1.1. may include spaces designed for compact vehicles. Those spaces designed for compact vehicles must be clearly indicated on the site plan.
5. Driveways and curb cuts are to be constructed consistent with the

standards found in Title 12 of the Hall County Code of Ordinances.

**B. Parking Lot Landscaping**

1. Frontage landscape strips must be provided between any parking lot designed or intended to accommodate five cars or more and any street frontage of the property on which the parking lot is located. Landscaping must be provided as follows unless the parking area is otherwise screened from the street by a building or other means. The depth of such strips must be 10 feet for commercial and industrial zoned property and 20 feet for residentially zoned property.
2. Such landscape strips may not contain any structures, parking areas, patios, stormwater detention facilities, or any other accessory uses except for:
  - a. Retaining walls or earthen berms constructed as part of an overall landscape design.
  - b. Pedestrian-oriented facilities such as sidewalks and bus stops.
  - c. Underground utilities.
  - d. Driveways required to access the property.
  - e. Signs otherwise permitted by this UDC.
3. One tree must be provided within the frontage landscape strip for every 40 feet of length of street frontage, or portion thereof.
  - a. Such trees must be of a type that is suitable to local growing conditions and that will normally reach at least 12 inches diameter breast height upon maturity.
  - b. New trees must have a caliper of no less than two inches DBH and may be clustered for decorative effect following professional landscaping standards for spacing, location, and design.
4. All portions of a frontage landscape strip must be planted in trees, shrubs, or grass or ground cover, except for those areas that are mulched or covered by permitted structures.
5. Plant materials in the landscape strip must not extend into the street right-of-way unless specifically allowed by the Department of Public Works.
6. Where, for any reason, trees cannot be saved or planted within the required planting strips, the depth of the strip must be extended beyond the minimum indicated to such depth as necessary to accommodate the required landscaping.
7. Deciduous shade trees must be provided within any parking lot designed or intended to accommodate five cars or more, in accordance with the requirements of this section.
  - a. One deciduous shade tree must be provided within the parking lot for every ten parking spaces or portion thereof. Each tree must be located within the parking lot in reasonable proximity to the spaces for which the tree was required.
8. A landscaping island must be located at the end of every parking bay between the parking space and an adjacent travel aisle or driveway. The island must be no less than 8 feet in width, equal to the depth of the parking bay, and planted with trees.
9. Interior landscaped areas such as islands, peninsulas, and medians must be installed at the rate of one per every 12 parking spaces. Landscaped areas must be at least 8 feet in width and equal to the depth of the parking bay.

- a. Each interior landscaped area must include at least one tree subject to approval by the county.
10. Tree planting areas within parking lots must provide at least 100 square feet of planting area per tree. No tree may be located less than two and one-half feet from the back of curb.
11. Landscaping islands and tree planting areas must be well drained and contain suitable soil and natural irrigation characteristics for the planting materials they contain.
12. To facilitate a more efficient and functional parking lot design, the Director may approve modifications to the above landscaping requirements, provided the total landscaping area is not reduced.



Table 8.1.2. Dimensions for Parking Spaces and Drive Aisles

	Stall Width	Stall Depth	Drive Aisle Width
<b>Two-way drive aisle 90°</b>			
Regular	9 feet min.	17.5 feet min.	26 feet min.
Compact	8 feet min.	15 feet min.	
<b>Two-way drive aisle 60°</b>			
Regular	9 feet min.	18 feet min.	26 feet min.
Compact	8 feet min.	15.5 feet min.	
<b>One-way drive aisle 75°</b>			
Regular	9 feet min.	18.5 feet min.	22 feet min.
Compact	8 feet min.	16 feet min.	
<b>One-way drive aisle 60°</b>			
Regular	9 feet min.	18 feet min.	18 feet min.
Compact	8 feet min.	15.5 feet min.	
<b>Two-way drive aisle 45°</b>			
Regular	9 feet min.	16.5 feet min.	16.5 feet min.
Compact	8 feet min.	14.5 feet min.	

**8.1.4. Additional Vehicle Parking Provisions**

**A. Off-site Shared Parking**

If off-street parking cannot be reasonably provided on the same lot on which the principal use is conducted, the Planning Commission may permit such spaces to be provided on other off-street property upon approval of a variance in accordance with Sec. 11.2. Off-site parking spaces must be associated with the permitted use and may not thereafter be reduced or encroached upon in any manner.

**B. Shared Parking**

1. The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be

assigned to another use at the same time, except that one-half of each parking space required for churches, theaters, or assembly halls may be assigned to a use with off-setting hours of operation.

2. Up to 50 percent of the required off-street parking for places of public assembly may be met by utilizing parking facilities which normally serve businesses with off-setting hours of operation if the parking facilities are within 300 feet of the place of public assembly.

**C. Prohibitions**

Notwithstanding any other provisions of this UDC, the following prohibitions apply to all off-street parking areas.

1. Except for single-family residential uses, all off-street parking areas that

make it necessary for vehicles to back out directly into a public road, street or highway are prohibited.

- 2. No required off-street parking space may be used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials or supplies.

**8.1.5. Off-Street Loading Requirements**

A. Every building or structure used for business, trade or industry must provide space as indicated in Table 8.1.3. for the loading and unloading of vehicles. Off-street loading spaces must have access to a public alley or public street.

- B. The off-street loading spaces must be provided on the same lot as the structure they are intended to serve, and in no case may any off-street loading space be part of the area used to satisfy the off-street parking requirements of this section. Each space provided must have at least 14-feet of overhead clearance.
- C. All off-street loading areas visible from a public right of way must be screened with a landscape buffer at least 10 feet in width in accordance with Sec. 8.2.4.

**Table 8.1.3 Required Loading Spaces**

Use	Unit of Measure	Required Loading Spaces
Commercial/Retail	20,000 sq. ft. of floor area	1 per unit, min. 15' X 25'
Industrial	20,000 sq. ft. of floor area	1 per unit, min. 15' X 50'
Schools, public	N/A	2 spaces total, min. 15' X 25'
Bus and truck terminals	N/A	Sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loading or unloading at the terminal at any one time.

## Sec. 8.2. Fencing and Buffers

### 8.2.1. General

Buffers are required between incompatible land uses and zoning districts, around particular visually objectionable structures, and between certain land uses located along certain streets in order to provide separation and privacy and to reduce the impact of noise, debris, and undesirable lighting to adjacent properties.

### 8.2.2. Fences and Walls

Fences and walls are permitted in all districts. When erected in compliance with the standards of this section fences and walls do not require a building permit.

#### A. Fence and Wall Standards

1. Fences may be no more than 7 feet in height in side and rear yards for all uses, unless otherwise permitted by this UDC.
2. Fences in yards adjacent to a street may be no more than 6 feet in height.
3. Walls may be no more than 4 feet in height for all uses, unless otherwise permitted by this UDC.
4. Design standards.
  - a. Residential: Fences and walls in residential districts must be constructed of wood, brick, stone, decorative metal or aluminum, and split rail. Barbed wire may only be used for permitted agricultural purposes.
  - b. Nonresidential: Fences and walls in nonresidential districts must be ornamental or decorative and must be constructed of wood, brick, stone, metal, or split rail. The use of chain link fencing, barbed wire, and metal mesh is not permitted.

- c. In all districts the use of discarded or scrap materials such as tires, scrap metal, scrap fabric, plastics, or fiberglass is prohibited.
5. No fence or wall may be erected in the county right of way.
6. See Sec. 8.2.4.F. for additional standards for fences and walls adjacent to street intersections.

### 8.2.3. Required Buffer Areas

Except as noted in Sec. 8.2.4.B.4., a vegetated buffer area with a minimum width as specified in Table 8.2.1. must be planted parallel with the lot line when a non-residential use or district abuts property zoned AR-1, V-C, R-1-L, R-1, R-TF, R-X, R-MF, or PRD.

**Table 8.2.1. Buffer Requirements**

Use	Required Buffer from Residential Use or District
Office or Commercial, no outdoor activity	10 feet min.
Office or Commercial, outdoor activity*	20 feet min.
Industrial, no outdoor activity	30 feet min.
Industrial, outdoor activity*	50 feet min.

Table notes:

\*Outdoor activity does not include required parking or loading areas.

### 8.2.4. Buffer Types and Standards

#### A. General

1. Buffers must be undisturbed and may contain no structures except for walls,

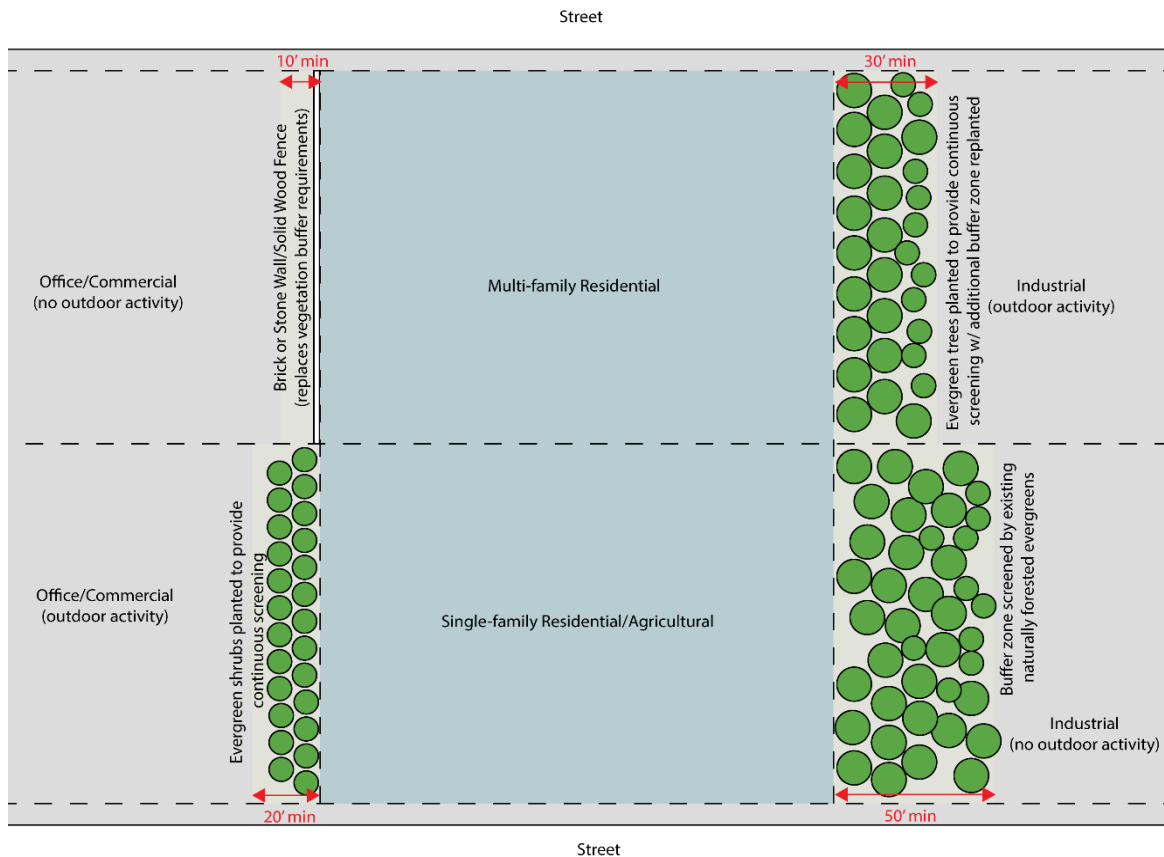
fences, or structures otherwise allowed in the buffer by this UDC.

2. Buffers may be made up of existing vegetation or planted vegetation or a combination of the two.
3. Buffers must be located wholly on the subject property.
4. The owner of the property on which the buffer is located is responsible for the maintenance, repair, and replacement of the required buffer.
5. The vegetation must be located or planted far enough from the property lines to prevent encroachment into

Official may grant a temporary occupancy permit until the season changes.

**B. Buffer Material**

1. The buffer strip must be planted as specified in Table 8.2.1. and must consist of evergreen trees or shrubs at least 5 feet in height at the time of planting, spaced to provide a continuous screen when mature.
  - a. Where buffer widths greater than 10 feet are required, the remaining buffer adjacent to the residential district use may be left in a natural



**Buffer Design Standards, Figure 8-1**  
adjacent properties.

6. The required buffer must be installed prior to occupancy or commencement of use. Where compliance with the preceding is not possible because of the season of the year, the Building

forested state, if such condition exists, or planted with a mix of deciduous and evergreen trees.

- b. Where existing vegetative material in good condition meeting the minimum height remains in the

buffer area after clearing and construction, it may be utilized and credited toward meeting the screening requirement. The county must approve the materials and planting plan for the buffer prior to the buffer being established.

2. Spacing of plants should be the minimum required for mature plants, and staggered rows of plantings may be used if necessary to attain the required initial screening. Screening plants must be nursery-grown and of such size, species, and condition as to ensure the maximum initial screening commensurate with a high rate of survival and a high growth rate. Other trees planted to re-establish a forested area must be a minimum caliper of at least three inches at the time of planting.
3. Earthen berms may be incorporated in the buffer design upon approval by the Director after a determination that the berms will not cause drainage or erosion problems to the subject site or adjacent properties.
4. A structural buffer such as a solid fence or wall may be substituted, upon approval from the Director, for part or all of the vegetated buffer as follows:
  - a. A brick or stone wall at least 6 feet in height may be erected adjacent to the property line in lieu of the buffer requirements.
  - b. A solid wooden fence at least 6 feet in height may be erected adjacent to the property line. The fence must have a natural finish and the finished side of the fence must face the adjacent property. If stained or varnished, the resulting finish must be natural in appearance.

5. For nonresidential uses with outdoor storage, the construction of both a vegetative and structural buffer must be provided upon determination by the Director that the buffer requirement will otherwise be insufficient to achieve the desired level of screening.

**C. Buffer Height**

The screening vegetation must attain a minimum height of 10 feet within five years of establishment of the buffer. Where the required interim growth has not been attained, the property owner is responsible for replacing the vegetation with new vegetation that will meet the buffer requirement within the remaining portion of the original five-year period.

**D. Buffer Width**

The buffer width must be as indicated in Table 8.2.1. unless a structural buffer has been approved in accordance with Sec. 8.2.4.B.4.

**E. Maintenance of Buffer**

All buffers required by this section must be maintained in a healthy condition and pruned to provide a solid screen with maximum opacity from the ground to a height of at least ten feet. Should vegetation die or be removed such that the buffer no longer functions as required, that vegetation must be replaced by the property owner. Fences or walls serving as a buffer must remain in a good state of repair to provide a solid screen.

**F. Vision Clearance at Intersections**

In all districts no plantings, fences, walls, signs or other obstruction to vision between the heights of 3 feet and 15 feet may be permitted within 25 feet of the intersection of the right of way lines of two streets, railroads or driveways, and a public road.

**G. Modification of Buffer Requirements**

1. The Board of Commissioners may modify or waive the buffer requirements on rezonings and uses subject to their approval upon determination that the buffer is not necessary or creates a hardship.
2. The Planning Commission may modify or waive the buffer requirements on uses subject to their approval upon determination that the buffer is not necessary or creates a hardship.
3. The Director may modify or waive the buffer requirements on plan approvals not subject to Planning Commission or Board of Commissioners review, based on a specific finding that existing topography, vegetation, building orientation or other physical characteristics of the area will provide screening and buffering that meets the intent of this section.

## Sec. 8.3. Tree Protection

### 8.3.1. General

Growth and development in Hall County has resulted in the reduction of the overall tree canopy. The county recognizes the valuable benefits that trees hold to the community, including:

- A. Improved health of Hall County’s citizens.
- B. Improved air quality.
- C. Improved water quality.
- D. Improved soil quality.
- E. Reduced noise and glare and better buffering or screening between uses.
- F. Increased shade to improve the quality of life and mitigate the urban heat island effects.
- G. Improved community aesthetics and increased property values.

The purpose of these regulations is to encourage the conservation of the existing tree canopy and to provide standards for the removal, protection, and replacement of trees within the county.

### 8.3.2. Definitions

The following words have the meanings indicated below as used in this Sec. 8.3.

#### **Agricultural activities.**

1. Good-faith commercial production from the land or on the land of agricultural products, including horticultural, floricultural, dairy, livestock, poultry, and apiary products, but not including forestry products (See also tree farming);
2. Clearing trees for the purpose of planting crops, providing pasture for livestock, or constructing buildings

accessory to production of agricultural products.

**Building tree line.** The lines extending from the corners of a building nearest a street to the side lines of the lot (not including a street right-of-way), parallel to the right-of-way line or to the chord of that line.

**Caliper.** Tree trunk diameter measured at a point six inches above ground level.

**Canopy tree.** A species of tree that normally reaches a height at maturity in excess of 40 feet and in which the layers of leaves and branches of the tree are so arranged or formed to provide shade. Examples of canopy trees would include scarlet oak, northern red oak, shumard oak, water oak, white oak, yellow poplar, red maple, sugar maple, American elm, winged elm, Chinese elm, trident maple, pin oak, American beech, pecan, southern magnolia, sweetgum, and willow oak, or other species as approved by the Director.

**Clear cut.** The large-scale, indiscriminate removal of trees, shrubs, and undergrowth with the intention of preparing real property for non-agricultural development purposes.

**Critical root zone.** The land area circular in shape and centered on the trunk of a tree, the radius of which circle is determined by the farthest extent of the drip line from the trunk.

**DBH (diameter-at-breast-height).** Tree trunk diameter measured in inches at a height of four and one-half feet above the ground. If a tree splits into multiple trunks below four and one half feet, each trunk must be measured as a separate tree.

**Development site.** That portion of a tract of land that will be dedicated to a proposed development, including that land containing trees that will be counted toward satisfying the requirements of these provisions. Where a

development site is smaller than the tract in its entirety, only those trees specified to be within the construction area may be counted toward meeting the 15 units per acre requirement.

**Drip line.** A perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.

**Significant tree.** A tree in fair or better condition which has been determined to be of a high value by a trained arborist or other trained professional as approved by the Director because of its species, size, age, or other professional criteria. A tree is considered in fair or better condition if:

1. Its life expectancy is greater than 15 years;
2. It has a relatively sound and solid trunk with no extensive decay or hollow with less than 29 percent radial tip die-back; and
3. It has no major insect or pathological problems.

Hardwood trees such as oaks and hickories and softwood trees such as pines and cedars whose diameters are 18 inches DBH or more and small hardwoods such as dogwoods, redbuds or sourwoods whose diameters are eight inches DBH or more are considered significant trees due to size. A tree of lesser size than the preceding may be significant if it is a rare or unusual species or is of historical significance or is specifically used by design as a landscape focal point of the project.

**Tree farming.** Planting, cultivating, and harvesting of trees in a continuous cycle as a regular practice on a tract of land, not including the removal of trees for purposes of development or the removal of trees without replanting.

### 8.3.3. Applicability

- A. The tree protection zone applies to the entirety of a tract of land for which no tree protection plan has been approved. After such approval, the tree protection zone must correspond to that part of a tract of land designated as a tree conservation area in the plan.
- B. The tree protection zone does not apply to the following (but see the soil erosion and sedimentation control ordinance for provisions regarding retention of undisturbed natural vegetative buffers adjacent to Lake Lanier and other state waters):
  1. Property already occupied by an owner-occupied single-family dwelling, unless nonresidential uses are proposed for such property. Any construction, paving, or other activity on the property that will damage trees on the public right-of-way is subject to the restrictions of Sec. 8.3.5.
  2. Public utility companies and government agencies conducting operations on public and utility rights-of-way and easements or on-sites for electric power substations and similar facilities, which operations are for the purpose of assuring uninterrupted utility and governmental services and unobstructed passage on public streets.
  3. Property in use for tree farming or other agricultural activities, provided the best management practices established by the Georgia Forestry Commission or the state Department of Agriculture are observed.
  4. Family held property the subdivision of which is affected for the sole purpose of transferring a portion of such property to one (1) or more family members for use as the family member's primary residence.



5. Minor subdivisions as defined in Sec. 12.2.

#### 8.3.4. Removal of Trees

- A. **Permit.** On properties which are not exempted under Sec. 8.3.3.B., a permit is required to remove or cause the death of existing significant trees and any other trees ten inches DBH or larger located within the tree protection zone, or for grading or other work adjacent to a tree which would affect it adversely. An approved tree protection plan is required for issuance of a permit. Permit requirements are waived where the county determines that trees to be removed are dead, diseased or are infested to the extent that removal is necessary, or have been damaged by lightning, wind, ice, or other disasters to the extent that public safety is endangered.
- B. **Retention.** The property owner must retain trees on the property equivalent to 15 units per acre of development site in accordance with these regulations and the approved plan, including, if necessary, replacing trees which die or are irreparably damaged.

#### 8.3.5. Protection of Existing Trees

- A. When a choice is available as to which existing trees to save, emphasis must be given to the preservation of significant trees, even isolated individual trees, over retention of other trees. Nonsignificant trees, however, should be saved in stands rather than as individual trees scattered over a site. Removal of significant trees and other trees ten inches DBH or larger may be permitted only in conjunction with an approved preliminary tree protection plan, an approved grading plan, and actual grading of building pads. Removal of trees to clear a lot without a development plan is not permitted.

- B. On properties which are not exempted under Sec. 8.3.3.B. the following provisions apply, with the exception that encroachment on the critical root zone of a tree is permitted where necessary to the development, such as the construction of a driveway, provided that the tree may not be counted toward the required 15 units per acre of development site:

1. No person may:
  - a. Cut, carve, or otherwise damage or remove any tree except in accordance with the provisions of this section;
  - b. Attach any wire, nails, advertising posters, or other contrivance harmful to any tree;
  - c. Allow any gaseous, liquid, or solid substance which is harmful to trees such as concrete washout, fuel, lubricants, herbicides, or paint, to come in contact with any tree; or
  - d. Set a fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree.
2. During excavation, filling, construction, or demolition operations, each tree or stand of trees to remain on the property must be protected against damage to bark, roots, and low-hanging branches with a fence enclosing the critical root zone. Fencing must be either plastic construction area fencing, silt fencing, 12-gauge two-inch by four-inch wire mesh, double one-inch by four-inch rails on two-inch by four-inch posts, or high-visibility surveyors' tape on one-inch by two-inch posts. The height of the latter three fence types must be at least four feet.
3. All building materials, vehicles, construction equipment, dirt, debris, or other objects likely to cause soil

compaction or above-ground damage must be kept outside the critical root zone. Where a limited amount of encroachment is unavoidable and is approved by the county, the critical root zone must first be mulched with a four-inch layer of processed pine bark or wood chips or a six-inch layer of pine straw.

4. There may be no raising or lowering of the ground level within the critical root zone. Stripping of topsoil in the critical root zone is not permitted. Where necessary, the use of moderate fill is permitted only with prior installation of an aeration system approved by the county. Deposition of sediment in the critical root zone must be prevented by placement of sediment barriers backed by two-inch by four-inch wire mesh in areas of steep slope.
5. No person may excavate any ditch or trench within the critical root zone. Where such encroachment is unavoidable and is approved by the county, ditches or trenches must be located in a manner to minimize root damage. If roots must be cut, root pruning procedures approved by the county must be employed.
6. No person shall pave with concrete, asphalt, or other impervious material within the critical root zone unless authorized by the county.

**8.3.6. Tree Replacement**

The following standards apply to the replacement of trees:

- A. Spacing and the potential size of species chosen must be compatible with spatial limitations of the site.
- B. The species must be ecologically compatible with the specifically intended growing site.

- C. The trees must have the potential for size and quality comparable to those removed.
- D. The trees must be compatible in extent of crown and root systems at maturity with nearby utilities.
- E. Planting preference will be given to specimens of no more than three inches DBH.
- F. Where trees must be added to achieve the required 15 units per acre of development site, pines may not comprise more than 30 percent of the required units. Where existing pines already comprise 30 percent or more of the required units, no additional pines may be credited toward the required units. At least 25 percent of the replacement tree units must be canopy trees.
- G. Authority for questions of tree characteristics shall be publications of the USDA Forest Service, Georgia Forestry Commission, Cooperative Extension Service of the University of Georgia College of Agriculture, American Forest Foundation, The National Arbor Day Foundation or any other authority found acceptable by the county.

**8.3.7. Tree Measurements**

The diameter of a tree's trunk will be measured and a value assigned in units in accordance with tables 8.3.1., 8.3.2, and 8.3.3. The values assigned to trees of the same size will be different for existing and new trees, as indicated. One unit is not the same as one tree.

**Table 8.3.1. Unit Values for Existing Trees**

Inches*	Units	Inches*	Units
1-4	0.1	28	4.3
5-6	0.2	29	4.6
7	0.3	30	4.9
8	0.4	31	5.2

9	0.5	32	5.6
10	0.6	33	5.9
11	0.7	34	6.3
12	0.8	35	6.7
13	0.9	36	7.1
14	1.1	37	7.5
15	1.2	38	7.9
16	1.4	39	8.3
17	1.6	40	8.7
18	1.8	41	9.2
19	2.0	42	9.6
20	2.2	43	10.1
21	2.4	44	10.6
22	2.6	45	11.0
23	2.9	46	11.5
24	3.1	47	12.0
25	3.4	48	12.6
26	3.7	49	13.1
27	4.0	50+	13.6
*Measured at DBH			

**Table 8.3.2. Unit Values for Replacement Trees**

Caliper	Units
1	0.4
2	0.5
3	0.6
4	0.7
5	0.8
6+	1.0

**Table 8.3.3. Unit Values for Large Species Trees**

Caliper	Units
1	0.5
2	0.6
3	0.7
4	0.9
5+	1.1

**8.3.8. Tree Protection Plan**

A proposal for development or improvement of any tract of land must include a tree protection plan. The tree protection plan may be included on the soil erosion plan. Such plan must be submitted to the county prior to any grading, bulldozing, or other removal of existing vegetation. A preliminary plan may be submitted in certain circumstances as provided in Sec. 8.3.8.B.

- A. The full tree protection plan must show the following:
  1. The extent of the development site.
  2. All significant trees to be removed and all other trees ten inches DBH or larger to be removed.
  3. All significant trees and all other trees ten inches DBH or larger which will remain on the development site and be protected during construction, including trees less than ten inches DBH which are submitted for credit as

part of the required 15 units per acre of development site.

4. In heavily wooded areas that will not be disturbed, the plan may show only the boundaries of each stand of trees and a list of the number, size, and type (e.g., hardwood, softwood, deciduous, evergreen) of trees in each stand which are submitted for credit.
  5. Areas subject to provisions of the soil erosion and sedimentation control ordinance regarding retention of undisturbed natural vegetative buffers adjacent to Lake Lanier and other state waters must also be shown.
  6. Locations of proposed on-site underground utility lines.
  7. Locations of other on- and off-site utility lines. The plan must indicate areas where trees cannot be planted because of interference with existing or proposed utilities on public rights-of-way or on utility rights-of-way or easements and existing utilities on adjoining properties.
  8. Limits of land disturbance, clearing, grading, and trenching.
  9. Limits of tree conservation areas, showing trees to be maintained and planted, specifying type and size.
  10. Grade changes or other work adjacent to a significant tree or any other tree ten inches DBH or larger which would affect it adversely, with drawings or descriptions as to how the grade, drainage, and aeration will be maintained around the tree.
  11. Planting schedule, if applicable.
- B. A preliminary tree protection plan may be submitted for development of an industrial park where multiple sites will be cleared and graded for purposes of marketing vacant sites to industrial prospects. Planting of new trees will not be required on a lot until a use is developed

on that lot, and locations of new trees need not be shown on the preliminary plan. The preliminary tree protection plan for industrial, office or commercial parks must show the following:

1. The extent of the development site.
  2. Limits of land disturbance, clearing, grading, and trenching.
  3. All significant trees to be removed and all other trees ten inches DBH or larger to be removed.
  4. Grade changes or other work adjacent to a significant tree or any other tree ten inches DBH or larger which would affect it adversely, with drawings or descriptions as to how the grade, drainage, and aeration will be maintained around the tree.
  5. Units of trees that will be required on the lot when it is developed, calculated both without subtracting any building footprint area from the acreage and by subtracting one-third of the lot area as assumed building area.
- C. Where property has been clear-cut of trees in violation of the Best Management Practices as established by the Georgia Forestry Commission, or in violation of the provisions of this Article, no rezoning or permissive use application may be made for that property for a minimum of three years.

### **8.3.9. Requirements for Commercial, Industrial or Multi-family Residential Developments**

The following standards apply to all commercial, industrial or multi-family residential uses.

- A. Upon completion of development, all properties must have a number of trees equivalent to 15 units per acre of development site.

- B. Existing significant trees or any other trees ten inches DBH or larger that are in excess of the required 15 units per acre of development site but outside the construction area may not be removed unless adjacent development would cause irreparable damage to the critical root zones.
- C. Flowering ornamental trees may not be used in density calculations.
- D. Trees located within the 25 foot non-disturb buffer of a creek or stream may not count toward the unit requirement.
- E. Where trees must be added to achieve the required 15 units per acre of development site, such additions may be made between the street right-of-way and the building tree line in locations approved by the Director.
- F. Trees required by this UDC in relation to parking lot landscaping may be included in calculating the required 15 units per acre. However, trees existing or planted in a buffer required under Sec. 8.2.4. are not to be counted as part of the minimum 15 units per acre requirement.
- G. On properties on which the requirements of this section would exceed the required 15 units per acre, the Department of Planning and Zoning must approve of the location and design of the landscape plan.

### 8.3.10. Requirements for Single-family Residential Developments

The following standards apply to all single-family residential developments which are subject to preliminary plat approval.

- A. A tree plan must accompany all preliminary plat submissions. The tree plan must indicate the location of all significant trees and existing tree stands, and the limits of clearing proposed to accommodate the construction of roads,

utilities and other infrastructure necessary for the development of the subdivision.

- B. The removal or clearing of trees or other existing vegetation is prohibited outside the appropriate clearing boundaries as defined on the approved preliminary plan.
- C. Lots may not be cleared and prepared during the construction of the roads, infrastructure, utilities, etc. Where limited clearing is necessary, a note must be placed on the final plat indicating a tree plan for the lot in its entirety.
- D. In order to encourage the preservation of significant trees and the incorporation of these trees into the design of the development, additional density credit will be given for significant trees that are successfully saved. Credit for any significant tree saved will be two times the assigned unit value shown in Table 8.3.1.
- E. Any significant tree that is removed without the appropriate review and approval by the Department of Planning and Zoning must be replaced by trees with a total density equal to twice the unit value of the tree removed.
- F. Preference is given to existing trees that will be maintained on the property.
- G. Each residential subdivision development must, upon completion, achieve a tree count equivalent to 15 tree units per acre. It is anticipated that this requirement must be achieved through the preservation of existing trees on the site. However, where a site is primarily pastureland (90 percent open space or greater) prior to the initiation of the subdivision development, the tree units required may be calculated using the total acreage from disturbed areas only (i.e. acreage from road and utility construction).

H. For subdivision developments in which trees must be planted to achieve the required tree units, the final plat must include a landscaping plan specifying the method in which the requirement is met. Any new trees required must be planted

prior to the issuance of an occupancy permit for any dwelling located on a lot which would require a tree unit(s).

## Sec. 8.4. Sidewalks

### 8.4.1. General

The county finds that it is in the interests and safety of its citizens to provide safe, adequate space for pedestrians along rights-of-way.

### 8.4.2. Applicability

Sidewalks are to be installed along all new public rights-of-way or private streets as indicated in Sec. 8.4.3.

### 8.4.3. Standards for Design and Construction

- A. Where installed, sidewalks must conform to the following standards:
  1. Sidewalks must be at least five feet in width.
  2. Sidewalks are to be installed no less than one foot from the back of the required curb or edge of pavement, as applicable.
  3. All sidewalks must be constructed of a material as approved by Hall County as follows:
    - a. At least four inches in thickness.
    - b. Compacted subgrade (95 percent Standard Proctor).
    - c. Class "A" concrete (3,000 psi).
    - d. Sidewalks must have a ¾-inch grooved joint maximum ten-foot on center.
    - e. Expansion joints must be installed at least every 40 feet and at catch basins, driveways, roads, and other similar locations as determined by the Hall County Engineer.
    - f. All sidewalks must be broom finished.

g. Sidewalks must have a ¼-inch per foot cross slope.

4. Sidewalks must be compliant with the Americans with Disabilities Act (ADA).

### 8.4.4. Additional Requirements for Residential Subdivisions

See Sec. 9.4.8. and 9.4.9. for additional requirements for sidewalks in residential subdivisions.

### 8.4.5. Exemptions and Waivers

- A. The following exemptions apply to the installation of sidewalks:
  1. Along state owned rights-of-way, sidewalks are subject to the requirements of the Georgia Department of Transportation.
  2. New single-family residential construction in the AG-1 and AR-1 zoning districts are not required to install sidewalks.
  3. New single-family residential construction in the V-C, R-1-L, and R-1 zoning districts, when not a part of a residential subdivision, are not required to install sidewalks.
- B. The Director may waive or modify the requirements for sidewalks in Sec. 8.4.2. and 8.4.3. upon evidence that:
  1. There exist site conditions related to topography, wetlands, streams, or mature trees which would be negatively impacted by the installation of sidewalks; or
  2. There are existing sidewalks on the block face opposite of the subject property which meet the standards of this Sec. 8.4.

### 8.4.6. Sidewalk Repair and Maintenance

- A. Sidewalks on county right-of-way will be inspected by Hall County Engineering Division on a periodic basis, and as directed by citizen concern, to see that the sidewalks are in a safe and suitable condition for public use and travel. The County Engineer will determine repair requirements for any damage observed to bring the sidewalk back to a safe and suitable condition. The repair of sidewalks due to damage caused by activities of a resident, their guests, or their contractors will be the responsibility of the landowner, and a notification letter will be sent indicating such. The repair of sidewalks due to damage caused by activities of a subdivider's contractor or a subcontractor will be subdivider's responsibility, and a notification letter will be sent indicating such.
- B. Upon receiving the notification letter, the landowner or subdivider has three options in repairing the sidewalk:
  1. The landowner or subdivider may repair the sidewalk. The Hall County Engineering Division will inspect the sidewalk repair work, and any inconsistencies with the sidewalk specifications will need to be corrected. Sidewalks not repaired within 60 days of receiving the notification letter will be repaired by Hall County as provided in Sec. 8.4.6.B.3.
  2. A subcontractor hired by the landowner or subdivider may repair the sidewalk. The Hall County Engineering Division will inspect the sidewalk repair work, and any inconsistencies with the sidewalk specifications will need to be repaired. Sidewalks not repaired within 60 days of receiving the notification letter will be repaired by Hall County as provided in Sec. 8.4.6.B.3.
  3. The landowner or subdivider may choose to allow Hall County or its representatives to repair the sidewalk. Charges will be assessed to the landowner, and the cost of the repairs will be as per the most current Georgia Department of Transportation Item Mean Summary, or in accordance with actual Hall County contractual bid prices.



## Sec. 8.5. Open Space

### 8.5.1. General

#### A. Purpose and Findings

The County finds that the preservation and conservation of undeveloped greenspace within its jurisdiction will have a significant impact on maintaining the character of the county as it continues to grow and develop. The intent of open space requirements is to conserve open land, preserve natural features and wildlife habitat, minimize land disturbing activities, create developments with direct access to open land and amenities, and provide active and passive recreational opportunities for residents in accordance with the Comprehensive Development Plan.

#### B. Defined

Open space is an area of land essentially unimproved in its natural state and set aside, dedicated, designated, or reserved for permanent protection. Open space areas may be utilized for common use or enjoyment through means of active or passive recreation but may not be occupied by non-recreational uses or structures.

### 8.5.2. Applicability

Open space is required as shown on Table 8.5.1. Open space must conform to the requirements of this Sec. 8.5 and any other applicable requirements of this UDC.

**Table 8.5.1 Open Space Requirements**

Use	Minimum Required Open Space*
Conservation Subdivision (note 1)	40% of the gross lot area
Multi-family Residential and Mixed-use Developments (note 2)	30% of the gross lot area
Non-residential uses	20% of the gross lot area

\*Required open space is based on the gross area of the lot to be developed

Table notes:

1. Additional open space standards for Conservation Subdivisions can be found in Sec. 4.8.7.
2. Includes development in the R-X district.

### 8.5.3. Open Space Standards

- A. The following areas or features of a site may be counted towards open space requirements:
1. Areas set aside for conservation of natural, archaeological, or historic features.
  2. Meadows, woodlands, wetlands, wildlife corridors or similar conservation-oriented areas.
  3. Passive recreational areas.
  4. Outdoor amenities such as greens, commons, community gardens, non-paved trails and similar areas.
  5. Active non-commercial recreation areas, such as playing fields, playgrounds, courts, and bikeways. These areas may be credited to no more than 25% of the required open space and may not be located within conservation areas.

6. The area of any buffers required by Sec. 8.2.4.
- B.** The following areas or features of a site may not be counted towards open space requirements:
1. Driveways, alleys or similar paved areas.
  2. Parking lots, including those reserved for recreation areas.
  3. Streets, existing or proposed.
  4. Detention or retention ponds.
  5. Other impervious surfaces including but not limited to buildings and accessory structures, unless otherwise permitted by this section.

## Sec. 8.6. Signs

### 8.6.1. General

#### A. Purpose and Findings

The county finds that signs provide an important medium through which individuals may convey a variety of noncommercial and commercial messages. However, left completely unregulated, signs can become a threat to public safety as a traffic hazard and detriment to property values and to Hall County's overall public welfare as an aesthetic nuisance. By enacting this Sec. 8.6., the county commission intends to:

1. Balance the rights of individuals to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs;
2. Further the objectives of the Hall County Comprehensive Plan;
3. Protect the public health, safety, and welfare;
4. Reduce traffic and pedestrian hazards;
5. Maintain and enhance the visual environment, and preserve the right of the citizens to enjoy Hall County's scenic beauty;
6. Protect property values by minimizing possible adverse effects and visual blight caused by signs;
7. Avoid the harmful aspects of the unrestricted proliferation of signs;
8. Promote economic development; and
9. Ensure the fair and consistent enforcement of sign regulations.

#### B. Applicability

No sign may be erected, altered, refurbished or otherwise modified except

in accordance with the requirements of this Sec. 8.6.

#### C. Permit required

A permit shall be required for the erection, alteration or reconstruction of any sign unless otherwise noted and shall be issued by the building official in accordance with these regulations.

#### D. Standards

1. **Materials and maintenance.** Signs permitted by this UDC must be:
  - a. Constructed of materials, either singly or in combination, such as wood, cut or formed metal, glass, stone, masonry, plastics, L.E.D., high-density urethane foam, acrylics, polycarbonates, or similar materials as approved by the Director; and
  - b. Free from: rust or holes on or in the sign or sign structure; broken, missing, loose or bent parts; faded or flaking paint; nonoperative or partially nonoperative illuminating or mechanical devices; and/or missing letters/graphics in sign copy; and
  - c. Maintained in good condition and not constitute a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.
2. **Freestanding signs**
  - a. All permanent freestanding signs over 6 square feet in area must be a monument sign.
  - b. Maximum sign areas shall apply to each face separately, but no freestanding sign may have more than two faces.

- c. Where two sign faces are located in a "V" formation, the angle between the two sign faces may not exceed 60 degrees.
3. **Obsolete signs.** A sign becomes obsolete if it conveys advertising or identification to services or uses without a valid business license, or a sign that is not maintained in accordance with this Sec. 8.6.1.D. Obsolete signs must be removed or repaired by property owner, developer or former lessee of property upon which sign is located within 30 days after receipt of written notice from the Director or Code Enforcement division.
  4. **Illumination.** No sign may be illuminated by lights that flash, move, change in intensity, or turn on intermittently; except that a digital display may change no more often than once each 20 seconds, and shall be subject to the applicable lighting standards within this Sec. 8.6.
    - a. Internally illuminated signs, when permitted, may not exceed 20 foot-candles at a distance of 10 feet from such structure.
    - b. To prevent glare visible from a public street or adjoining property, the beam of any external lighting shall be directed so as not to be visible beyond the sign at which it is directed, and the light source shall not be visible from any point on an adjacent property or the public right-of-way.
  5. **Movement or animation.** No sign or part of a sign may rotate, oscillate, or otherwise move or change in appearance, whether such motion is driven by wind, mechanical, electrical, or other means; except as provided under "Illumination" above.

## 8.6.2. Definitions

The following terms have the meanings indicated below as used in this Sec. 8.6.

**Billboard.** A freestanding sign larger than 200 square feet in area.

**Billboard, digital.** A freestanding sign larger than 200 square feet in area and programmable by a computer capable of displaying words, symbols, figures, or picture images that can be altered or rearranged on site or by remote means without altering the face or surface of the sign.

**Freestanding sign.** A sign that is not mounted on a principal building.

**Nonconforming sign.** A sign that does not conform to the provisions of this UDC and was legal when originally erected.

**Portable sign.** A sign which is not permanently affixed by rigid structures to a permanent, concrete foundation or a building; including any sign mounted on a vehicle, trailer, or other device designed to be moved periodically from place to place.

**Roof sign.** A sign projecting over the coping of a flat roof, or wholly or partially over the ridge of a gable, hip or gambrel roof, and supported by or attached to the roof.

**Sign.** Any structure, display, or device that is used to advertise, identify, direct, or attract attention to a business, institution, organization, person, idea, product, service, event, or location by any means, including words, letters, figures, design characteristics, symbols, logos, fixtures, movement, or illumination.

**Sign area.** The entire area within a continuous perimeter, enclosing the extreme limits of the sign structure, not to include the first 24 inches of the base height of a monument sign. Curved, spherical, or any other shaped sign face area will be computed based on the actual surface area. The copy of signs composed of individual letters, numerals, or other devices will be the sum of the area of the smallest rectangle or other geometric figure encompassing each of said letter or device as well as spaces between each letter or device.

1. Supporting structures for signs are not counted in the sign area, provided such supporting structures consist of posts, hangers, or brackets of the minimum number and size necessary to support the sign.
2. A wall or fence on which a sign is mounted not counted in the sign area, provided it serves primarily to enclose, divide, or protect an area.

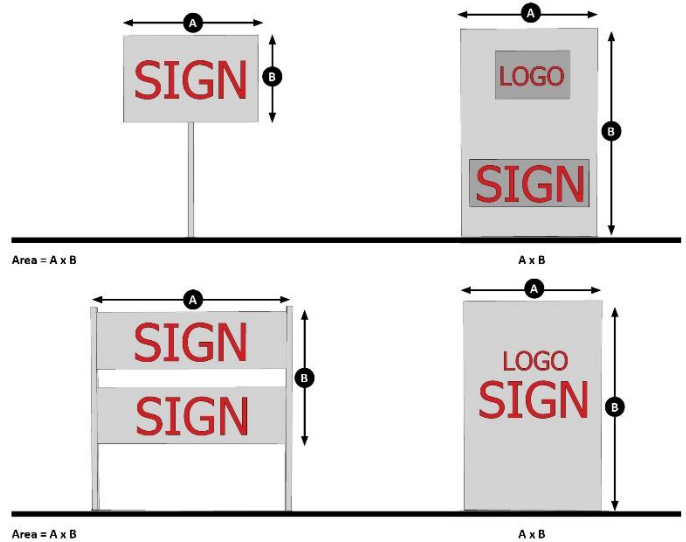
**Temporary sign.** A display, sign, or banner with or without a structural frame, temporarily mounted, and intended to be displayed for a period not to exceed 30 days.

### 8.6.3. Prohibited Signs

Notwithstanding any other provision of this Sec. 8.6., the following signs are prohibited:

- A. Signs displaying intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance or rescue vehicles, nor shall any sign use the words "stop," "danger," or any other word, phrase, symbol or character in a manner that might mislead or confuse a vehicular driver.
- B. Signs within any street or highway right-of-way, unless erected by a public agency.
- C. Signs painted on or attached to trees, fence posts and telephone or other utility poles

or signs painted on or attached to rocks or other natural features or painted on the



roofs or walls of buildings.

- D. Fluttering ribbons and banners and similar devices within the front yard setback. This restriction does not apply to flags.
- E. Billboard signs, except as otherwise required by Georgia or federal law.
- F. Roof signs and other signs mounted on or extending into the air above any roof surface of a building. A sign may be mounted against a parapet of uniform height around the perimeter of a building but may not extend above the parapet.
- G. Portable signs unless qualified as a temporary sign and complies with all applicable requirements for such signs under this Sec. 8.6.
- H. Wall murals.
- I. Signs within visibility clearance areas. No freestanding sign or flag between a height of two and one-half feet and ten feet, and no billboard support structure with a

maximum dimension of 12 inches or more, shall be installed and or maintained within the visibility clearance area defined by:

1. Points 25 feet distant from the intersection of any two of the following:
  - a. Any public street(s);
  - b. Any driveway for other than single- or two-family use; or
  - c. Any railroad right-of-way with an at-grade crossing; and
2. A straight line connecting those two points.

#### 8.6.4. Signs Not Requiring a Permit

The following sign types do not require a sign permit when they are erected and maintained in compliance with all applicable standards:

##### A. Address Signs

An address sign is a sign displaying the street address of the property.

##### B. Entrance Directory signs

An entrance directory sign is any sign located on a developed property, adjacent to exits, entrances, driveways or off-street parking facilities. Entrance directory signs must meet the following standards:

1. The sign may not exceed 12 ft in area and 5 feet in height.
2. The sign must be at least one foot from the edge of the pavement or curb.
3. One entrance directory sign is allowed per exit, entrance, and off-street parking lot.

##### C. Construction Signs

A construction sign is a temporary sign erected on premises where construction for which a permit is required is taking place. Construction signs must meet the following standards:

1. The sign may not exceed 50 square feet in area and 8 feet in height.
2. The sign must be at least 10 feet from the edge of the adjacent pavement.
3. Signs must be at least 15 feet from side and rear property lines.

##### D. Home Occupation Signs

A home occupation sign is a sign associated with a permitted home occupation. Home occupation signs must meet the following standards:

1. The sign may not exceed one foot in area.
2. The sign may not be illuminated.
3. The sign must be attached to the structure in which the home occupation is conducted.

##### E. Internal Development Signs

Signs internal to a multi-building residential or nonresidential complex which may be part of a greater wayfinding system used to serve as directional signage to effectively navigate people through a space. Internal development signs must meet the following standards:

1. One sign is allowed at each street or driveway intersection.
2. The sign may not exceed 6 square feet in area and 4 feet in length.
3. The sign may not be mounted more than 5 feet above grade.

##### F. Residential temporary signs

Residential temporary signs are temporary signs on residentially zoned property. Residential temporary signs must meet the following standards:

1. The sign may not exceed 6 square feet in area.
2. Signs must be at least 15 feet from side and rear property lines.

**G. Flags**

Flags are any fabric or other flexible material designed to be flown from a flagpole. Flags must meet the following standards:

1. No more than two flagpoles are permitted per lot.
2. No more than two flags are permitted per flagpole.
3. The maximum dimension of the hoist side of each flag may not exceed 20 percent of the height of the flagpole.
4. Flagpoles must be set back from each property boundary a distance equal to the height of the flagpole.
5. Flagpoles must be maintained in good repair, so as not to constitute a hazard to health, welfare or public safety.
6. On officially designated county, state, and federal holidays, there is no maximum flag size or number of flags which may be on display.

**H. Window signs**

A window sign is a sign attached to the interior or exterior face of a window, door, or display case and intended to be viewed from the outside. Window signs must meet the following standards:

1. Window signs may not exceed 25% of the area of the individual window they are located in; and
2. Additional standards apply in the Gateway Corridor Overlay District. See Sec. 8.6.18.

**I. Other exempt signs**

In addition to any other permitted signs, the following signs are also permitted without a sign permit:

1. **Agricultural and residential zoning districts.** Individual signs not exceeding 6 square feet in area, with a

combined area not exceeding 18 square feet.

2. **Other zoning districts.** Individual signs not exceeding 10 square feet in area, with a combined area not exceeding 30 square feet. Such signs must not be more than 5 feet high and must be at least 5 feet from side and rear property lines.
3. **Public signs.** Signs authorized by any public agency for official purposes. Official notices issued by any court, public agency, or officer.

**8.6.5. Temporary Signs**

A total of one additional sign per street frontage, which may be either of the following, is allowed for the duration of a temporary event:

- A. One non-illuminated temporary sign, flag or banner, not exceeding 6 square feet in area nor 4 feet in height in a single-family residential zoning district and not exceeding 32 square feet in area nor 12 feet in height in a multifamily or nonresidential zoning district; or
- B. One non-illuminated inflatable sign, which may be placed on a building roof, but regardless of location, must be installed in accordance with all requirements of the building code. Such inflatable sign may not contain an inflatable area in cubic feet that is greater than the square footage area of the sign structure for the principal freestanding sign on the property as determined by the Director.
- C. Signage is limited to a total of 60 days a calendar year for the same business or organization. The duration of the temporary event may not last longer than 15 consecutive days and must not take place more frequently than four times in any calendar year for the same business or organization. Any four such events must

be separated by at least 30 consecutive days.

### 8.6.6. Sign Permits

#### A. Purpose

The purpose of this Sec. 8.6.6 is to provide a review process for sign permit applications that ensures that signs comply with the standards of this Sec. 8.6.

#### B. Authority

The Director is authorized to review and approve or disapprove an application for a sign permit pursuant to the procedures of this Sec. 8.6.6 and the standards of this Sec. 8.6.

#### C. Applicability

No sign, except those listed in Sec. 8.6.4, may be erected, placed, reconstructed or structurally altered without the sign owner having first obtained a sign permit from the Director or building official, if applicable, per the procedures in this Sec. 8.6.5 and the standards of this Sec. 8.6.

#### D. Procedure

1. **Initial submission and review of application.** Application for a sign permit must be made on the form provided by the Department of Planning and Zoning and must be accompanied by the information and documents listed on the form. An application will only be deemed as sufficient when all required information and accompanying documents are received.
2. **Action by Planning and Zoning Director.** Within 10 working days after the application is determined sufficient, the Director or their designee must review the application in accordance with this Sec. 8.6.5 and determine whether the application

complies with the standards in this Sec. 8.6.

3. **Approval.** If the Director finds that the application complies with the standards of this Sec. 8.6, they must approve a sign permit. Any sufficient sign application for which no action has been taken after ten working days will be deemed approved.
4. **Fails to comply.** If the Director determines the application fails to comply with the standards of this Sec. 8.6, the applicant must be provided a notification with written comments, explaining why the application fails to comply with the standards. The applicant must be provided an opportunity to submit a revised application. If a revised application is not resubmitted within 30 days of the date of notification, the application will be considered withdrawn and subject to a new application and remittance of accompanying fees. The time for resubmission may be extended an additional 30 days, if requested prior to the original deadline for resubmittal.
5. **Re-submittal.** A revised application must be re-submitted to the Director and reviewed by the Director within five working days after its re-submittal. The Director must approve or disapprove the application, based on the criteria in this Sec. 8.6.
6. **Fees.** No permit may be issued until the appropriate application has been filed with the Department of Planning and Zoning and fees as established by the Board of Commissioners have been paid.
7. **Criteria.** A sign permit must be approved upon a finding that the applicant has demonstrated the application complies with the standards of this Sec. 8.6.6.



- E. **Expiration.** If the work described in any sign permit has not been completed within six months of issuance, the sign permit will expire and be void, however, one six-month extension of the permit will be granted if an additional permit extension fee has been paid prior to the expiration date of the initial permit. The permit extension fee will be the amount of the initial permit fee.
- F. **Amendments.** A sign permit may be amended, extended, or modified only in with the procedures established for its original approval.
- G. **Appeals.** Any person aggrieved or affected or any officer, department, board or

bureau of the county affected by the determination of the Director on an application for approval of a sign permit may appeal the determination to the Planning Commission in accordance with the procedures of Sec. 11.2. The appeal must be heard within 45 days of the filing of the written notice of appeal.

**8.6.7. Signs Requiring a Sign Permit**

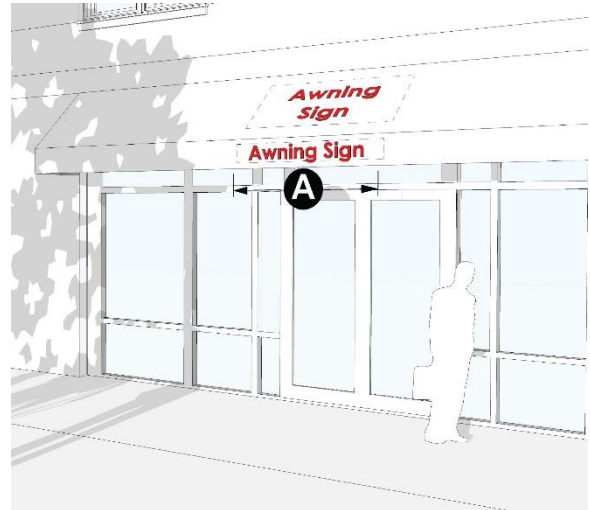
Signs are allowed by district as shown below. Specific requirements for each sign are shown on the following pages. All of the following sign types require a sign permit.

	AG-1, AR-1, R-1-L, R-1, R-TF, PRD	R-MF, MHP, R-X	O-I, S-S, H-B, I-1, I-2	Gateway Corridor Overlay	Standards
Awning Sign, or Canopy Sign, or Wall Sign	☐	☐	■	Per base zoning and	Sec. 8.6.8 Sec. 8.6.9 Sec. 8.6.10
Entrance Sign	■	■	■	Per base zoning	Sec. 8.6.11
Monument Sign	☐	☐	■	Per base zoning and Sec. 8.6.18	Sec. 8.6.12
Projecting Sign	☐	☐	■	See base zoning	Sec. 8.6.13

Table Key:

- = Allowed
- ☐ = Allowed for nonresidential, residential businesses, and rural businesses uses only
- = Not Allowed

### 8.6.8. Awning Signs



#### A. Definition

A sign where graphics or symbols are sewn on, printed on, or otherwise adhered to the awning material as an integrated part of the awning itself.

#### B. General Provisions

1. Signs may not extend outside the awning.
2. Only awnings over ground story doors or windows may contain signs.
3. The awning that the sign is attached to must be opaque.
4. Signs may be on the front valance, the side valance, or on the sloping face of the awning.
5. Signs may not be internally illuminated.

#### C. Number of Signs

1. One awning sign, or one canopy sign, or one wall sign, or one projecting sign is allowed per establishment along the side of the establishment that includes its public entrance, unless specified in Sec. 8.6.14 or Sec. 8.6.15.
2. One additional awning sign, or one additional canopy, or one additional wall sign, or one additional projecting sign is allowed along each facade adjacent to a public right of way.

#### D. Sign Area

1. The maximum area is 64 square feet per building, or one square foot per linear foot of storefront, whichever is greater.
2. A tenant with less than 16 linear feet of storefront is allowed one sign not exceeding 16 square feet in area.

#### E. Dimensions

- Ⓐ Sign width: no max.
- Ⓑ Sign height: no max.

### 8.6.9. Canopy Signs



#### A. Definition

A sign affixed to, superimposed upon, or painted on any roof or roof-like structure which is extended over a sidewalk, walkway, or vehicle access area.

#### B. General Provisions

1. Signs cannot extend outside the overall length or width of the canopy. However, a canopy sign may extend above or below the canopy.
2. Signs may not extend above the height of the building, including any parapet wall.
3. Signs may not be located on a roof.
4. Signs must be located at least 8 feet above any sidewalk or walkway and 13 feet 6 inches above any vehicular access area.

#### C. Number of Signs

1. One awning sign, or one canopy sign, or one wall sign, or one projecting sign is allowed per establishment along the side of the establishment that includes its public entrance, unless specified in Sec. 8.6.14 or Sec. 8.6.15.
2. One additional awning sign, or one additional canopy, or one additional wall sign, or one addition projecting sign is

allowed along each facade adjacent to a public right of way.

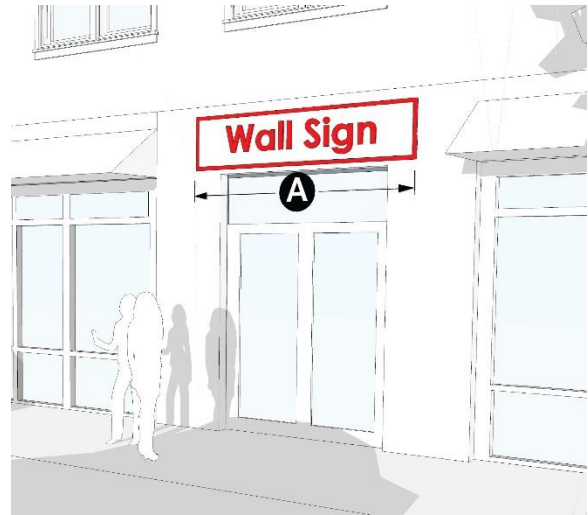
#### D. Sign Area

1. The maximum area is 64 square feet per building, or one square foot per linear foot of storefront, whichever is greater.
2. A tenant with less than 16 linear feet of storefront is allowed one sign not exceeding 16 square feet in area.

#### E. Sign Dimensions

- (A) Sign width: max. canopy width
- (B) Sign height: max. 2 ft.

### 8.6.10. Wall Signs



#### A. Definition

A sign which is mounted on the facade of the building, is in a plane parallel to the wall (i.e., does not project at an angle to the wall), and does not project more than 12 inches from the wall.

#### B. General Provisions

Reserved

#### C. Number of Signs

1. One awning sign, or one canopy sign, or one wall sign, or one projecting sign is allowed per establishment along the side of the establishment that includes its public entrance, unless specified in Sec. 8.6.14 or Sec. 8.6.15.
2. One additional awning sign, or one additional canopy, or one additional wall sign, or one addition projecting sign is allowed along each facade adjacent to a public right of way.

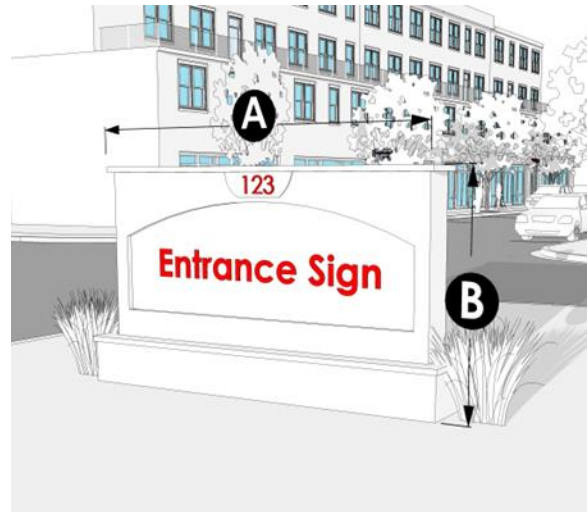
#### D. Sign Area

1. The maximum area is 64 square feet per building, or one square foot per linear foot of storefront, whichever is greater.
2. A tenant with less than 16 linear feet of storefront is allowed one sign not exceeding 16 square feet in area.

#### E. Sign Dimensions

- Ⓐ Sign width: no max.
- Ⓑ Sign height: no max.

### 8.6.11. Entrance Signs



#### A. Definition

Any sign located in a residential or nonresidential subdivision or planned unit development.

#### B. General Provisions

1. Signs must be at least 15 feet from all property lines.
2. Signs may not be internally illuminated, and any lighting must come from external sources screened from view with evergreen plantings.

#### C. Number of Signs

One per street entrance.

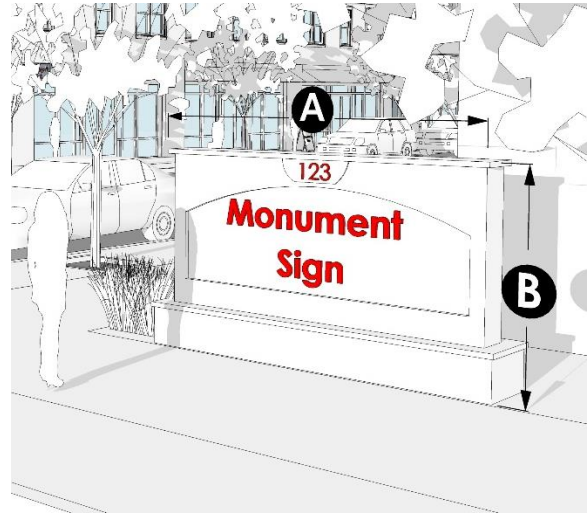
#### D. Sign Area

1. Residential developments:
  - a. Fewer than 100 residential units or lots: max. 20 sq. ft.
  - b. 101-200 residential units or lots: max. 32 sq. ft.
  - c. Developments with more than 200 residential units or lots: max. 48 sq. ft.
2. Nonresidential or mixed-use developments: max. 48 sq. ft.

#### E. Sign Dimensions

- Ⓐ Sign width: no max.
- Ⓑ Sign height: max. 6 ft.

8.6.12. Monument Signs



**A. Definition**

A permanently affixed sign which is wholly independent of a building for support and attached to the ground along its entire length.

**B. General Provisions**

1. The base of the monument sign must be at least two-thirds the width of the sign itself.
2. The base of the monument sign must be faced in brick, masonry, stucco, or stone, unless otherwise specified in Sec. 8.6.18 for the Gateway Corridors Overlay District.
3. On corner lots, monument signs must be at least 50 feet from lot corner (defined by the lot lines extended).
4. Signs must be at least 15 feet from all property lines.

**C. Number of Signs**

One monument sign is allowed along each street that the lot has frontage on, unless otherwise specified in Sec. 8.6.14 or Sec. 8.6.15.

**D. Sign Area**

1. *O-I, S-S, P-C, H-B, M-U, I-1, and I-2 zoning districts.* Determined by building gross floor area:
  - a. 0-10,000 sf.: max. 32 sf. (each side)
  - b. 10,001-50,000 sf.: max. 48 sf. (per side)
  - c. 50,001-100,000 sf.: max. 64 sf. (per side)
  - d. Over 100,000 sf.: max. 96 sf. (per side)
2. *All other zoning districts.* See Sec. 8.6.14 and Sec. 8.6.15.

**E. Sign Dimensions**

Ⓐ Sign width: no max.

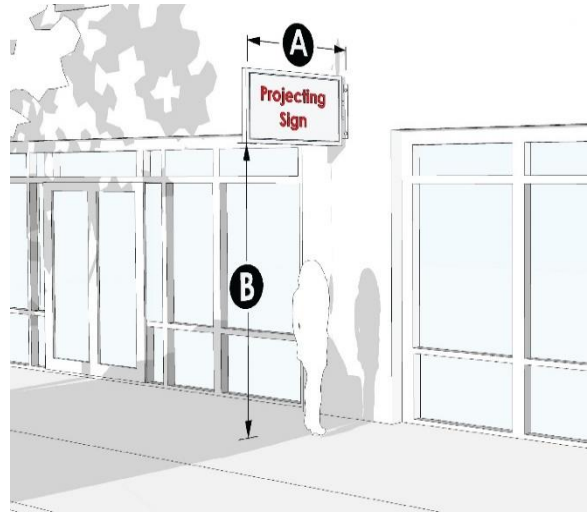
Ⓑ Sign height:

*O-I, S-S, P-C, H-B, M-U, I-1, and I-2 zoning districts.* Determined by building gross floor area:

- a. 0-50,000 SF: max. 8 ft.
- b. 50,001-100,000 SF: max. 10 ft.
- c. Over 100,000 SF: max. 12 ft.

*All other zoning districts:* max. 6 ft.

### 8.6.13. Projecting Signs



#### A. Definition

A sign which is attached perpendicular to a building or other structure and extends more than 12 inches horizontally from the plane of the building facade.

#### B. General Provisions

1. Must be at least 18 inches from a vertical plane at the street curb line.
2. May not project beyond property lines.

#### C. Number of Signs

1. One awning sign, or one canopy sign, or one wall sign, or one projecting sign is allowed per establishment along the side of the establishment that includes its public entrance.
2. One additional awning sign, or one additional canopy, or one additional wall sign, or one addition projecting sign is allowed along each facade adjacent to a public right of way.

#### D. Sign Area

1. The maximum area is 64 square feet per building, or one square foot per linear foot of storefront, whichever is greater.
2. A tenant with less than 16 linear feet of storefront is allowed one sign not exceeding 16 square feet in sign area.

#### E. Sign Dimensions

- Ⓐ Projection from facade: max. 5 feet.
- Ⓑ Clear height above walkways or other non-vehicular areas: min. 10 ft.
- Ⓑ Clear height above parking, driveways, or other vehicle access: min. 14 ft.

### 8.6.14. AG-1, AR-1, R-1-L, R-1, R-TF, R-X and PRD Zoning Districts

The following additional standards apply in AG-1, AR-1, R-1-L, R-1, R-TF, R-X and PRD zoning districts:

#### A. Nonresidential Uses

Nonresidential uses are allowed one canopy sign, or one wall sign, or one projecting sign, or one freestanding sign, with a maximum area of 20 square feet and the maximum height of 6 feet.

#### B. Residential Business Signs

1. **AG-1, AR-1, R-1-L, R-TF, R-X and PRD zoning districts.** Residential businesses are allowed one non-illuminated freestanding sign with a maximum sign area of 16 square feet and a maximum height of 5 feet. The location must be approved by the planning commission.

2. **R-1 zoning district.** No sign is allowed.

#### C. Rural Business Signs

Rural businesses are allowed one non-illuminated freestanding sign not exceeding 16 square feet in area. The location must be approved by the planning commission. The sign must be at least 15 feet from all property lines.

### 8.6.15. R-MF and MHP Zoning Districts

The following additional standards apply in RMF and MHP zoning districts:

#### A. Nonresidential Uses

Nonresidential uses are allowed one canopy sign, or one wall sign, or one projecting sign, or freestanding sign, with a maximum area of 30 square feet and the maximum height of 6 feet.

#### B. Residential Business Signs

Residential businesses are allowed one non-illuminated freestanding sign, including a monument sign, with a maximum area of 16 square feet and a maximum height of 5 feet. The location must be approved by the Planning Commission.

#### C. Rural Business Signs

Rural businesses are allowed one non-illuminated freestanding sign not exceeding 16 square feet in area. The location must be approved by the Planning Commission. The location must be at least 15 feet from all property lines.

### 8.6.16. O-I, S-S, H-B, M-U, I-1, and I-2 Zoning Districts

The following additional standards apply in O-I, S-S, H-B, M-U, I-1, and I-2 zoning districts:

#### A. Master plan for signs in multi-tenant developments

For all multi-tenant buildings or developments, a coordinated program of wall signs must be developed and approved by the county at the time of site plan approval. The signage master plan must specify the sign type, design, height, colors, illumination, and other specifications to give a coordinated appearance to the building or development. The county's review and approval of the signage master plan must be based on the compatibility of the proposed signage with the siting and architecture of the subject building or development and the compatibility of the signage with surrounding land uses.

### 8.6.17. Standards for Fuel Sales

Fuel sales facilities are allowed additional signage as follows:

A. One sign per canopy facade per public street frontage with a maximum of 16



square feet is allowed, provided that the area used to display this information is no larger than 8 square feet and does not extend above or below the edge of the canopy.

- B. Spreader bars (signs located under canopy over pump islands) are limited to no more than two signs per spreader bar, not exceeding 4 square feet per sign. However, the total area for all spreader bars may not exceed 24 square feet.

### 8.6.18. Gateway Corridors Overlay

The following additional standards and restrictions apply to civic, commercial, industrial, and other non-residential uses in the Gateway Corridor Overlay district:

#### A. Monument Signs

The monument sign structure must be constructed of the same materials that are used in the facade of the principal building.

#### B. Sign Illumination

1. Automatic changeable copy signs are prohibited, except for public buildings and uses, as these terms are defined in Sec. 7.4.
2. Externally mounted neon signs are prohibited.
3. Signs may be illuminated with external lighting fixtures provided that fixtures are directed downward and away from streets and adjacent property and public streets. All lighting shall have recessed luminaries or be semi-cutoff luminary fixtures.
4. Internally illuminated signs are permitted subject to the standard of illumination in Sec. 8.6.1.D.4.

### 8.6.19. Standards for Billboards

#### A. General Standards

Sec. 8.6.18 prohibits the erection of new billboards in Hall County and the reconstruction of existing billboards to the fullest extent to be consistent with state and federal law or with the provisions allowing for the reduction of the overall number of billboards within Hall County, per Sec. 8.6.19.C.

1. **Permit required.** No billboard may be permitted to be erected or reconstructed without a permit from the county building official.
2. **No new billboards.** After the effective date of this UDC, the county building official may not issue permits for new billboard structures except as required by Georgia or federal law and/or permitted by Sec. 8.6.19.C.
3. **Billboards are primary structures.** After the effective date of this UDC all billboards are classified as primary structures, and no billboard may be located on any lot or parcel that contains another primary structure. Lots or parcels that contain both a billboard and another primary structure will be nonconforming and will be subject to the nonconforming use provisions of this UDC.

#### B. Location, area and height

All billboard structures required to be permitted under state or federal law, and erected so as to be visible from any public, state or federal road must conform to the following standards:

1. **General.** All billboard structures erected abutting or so as to be visible from the right-of-way of any state highway that is a limited or controlled access highway shall conform with O.C.G.A. § 32-6-75, and must meet all federal and state requirements

necessary to obtain a permit under said code. In instances where the sign controls of this UDC are stricter, these regulations apply.

2. **Structure type.** Only one sign may face the same direction per location. This allows back-to-back or V-formation signs, provided they are joined by a mutual or attached frame, but prohibits two signs stacked or side-by-side facing the same direction.
3. **Setback.** All structures must be set back at least 15 feet from any property or right-of-way line.
4. **Spacing**
  - a. All roads except divided lane four-lane highways and limited or controlled access highways. No billboard structure may be within 500 feet of another billboard along the same side of the road or within 1,000 feet of any residential or agricultural district, public park, public building or religious building, regardless of whether the measurements extend outside of county limits.
  - b. Divided four-lane highways and limited or controlled access highways. No billboard structure may be within 500 feet of another billboard, measuring from the two closest points, regardless of whether the measurements extend outside of county limits.
5. **Maximum sign area**
  - a. All roads except divided lane four-lane highways and limited or controlled access highways. The maximum sign area permitted for each face of the structure shall not exceed 64 square feet with or without trim.
  - b. Divided four-lane highways and limited or controlled access

highways. The maximum sign area permitted for each face of the structure may not exceed 100 square feet with or without trim.

6. **Sign height.** Signs must be at least 10 feet above the adjacent road measuring from the lower portion of the sign face. No sign may exceed the height of 35 feet from either the level of the road or the ground surface, whichever is higher. Two signs in the same location back-to-back or in a V-formation must be the same height above the pavement surface.
7. **Extrusions prohibited.** Extrusions beyond the face of the sign, excluding aprons, are prohibited.
8. **Lighting.** No illumination of off-premises signs is allowed.

**C. Digital billboard conversion and location**

Any legally erected billboard may be converted to a digital billboard so long as it meets the following limitations:

1. **Replacing a static billboard with a digital billboard**
  - a. Two square feet of existing static billboard display must be removed within the county limits for each one square foot of digital billboard display area, either newly constructed or installed as a modification and/or conversion of an existing static billboard. The two square feet removed must be from physically completed static billboards with complete sign faces. No partially erected or partially completed signs may be used to qualify for the requirement.
  - b. The applicant must provide an inventory of their outdoor advertising sign locations within the county. A company that converts an existing static

billboard to a digital billboard must provide, with each permit application, a complete current inventory of its billboards located within the corporate limits of Hall County. The inventory must include per structure: location (longitude/latitude), size, number of faces and type of illumination.

- c. No person may convert an existing static billboard structure to a digital billboard structure without first obtaining a sign permit as required by this Sec. 8.6.19.C. and all other applicable county permits required for improvements.
- d. Digital billboards shall be the same size or smaller than the static billboard being replaced.
- e. A digital billboard replacing a nonconforming static billboard may be permitted if approved by the county Board of Commissioners.

**2. Construction of digital billboards in new locations**

- a. After removing two square feet of existing static billboard display per Sec. 8.6.19.C.1.a, a new structure may be erected containing a digital billboard if the location is approved by the county Board of Commissioners.
- b. The county Board of Commissioners has the right to permit the installation of a new digital billboard structure in any location within the county so long as the location complies with all applicable state and federal regulations pertaining to outdoor advertising, and these regulations.

**3. Digital billboard operational standards**

- a. Digital billboards must display static images for a period of at least

ten seconds before instantaneously transitioning to another static image.

- b. Animation, frame effects, flashing and the appearance of movement whatsoever are explicitly prohibited.
- c. All digital billboards must be equipped with automatic dimming technology which automatically adjusts the sign's brightness based on ambient light conditions.
- d. No digital billboard may exceed a brightness level of 0.3 foot-candles above ambient light as measured using a foot-candle meter at a preset distance depending on sign area. Measuring distance will be determined by the following equation: the square root of the product of the sign area and 100.

Example using a 200 square foot digital billboard:

$$(200 \times 100) = 141.4 \text{ feet measuring distance.}$$

- e. The county will from time to time check the brightness of each digital billboard to verify the levels specified in Sec. 8.6. are met. If the owner of a sign fails to control brightness within these limits, the sign permit will be revoked. If a permit is revoked, the sign must be turned off immediately and must remain off unless and until the sign is re-permitted. Re-permitting requires the owner to reapply in accordance with the procedures in place at the time of the new permit application, including paying fees required for a new permit.
- f. All digital billboards must have a switch or circuit breaker located on the property that allows electrical power to be turned off. The owner of each digital billboard

must provide the county contact information for a 24-hour, seven-day/week contact person who has the authority and is able to turn off the sign promptly if a malfunction occurs. If at any time more than 30 percent of the digital display lights malfunction or are no longer working property, the owner of the digital billboard shall turn off the electronic display until repairs are made.

4. **Emergency compliance.** The permit holder of a digital billboard must coordinate with governmental authorities to display, when appropriate, emergency information important to the traveling public, such as Amber Alerts or alerts concerning terrorist attacks, or natural disasters. Emergency information messages must remain in the advertising rotation according to the protocols of the agency that issues the information, or protocols established by the Georgia Department of Transportation.

**D. Nonconforming billboards**

Any legally erected sign that would become nonconforming as a result of Sec. 8.6. is allowed to remain in accordance with this Code, or until purchased by the Georgia Department of Transportation or the county, provided that the sign owner meets the requirements of state laws and rules and regulations governing such signs. No nonconforming billboard may be increased in size or height or relocated on the property, but may be decreased in size or height and/or may be converted to a digital billboard subject to Sec. 8.6.19.C.

**8.6.20. Nonconformities**

**A. Signs related to nonconforming uses**

Signs related to nonconforming uses, and located on the same lot or property as the nonconforming use, may continue to exist, but may not be increased in size or number, and may not be relocated on the same site unless the relocation of the existing sign brings it into greater conformity with the provisions of this Sec. 8.6. that would apply if the use were a permitted use in that zoning district.

**B. Nonconforming signs**

1. A building or freestanding sign that lawfully existed on the effective date of this UDC may continue to be used, except that the nonconforming sign:
  - a. May not be repaired, rebuilt, replaced or altered after damage or removal exceeding 50% of the sign structure.
  - b. May not be enlarged or altered in a way that increases its nonconformity.
  - c. May not be altered for a change in use, change in ownership or change in business name. Individual sign panels not exceeding 50% of the total sign face area of a multi-tenant freestanding sign may be replaced for a change in use or change in business name.
2. The owner of a nonconforming sign who wishes to apply for its continued use, and who makes an application for such within one year from the date such sign became nonconforming, will have their application fee waived. An owner who submits their application for the continued use of a nonconforming sign within two years of the date such sign became nonconforming will have one-half of the application fee waived. Any owner of a nonconforming sign must apply for its continued use after the expiration of two years from the date

the sign became nonconforming must pay the full application fee as required by Sec. 11.2.

3. Nonconforming signs associated with Legacy Uses, as defined in Sec. 7.1.6.,

may be re-used upon approval of a conditional use permit for such use.

# Article 9. Subdivisions

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## Sec. 9.1. General Land Development Standards

### 9.1.1. Policy

- A. In the interest of orderly, planned, efficient and economical development, and furtherance of the general health and welfare of the county and its residents, and to ensure consistency with the Comprehensive Plan, it is declared to be the policy of the county to consider the subdivision of land and its development to be subject to the control of the county.
- B. Land to be subdivided must be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace and that it can be serviced with those public facilities deemed necessary and appropriate for such development.
- C. The existing and proposed public improvements must conform with and be properly related to the proposal shown in the land use plan, and it is intended that these regulations supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, the Unified Development Code, the Comprehensive Plan, and the capital budget and program of the county.

### 9.1.2. Purposes

These regulations are adopted for the following purposes:

- A. To encourage the development of an economically sound and stable community so as to help conserve and protect the natural, economic, and scenic resources of the county;
- B. To assure the provision of required streets, utilities, and other facilities and

services to both residential and nonresidential subdivision developments;

- C. To assure the adequate provision of safe and convenient access and circulation, both vehicular and pedestrian, and to help ensure that all lots will be accessible to emergency and service vehicles;
- D. To assure the provision of needed public open spaces and building sites in new land development through the dedication or reservation of land for recreational, educational, and other public purposes;
- E. To ensure adequate drainage by providing for the proper layout of streets and lots, thereby reducing maintenance problems;
- F. To promote a safe and healthy environment;
- G. To assure adequate identification of property on the public records;
- H. To encourage, in general, the wise development of the community consistent with the Comprehensive Plan; and
- I. To assure the equitable review of subdivisions by providing uniform procedures and standards for the subdivider.

### 9.1.3. Conditions on Development; Compliance

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state to this county. The developer has the duty of compliance with these regulations for design, dedication, improvement, planning, etc., so as to conform to the physical development of the county and to the safety and general welfare of the future



lot owners in the subdivision and of the community at large.

#### **9.1.4. Jurisdiction**

These regulations control the subdivision of residential and nonresidential land within the unincorporated portion of Hall County, Georgia.

#### **9.1.5. Interpretation**

In their interpretation and application, the provisions of these regulations will be held to be the minimum requirements for the promotion of public health, safety, and general welfare.

#### **9.1.6. Conflicting Provisions**

Where any provision of these regulations imposes a restriction different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards will apply.

#### **9.1.7. Easements, Covenants and Other Private Restrictions**

These regulations are not intended to supplant any easement, covenant or any other private restriction; provided that, when the provisions of these regulations are more

restrictive or impose higher standards than such easement, covenant, or other private restriction, the provisions of these regulations will apply.

#### **9.1.8. Subdivisions Relying on Provision of Access or Services by Municipal Corporations or Other Counties**

Hall County may deny all or any part of a subdivision where proper access and the provision of services affecting the health, safety, and welfare of the subdivision are jeopardized by reliance upon the performance of another jurisdiction.

#### **9.1.9. Saving Provision**

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the county under any section or provision existing at the time of adoption of the regulations codified in this UDC, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the county, except as expressly provided for in these regulations.

## Sec. 9.2. General Design Requirements

### 9.2.1. Minimum Design Standards

All subdivisions hereafter established must be developed in accordance with the minimum design standards and requirements set forth in this UDC.

### 9.2.2. Suitability of Land

Land subject to flooding, improper drainage, or erosion, or which is for topographical, geological or other reasons unsuitable for residential use, may not be platted for residential use or for any other uses that will continue to increase the danger to health, safety, or property destruction, unless the hazards can be corrected. Determination will be made by study of topographic maps or inspection of the subdivision by the County Engineer.

### 9.2.3. Name of Subdivision

The name of the subdivision must have the approval of Hall County. The name must not duplicate or closely approximate the name of an existing subdivision.

### 9.2.4. Access

Access to every subdivision lot must be provided over a public road or over a common access driveway which meets the standards set forth in the driveway regulations. Hall County may control access to freeway, expressway, arterial, and collector roads by requiring all buildings to face and have access to only minor roads. In any subdivision not involving the construction of new roads and in any minor subdivision, as defined by this UDC, all new lots accessing a road designated as an arterial or collector must have a minimum frontage of 90 feet.

### 9.2.5. Through Traffic

Minor streets must be laid out so that their use by through traffic will be discouraged.

### 9.2.6. Continuation of Existing Street Pattern

Whenever topography, ownership, and design objectives permit, the street pattern within a subdivision must provide for the continuation or appropriate projection of the existing street pattern in the section of the county involved.

### 9.2.7. Relationship to Comprehensive Plan

All proposed subdivisions must meet the intent of the Comprehensive Plan and development policies in effect at the time of submission.

### 9.2.8. Reservation of Public Spaces

Where features of the Comprehensive Plan such as school sites, parks, streets other than local subdivision streets, or other public spaces are located in whole or in part in a proposed subdivision, or when these features have not been anticipated by the Comprehensive Plan and planning policy, but are considered essential by the Director, such features may be dedicated, or in lieu of dedication may be reserved by the subdivider. Whenever such reserved land, or any portion thereof, is not acquired, optioned, or condemned by the appropriate public agency within a six-month period from the date of recording the subdivision or by the next budget year, whichever is the longer period of time, the subdivider may claim the original reservation, or portion thereof, and cause it to be subdivided in a manner suitable to the subdivider, subject to the provisions of these rules and regulations.

### 9.2.9. Reservation of Public Spaces; Waiver

The Director may waive the public space reservation requirements whenever the public body responsible for land acquisition executes a written release stating that such a planned feature is not being acquired.

### 9.2.10. Reservation of Public Spaces; Denial of Plat

The Director may deny plats when such planned features, as specified by the Comprehensive Plan, are not incorporated into the plat.

### 9.2.11. Suitability of Land Dedicated for Public Use

Whenever the plat proposes the dedication of land to public use and the Director or the appropriate agency finds that such land is not required or suitable for public use, the Director may either refuse to approve said plat or may require the rearrangement of lots to include such land.

### 9.2.12. Subdivisions Adjacent to or Containing Dams

The subdividing of land, any portion of which is or will be adjacent to a proposed or existing dam, must be such that:

- A. Subdivision lots must have at least 50 feet of frontage on a street dedicated to public use which meets the requirements for acceptance into, or which is part of, the county road maintenance system.
- B. Such lots must be accessible by streets which meet the requirements for

acceptance into, or which are currently part of, the county road maintenance system.

- C. There may be no lots which are accessible only by use of a street or streets which cross a proposed or existing dam.
- D. No lot may be allowed on any portion of an entire street which crosses a proposed or existing dam unless such lot fronts on a street which meets the requirements for acceptance into, or which is part of, the county road maintenance system.
- E. No dwellings or other buildings designed for human occupancy may be constructed below any dam within the breach floodway of the dam.

### 9.2.13. Construction of Streets on or Across Railroad Rights-of-Way

The subdivider is responsible for obtaining all permits and paying all costs associated with the construction of a subdivision street on or across railroad rights-of-way.

### 9.2.14. Alternate Design Standards

Alternate design standards for subdivision streets may be considered only in Planned Residential Developments. Each alternate design must be justified in writing by a state licensed engineer, surveyor, architect, or landscape architect.

## Sec. 9.3. Streets and Other Rights-of-Way

### 9.3.1. Continuation of Existing Streets

All proposed streets must connect to a state or county road and have a uniform typical section for the entire length of the proposed street. Existing streets must be continued at the same cross-section as required by these regulations unless doing so would violate other regulations within this code and for superelevation necessary for roads with a classification higher than minor.

### 9.3.2. Connections with Future Subdivisions

Streets must be reserved at strategic locations to provide for future access to adjoining properties which may be subdivided in the future. Each street connection must intersect property lines at a 90-degree angle through the adjacent lot if streets are reserved.

### 9.3.3. Street Names

Street names require the approval of the Director. Streets that are obviously in alignment with streets already in existence and already named will be given the name of the existing street. Names of new streets must not duplicate or closely approximate those of existing streets.

### 9.3.4. Development Along Major Street, Limited-Access Highway or Railroad Right-of-Way

Where a subdivision abuts or contains an expressway, freeway, arterial or collector street, or a railroad right-of-way, the Director of Public Works may require a street approximately parallel to and on each side of such right-of-way either as a marginal access street, or at a distance suitable for an appropriate use of intervening land, with a nonaccess reservation, suitably landscaped.

Due regard must be given requirements for approach grades and future grade separations in determining distances. Lots shall have no access to expressways, freeways, or arterial streets, but only to an accessible street, in which case the Director may require double-frontage lots. Non-residential subdivisions may have direct access to non-limited arterial streets, as may be approved by the Director, provided all driveway and intersection spacing requirements are met according to the authority having jurisdiction over the arterial street right-of-way.

### 9.3.5. Reserve Strips

Reserve strips controlling the access to streets may be permitted except in situations where the Director determines that the reserve strip prohibits an adjoining property owner from having adequate and safe access to an existing county road or that the reserve strip would prevent proper design of a road system for the adjoining property. Reserve strips must be combined with a lot or lots within the subdivision.

### 9.3.6. Additional Width on Existing Streets

Subdivisions that abut existing county-maintained streets must dedicate additional right-of-way if needed to meet the minimum street right-of-way width requirements set forth below. Subdivisions that abut existing rights-of-way not maintained by the county are exempt from the right-of-way dedication requirement.

- A. The entire right-of-way, to include each side of the roadway, must be provided where any part of the subdivision is on both sides of the existing streets.
- B. When the subdivision is located on only one side of an existing street, one-half of the required right-of-way, measured from

the centerline of the existing roadway, must be provided.

**9.3.7. Street Jogs**

Street jogs or centerline offsets of less than 200 feet in the horizontal alignment of streets across intersections are prohibited.

**9.3.8. Angle of Intersection**

Whenever feasible, streets must be laid out so as to intersect as nearly as possible to right angles. No street may intersect with any other street at an angle of less than 75 degrees or at a grade of greater than three percent. This angle and grade must be implemented for a distance of at least 50 feet, measured from the edge of pavement of the intersecting road. The angle of intersection must be measured at the intersection of street centerlines. Streets at intersections with crosswalks must not have a grade of more than two percent within the first 50 feet as measured from the edge of pavement of the intersecting street.

**9.3.9. Intersection Sight Distance**

This is the sight distance available to a stopped vehicle entering the intersecting roadway. Where necessary, back slopes must be flattened and horizontal or vertical curves lengthened to provide the minimum required intersection sight distance. Intersection sight distance must meet current AASHTO design standards.

Intersection sight distance for a passenger vehicle is measured assuming a driver's eye height of three and one-half feet above the roadway surface 14½ feet from the nearest edge of the travel way of the intersecting road to an object three and one-half feet above the intersecting road surface in the appropriate approach lane.

If there is no posted speed limit then the 85th percentile speed, as determined from a study performed on the street, may be used in

determining the minimum required intersection sight distance.

**Table 9.3.1. Passenger Vehicle Intersection Site Distance**

Posted Speed Limit (mph)	Minimum Intersection Sight Distance (feet)
25	280
30	335
35	390
40	445
45	500
50	555
55	610

Note: The above table is for roadways with two lanes and grades of three percent or less. If the geometric configuration differs or if the development is nonresidential, adjustment factors must be applied, as approved by the Hall County Traffic Engineer.

**9.3.10. Stopping Sight Distance**

This distance is the length of the roadway ahead that is visible to a driver and must be sufficient to enable an approaching vehicle traveling at or near the design speed to stop before reaching a stationary object in its path. Minimum stopping sight distance must be provided to account for vehicles waiting to turn from the existing roadway into the proposed roadway and along all portions of the proposed roadway. Stopping sight distance must meet current AASHTO design standards.

**Table 9.3.2. Stopping Site Distance**

Posted Speed Limit (mph)	Minimum Stopping Sight Distance (feet)
25	155

30	200
35	250
40	305
45	360
50	425
55	495

Note: The above table is for level roadways and additional stopping sight distance needs to be provided for downgrades in accordance with current AASHTO design standards. In computing and measuring the stopping sight distance, the height of the driver's eye is three and one-half feet and the height of an object to be seen by the driver is two feet. If there is no posted speed limit then the 85th percentile speed may be used (see Hall County Standard Detail TE-22).

**9.3.11. Property Lines at Intersections**

Property lines at street intersections must be rounded with a minimum radius of 30 feet or miter of not less than 30 feet from the projected corner of the intersecting right-of-way lines. There shall be no less than 13 feet of right-of-way behind the back of curb or 16 feet behind the edge of pavement where there is no curb.

**9.3.12. Temporary Dead-End Streets**

Temporary dead-end streets must be provided with a temporary turnaround area which meets the construction requirements for design (sidewalks, curb and gutter not required), maintenance, and removal. If the absence of curb and gutter on a temporary cul-de-sac creates a drainage problem, the subdivider will be required to install appropriate stormwater conveyance devices with concurrence from Hall County Engineering. No lots may be subdivided off any radius of a temporary turnaround. A performance bond is required, and the cul-de-sac must either be removed and the new phase

of construction final platted, or the cul-de-sac must be completed, including sidewalks, and curb and gutter, within 15 months or 75 percent buildout, whichever occurs last, from time of final platting.

**9.3.13. Median Design**

Median width and length proposed by the subdivider must be to county specifications. Minimum curb radius must be three feet. No median may be approved which contains less than 100 square feet inside the back of curb. Median breaks are required at intervals specified by the County Engineer.

**9.3.14. Minimum Sight Clearance**

Median curb must be not less than 14 feet from pavement or back of curb of an intersecting street. The median must not encroach into the right-of-way of an intersecting street.

**9.3.15. Pavement Width**

Pavement width at the median section must be at least 14 feet on each side of the median for residential and non-residential streets, both with nine-foot shoulders.

**9.3.16. Street Tapering Adjacent to Median**

Pavement edge adjacent to median at taper must have a minimum curve of 20-foot radius.

**9.3.17. Width of Right-of-Way**

- A. **Curbed streets.** The right-of-way must be a minimum of 13 feet behind the back-of-curb, and the total width must be evenly divisible by ten feet with a variable width taper.
- B. **Non-curbed streets.** The right-of-way must be a minimum of 17 feet from the edge-of-pavement, and the total width must be evenly divisible by ten feet with a variable width taper.

- C. **Standard cul-de-sac.** The right-of-way radius must be evenly divisible by ten feet.
- D. **Roundabouts.** The right-of-way must extend to a minimum 80-foot radius measured from the center of the roundabout, or a minimum of 13 feet behind the back of curb, whichever is greater, and the total width must be evenly divisible by ten feet.

the option of removing the median without notification.

### 9.3.21. Design Standards for Streets

- A. **Design standards.** The design standards for all streets are as listed in Table 9.3.3.

### 9.3.18. Structures Over Street

Structures over the street are not permitted unless otherwise approved by the County Board of Commissioners.

### 9.3.19. Planting Materials

Plants and shrubbery must be low maintenance, disease-resistant materials with branching habits such that plants do not interfere with vehicular movement. Trees planted in medians, island cul-de-sacs, and street rights-of-way must be approved by Hall County Engineering prior to installation. Hall County may remove median plantings at any time in the future if the plantings pose a traffic or safety problem.

### 9.3.20. Maintenance of Medians

Maintenance of any medians is the responsibility of the subdivider or a homeowners' association. The completed covenants for the subdivision and any documents establishing a property owners' association must be submitted for review. These documents must include a provision that would ensure maintenance of the median and must be recorded simultaneously with the final plat. In addition to the submission of covenants detailing the maintenance of medians, a note must be placed on the final plat indicating the party responsible for maintenance, if said responsibility is an entity other than the county. If the median ceases to be maintained for any reason, the county has

**Table 9.3.3. Street Design Standards**

Requirement	Residential (See Note 3)	Nonresidential
Minimum right-of-way width (feet), curbed street	50	60
Minimum right-of-way width (feet), non-curbed street	60	--
Minimum pavement width	14(one-way) 20 (two-way)	16 (one-way) 24 (two-way)
Maximum grade (percent)	15	10
Maximum grade turnaround (percent)	5	3
Maximum grade intersection (feet, measured 50 feet from edge of pavement of intersecting road)	3	3 (2 if the intersection contains a crosswalk)
Minimum grade (percent), curbed street	1	1
Minimum grade (percent), non-curbed street	1.5	--
Minimum curve radius (feet, at centerline)	125	200
Minimum length, vertical curves (feet), (see Note 1)	120	150
Minimum length, tangents between reverse curves (feet)	50	100
Minimum intersection sight distance (feet)	See Sec. 9.3.9.	See Sec. 9.3.9.
Standard turnaround right-of-way diameter (feet)	120	120
Standard turnaround pavement diameter (feet) (Note: 84 feet or 104 feet back of curb to back of curb)	80	100
Minimum cul-de-sac length (feet) (centerline of main road to center of turnaround)	150	150
Minimum pavement edge radius (feet)	30	40



Minimum design speed (mph)	30	See Note 2
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Table Notes:

1. Sag vertical curves located at stop condition intersections may be as short as 65 feet with Hall County Engineering approval for the purpose of minimizing cut. The K values of crest vertical curves must meet AASHTO design criteria.
2. Nonresidential design speed is to be determined by Hall County Traffic Engineering.
3. The residential design information pertains to minor residential streets. Non-curbed streets are not permitted for multi-family developments in any zoning district.

**B. Roundabouts.** Roundabout designs are acceptable, with approval from Hall County Engineering and Traffic Engineering. Sufficient data must be provided to Hall County to show that all vehicular traffic up to and including design vehicle WB-67. Hall County will also review drainage, sight distance, and other engineering aspects of the roundabout prior to permitting.

the power, telephone, fiber optic, and cable lines.

**C. Width of Easements Along Rear or Side Lot Lines**

Utility easements for sewage lines, water lines, or other such utilities located along rear lot lines or side lot lines or passing through a lot must be at least 20 feet wide, ten feet on each lot, and more if necessary. Easements for storm sewers must be the width as indicated in Table 9.3.4.

**9.3.22. Utilities**

**A. General Requirements**

Applicants must locate all utility facilities underground throughout the subdivision unless topographical challenges necessitate aerial utilities, as approved by the Director. All existing and proposed utility easements outside of road rights-of-way must be shown on the preliminary and final plats.

**B. Location**

All utilities must be located in accordance with the standard detail drawing for utility location within the right-of-way of subdivisions as shown on Plates 4, 4A, 4B, and 4C of the Hall County Standard Details and must be shown on the typical roadway section of the preliminary plans. Hall County strongly encourages the utilization of a joint trench for

**Table 9.3.4 Easement Width for Stormwater Infrastructure**

Pipe Size (Inches)	Maximum Pipe Invert Depth (Ft)												
	4	5	6	7	8	9	10	11	12	13	14	15	16
-													
15	20	20	20	20	20	25	25	30	30	30	35	35	40
18	20	20	20	20	20	25	25	30	30	30	35	35	40
24	20	20	20	20	20	25	25	30	30	30	35	35	40
30	20	20	20	20	25	25	25	30	30	35	35	35	40
36	20	20	20	20	25	25	25	30	30	35	35	35	40
42		20	20	20	25	25	30	30	30	35	35	40	40
48		20	20	20	25	25	30	30	30	35	35	40	40
54			20	25	25	25	30	30	35	35	35	40	40
60			20	25	25	25	30	30	35	35	35	40	40
66					25	30	30	30	35	35	40	40	40
72					25	30	30	30	35	35	40	40	40

### 9.3.23. Streets to Connect to Publicly Maintained Road

All subdivision streets must connect to a city, state or county-maintained public road.

### 9.3.24. Dams

The following regulations apply to dams and streets constructed on or near dams:

- A. The county will not accept into the county road maintenance system any part of the entire street in which a section of the street crosses over a dam.
- B. No street may be designed or constructed below any dam within the breach floodway of the dam.
- C. All dam design plans must be approved by the Director of Engineering and the Department of Natural Resources in accordance with the Safe Dam Act.

### 9.3.25. One-Way Streets

- A. One-way streets are allowed provided the centerline length is no greater than 400 feet and curve radii are no less than 82 feet. The one-way street must be constructed as a loop road that commences and terminates on the same road.
  - 1. Plate 10 of the Hall County Standard Details depicts an acceptable example of a one-way loop road. Plates 1B and 4B show proper typical sections and utility locations of one-way loop roads, respectively. Other designs are acceptable with approval from Hall County Engineering and Hall County Traffic Engineering.
- B. Islands inside the perimeter of the one-way loop road may contain appropriate plantings, landscape berms, and sidewalks, provided all are shown on the preliminary subdivision plans for

approval. Stormwater management facilities, such as constructed wetlands or ponds, may be located on the islands, provided the facility offers an aesthetic or recreational benefit to the community. No structures may be located on the island without prior approval by Hall County Engineering.

- 1. Sanitary sewer structures may be located on the islands, provided that the sanitary sewer does not conflict with either a stormwater management facility or its required easement.
- C. The maintenance of the land inside the one-way loop road (other than stormwater management facilities that have been accepted by Hall County) is the responsibility of the subdivider, homeowner's association, or property owners.

### 9.3.26. Property Monuments

All property monuments along the street right-of-way shall be set with a tolerance of 1.0 foot from the constructed street center line.

### 9.3.27. Utility Easement Required Along Certain Streets

A five-foot perpetual utility easement must be provided on both sides of residential streets and turnarounds where the right-of-way is 50 feet per Hall County Standard Detail TE-2 through TE-4.

### 9.3.28. Deceleration Lanes and Left-Turn Lanes

#### A. Deceleration Lanes

- 1. Residential subdivisions with greater than 24 lots must have a deceleration lane constructed in accordance with current Hall County Engineering and Traffic Engineering specifications. The Hall County Traffic Engineer may

waive or require the installation of a deceleration lane for subdivisions regardless of lot number based upon traffic and safety considerations.

2. Non-residential and multifamily subdivisions must have a deceleration lane constructed in accordance with current Hall County Engineering and Traffic Engineering specifications according to Table 9.3.5. The Hall County Traffic Engineer may waive or require the installation of a deceleration lane for subdivisions regardless of the number of right turn volume based upon traffic and safety considerations.

2. For phased residential developments, construction of the turn lane is required prior to platting 100 lots or more.
3. Additional right-of-way or easements necessary for the installation of deceleration or left-turn lanes will be acquired by and will be the financial responsibility of the subdivider.
4. A signed and recorded frontage, radius encroachment agreement, or right-of-way agreement with applicable property owners will be required if any portion of the access extends beyond the development's road frontage.

**Table 9.3.5. Deceleration Lane Requirements for Nonresidential and Multifamily Developments**

Posted Speed	2 Lane Routes	More than 2 Lanes on Main Road
35 MPH or Less	100 RTV a day	100 RTV a day
40-50 MPH	75 RTV a day	75 RTV a day
>= 55 MPH	50 RTV a day	50 RTV a day

**B. Left-Turn Lanes**

Left-turn lanes, where required, must be constructed in accordance with current Hall County Engineering and Traffic Engineering specifications according to Table 9.3.6.

1. The Hall County Traffic Engineer may waive or require the installation of a left-turn lane, regardless of average daily traffic (ADT), number of lots, or left turn volume based upon traffic and safety considerations.

**Table 9.3.6. Left-Turn Lane Requirements**

Posted Speed Limit (mph)	Two Lane Routes		More Than Two Lanes on Main Road	
	ADT < 6,000	ADT > 6,000	ADT < 10,000	ADT > 10,000
<b>Residential Developments</b>				
Below 35	120 lots	75 lots	160 lots	120 lots
36 to 50	100 lots	65 lots	130 lots	100 lots
Greater than 50	75 lots	55 lots	100 lots	75 lots
<b>Multi-family Residential Developments</b>				
Below 35	175 units	110 units	245 units	175 units
36 to 50	145 units	95 units	195 units	145 units
Greater than 50	110 units	75 units	145 units	110 units
<b>Nonresidential Developments (see table notes)</b>				
Below 35	30 LTV/hour	20 LTV/hour	40 LTV/hour	30 LTV/hour
36 to 50	25 LTV/hour	20 LTV/hour	35 LTV/hour	25 LTV/hour
Greater than 50	20 LTV/hour	15 LTV/hour	25 LTV/hour	20 LTV/hour

Table Notes:

1. LTV = Left turning vehicles entering the development during peak hours.
2. Assumptions:
  - a. Peak Hour Factor (K) = 10%
  - b. 50% of all entering traffic is turning left into the development.
3. The developer is required to provide a trip generation analysis of the traffic volume for the proposed nonresidential development. This analysis will be determined using the latest edition of Trip Generation by the Institute of Transportation Engineers.

## Sec. 9.4. Street Construction Requirements

### 9.4.1. Minimum Construction Standards

The subdivision regulations and mobile home and travel trailer park regulations require that all streets be built to minimum standards of material and construction. Several optional materials and types of construction may be used, as set out in this section. For the specific cross section design, see the Hall County Standard Details.

#### A. Clearing and Grubbing Operations

Clearing and grubbing operations must remove all vegetative materials within the construction limits, unless otherwise noted on the construction plans.

#### B. Subsurface Drainage Installations

Subsurface drainage installations may be required by the County Engineer to provide a stable subsurface and base for fills and base course construction over wet weather springs, soft spots, swamps and other unsuitable soils. The County Engineer may request the owner to have a soil analysis and drainage design performed by an engineering firm.

#### C. Street Grading

Street grading must be accomplished according to Sec. 9.4.1.F. The County Engineer may vary the required slope. Cut and fills may be extended beyond the right-of-way as required. If grading activities extend beyond the right-of-way, the subdivider must obtain a slope easement or a temporary construction easement from the owner of the property being encroached upon.

#### D. Drainage

Drainage must be accomplished according to sections 9.4.18. through 9.4.22. The

minimum cross drain must be at least 15 inches in diameter.

#### E. Subbase Stabilization

Subbase stabilization may be required by the County Engineer, according to Sec. 9.4.4., if necessary to allow convenient access of construction vehicles and equipment.

#### F. Shaping and Backfilling of Shoulders, Ditches and Slopes

Shaping and backfilling of shoulders, ditches and slopes must be accomplished to final grade lines following the installation of underground utilities by the owner. Care must be taken to fill settled or eroded areas.

#### G. Vegetative Cover

Grassing of all cleared portions of the shoulders and slopes must be accomplished immediately following the achievement of final grade lines. If limitations require the application of temporary vegetative cover, the owner must make contractual provisions for re-grassing with permanent cover. Requirements for grass species, mixture, fertilizer and application methods in each individual subdivision must be in accordance with the Soil and Water Conservation District standards for critical areas. Bermuda grass is required from May through September.

#### H. Concrete Curbs and Gutters

Concrete curb and gutter is required in accordance with the designs set out in section 9.4.6.

#### I. Application of Base Course

The base course consisting of graded aggregate must be applied according to Sec. 9.4.4.

**J. Base Course Shaping**

The base course must be shaped and compacted as set out in Sec. 9.4.4.

**K. Paving**

Paving must be bituminous plant mix. Alternative paving may be utilized with approval from the County Engineer.

**L. Backfilling of Shoulders**

Shoulders must be sloped and backfilled as necessary following paving and curb and gutter installation as required by the County Engineer. All curbs and gutters must be backfilled according to the design in this section. All eroded areas must be reconstructed to the original final grade.

**M. Replanting**

Re-grassing is required for bare spots, areas of insufficient stand, and reconstructed areas.

**N. Street Sign Installation**

Except as provided for under the provisions for custom sign poles, sign installation will be accomplished by the county. When required, sign payment by the subdivider must be made in advance.

**O. Conformance to State Standards**

All materials and construction must conform to or exceed the current Georgia Department of Transportation (GDOT) specifications.

**9.4.2. Cuts, Fills, and Subgrade**

Cuts, fills, and subgrades are subject to the approval of the County Engineer. The County Engineer must specify any improvements which he or she feels necessary to protect community assets and to reduce the potential

undue deterioration of street improvements. The subdivider will be guided by the following general requirements:

- A.** Slope maximums must be at a ratio of two feet horizontal distance to one foot rise;
- B.** All slopes must be adequately planted with approved vegetation. A suitable mulch of straw, hay, etc., must be used;
- C.** The subdivider is responsible for any erosion that might occur until the streets are accepted into the county road maintenance system;
- D.** Compaction must be 98 percent by Proctor Density Test;
- E.** Trees that have one foot of fill or less on the critical root zone and are off the county right-of-way may remain until the 45-day inspection. At the time of the 45-day inspection, trees that show signs of distress will need to be removed at the discretion of Hall County Engineering. All other organic materials must be removed from cuts, fills, and subgrade.
- F.** Backfill behind curbs must be free of organic material, stone, broken concrete, etc.

**9.4.3. Culverts and Storm Sewers**

**A. Materials**

All culverts and storm sewers must be constructed of the following materials and meet Georgia Department of Transportation (GDOT) specifications. These specifications are also required of those culvert and storm sewer installations that are connected to the county storm sewer system:

1. Reinforced concrete pipe (RCP), GDOT approved Class III or better. RCP is required in dams;
2. Corrugated metal pipe is prohibited in applications under streets, within the

county right-of-way, and in all live stream applications;

3. High density polyethylene (HDPE) pipe, GDOT approved, class II;
4. Other alternative culvert and storm sewer materials, such as PVC, aluminum, and bottomless designs. with approval from the County Engineer; and
5. Storm sewer manhole covers must be locking and be engraved with the phrase "Hall County Storm Sewer". Manhole cover designs must meet County Engineer's approval.
6. Hall County will only be responsible for the maintenance of pipes installed in accordance with numbers 1, 2, and 3 above when such materials are located inside county owned right-of-way.

**B. Pipe Sizes**

All pipe sizes must be approved by the County Engineer to meet the drainage requirements of the watershed and area of the potential runoff. The minimum cross drain diameter is 18 inches. Minimum cover must be 12 inches below the bottom of pavement base section or 12 inches below the finished grade outside of pavement. The flow velocity must be no less than 2.5 feet per second for the 25-year, 24-hour design storm. The pipe slope must be no less than 0.5 percent. There must be a minimum horizontal separation of 10 feet from water and sanitary sewer pipes and a vertical separation of 18 inches from all utilities.

**C. Pipe Construction**

The gauge or class of pipe used must be determined by acceptable methods using H-20 highway loading and must meet GDOT specifications. The Engineering

Department may inspect the pipe before installation to ensure that it is free of cracks or damage. All damaged or used pipe will be refused.

**D. Endwalls**

All culverts 24 inches in diameter or larger must have endwalls or flared end sections constructed in accordance with GDOT specifications.

**E. Catch Basins**

All catch basins must be designed and constructed in accordance with GDOT specifications and must be GDOT Standard 1033D, 1034D, or 1019. The use of a Standard 1019 is excluded from turnarounds and the low point of sag vertical curves draining more than 300 feet of gutter. The use of Standards 1033D and 1034D may only apply along curbed streets. Drainage calculations and design data are required.

**9.4.4. Base Course Construction**

The base course must consist of graded aggregate of a minimum compacted thickness of eight inches placed on a stabilized subbase in accordance with these specifications and in conformity with the lines, grade, and typical section as shown on the drawings approved by the county.

**A. Materials**

All materials shall be secured from the Georgia Department of Transportation approved sources:

1. Graded aggregate must consist of hard, durable particles of fragments of stone, and stone mortar, and must be graded as indicated on Table 9.4.1.

**Table 9.4.1. Aggregate Grade**

Sieve Size Designation	Percent by Weight
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	Passing Square Mesh
2 inches	100
1½ inches	95—100
¾ inches	60—100
No. 10	30—50
No. 60	10-35
No. 200	7-15
Sand	20 (of material passing No 10)

**B. Preparation of Subgrade**

All boulders, organic material, soft clay, spongy material and any other objectionable material must be removed and replaced with approved material. The subgrade must be properly shaped, rolled and uniformly compacted to conform with the lines, grades and typical sections as shown on the drawings approved by the county.

**C. Placing and Rolling Aggregate**

All base course material must be deposited and spread by means of spreader boxes, or approved mechanical equipment, or from moving vehicles equipped to distribute the material in a uniform layer. Each layer may be no more than two inches in thickness after compaction and must be constructed as follows:

1. Immediately following the spreading of the coarse aggregate, all material placed must be compacted to the full width by rolling with a smooth wheel power roller weighing seven to ten tons, or an equivalent sheepsfootpacker. Rolling must progress gradually from the sides to the center, parallel with the centerline of the street and lapping uniformly

each preceding track by one-half the width of such track, and must continue until all the surface has been rolled and has been thoroughly keyed, and the interstices of the stone reduced to a minimum, and until it ceases to creep or wave ahead of the roller.

2. Any irregularities or depressions that develop under such rolling must be corrected by loosening the material at these places and adding or removing material until the surface is smooth and uniform.
3. After the coarse aggregate has been thoroughly keyed and set by the rolling described above, screenings in an amount that will completely fill the interstices must be applied gradually over the surface and rolling must be continued while the screenings are being spread, so that the jarring effect of the roller will cause the screenings to settle into the voids of the coarse aggregate.
4. The screenings must not be dumped in piles on the coarse aggregate but spread in thin layers, either by spreading motion with hand shovels, by mechanical spreading or directly from trucks.
5. In no case may the screening be applied so fast or thickly as to cake or bridge on the surface in such manner as to prevent the filling of all voids or prevent the direct bearing of the roller on the coarse aggregate.
6. Hand brooms must be used to sweep the screenings into unfilled voids and to distribute the stone where needed. The spreading, sweeping and rolling must continue until no more screenings can be forced into the void.

7. Shaping and rolling must be performed alternately as required to maintain a uniform compacted base until a surface or treatment has been applied to the base.
8. Along curbs, headers and walls and at all places not accessible to the roller, the base course material must be tamped thoroughly with mechanical tampers or approved hand tampers.

**D. Seasonal Limits on Construction**

No base material may be deposited or shaped when the subgrade is frozen or thawing or during unfavorable weather conditions.

**9.4.5. Bituminous Plant Mix Paving**

**A. Streets**

The binder layer of asphalt on streets must be placed before final platting. The final topping will be placed up to one year after plat approval or at 75 percent build-out.

**B. Turn Lanes and Deceleration Lanes**

Bituminous plant mix paving must consist of a minimum of one and one-quarter inch asphaltic concrete (Type II 9.5mm Superpave) placed on top of a minimum of four-inch asphaltic concrete binder (19mm Superpave). The binder and the topping layer of asphalt on residential turn lanes and deceleration lanes must be placed before final platting.

**9.4.6. Curb and Gutter Requirements**

- A. All new street construction within permitted subdivisions must have curb and gutter. For details, see the Hall County Standard Details.
- B. Existing non-curb and gutter streets that are utilized for proposed subdivisions may be required to be upgraded to a curb and gutter section at the discretion of the Hall

County Board of Commissioners as conditions of zoning.

- C. Construction must be of 3,000 P.S.I. Class A concrete and 24 inches wide in accordance with the Hall County Standard Details. The curb and gutter must be constructed to present a smooth, even line both vertically and horizontally, in accordance with the GDOT standards. There must be one-half inch expansion joints placed every 50 feet and at the interface with other structures, materials, and protrusions. Preformed contraction joints must be placed every ten feet along the curb and gutter.

**9.4.7. Installation of Utilities**

- A. Underground utilities, including sewer services, all water lines and any cable conduits under the pavement, shall be placed in the ground before the base material is in place.
- B. All trenches shall be thoroughly compacted in six-inch layers with mechanical compacting equipment.
- C. All fire hydrants, utility poles, streetlights, transformer boxes and pedestals shall be set at a distance not less than six feet from the back of the curb.
- D. The subgrade shall be scarified to a minimum depth of six inches and compacted to at least 98 percent maximum dry density immediately prior to the placing of the base material.

**9.4.8. Sidewalk Installation**

The following sidewalk installation standards apply to all residential subdivisions.

- A. Subdividers are required to construct sidewalks in accordance with one of the following three subsections and in

compliance with the final plat review requirements found in Sec. 9.8.

- B. Sidewalks must be constructed to the standards detailed in Sec. 8.4.3.
- C. Sidewalks are required to be installed along both sides of the street unless granted a waiver in accordance with Sec. 8.4.5.
- D. All sidewalks may be installed as a unit prior to final platting of the subdivision.
  - 1. Subdividers choosing this option must complete the installation of the entire sidewalk system in the subdivision prior to final plat approval. The sidewalks must be constructed as one unit.
  - 2. All sidewalk inspections in subdivisions choosing this option must be performed by the Hall County Engineering Division. Subdividers utilizing this option must notify the Hall County Engineering Division prior to pouring in order to allow the County Engineers to inspect formwork and subgrade, and must also notify the Hall County Engineering Division after pouring and finishing of the sidewalks to allow for re-inspection by the county if the county deems it necessary.
  - 3. If a subdivider utilizes this option, the following items must be clearly shown on the final plat of each such subdivision:
    - a. The construction details of sidewalks as shown in Plate 3A of the Hall County Standard Details.
    - b. The typical road section for residential streets with sidewalks as shown on the plates as set forth in the Hall County Standard Details. Plate 1A must be utilized

for the final plat in subdivisions that will have sidewalks on both sides of the street. Plate 1C must be utilized for the final plat in subdivisions that will have sidewalks on a single side of the street.

- c. A note that reads as follow:

"This development will utilize a sidewalk system throughout the project. The sidewalk system will be installed as a unit prior to final plat approval. Said sidewalks shall comply with the Hall County Subdivision Regulations. The entire sidewalk system must be completed prior to release of any maintenance bond, prior to the release of any maintenance agreement, and prior to final platting."

- E. All sidewalks may be installed on a lot-by-lot basis after final platting based upon the following criteria.
  - 1. Subdividers choosing this option must construct sidewalks in concurrence with the development of each lot and pour the sidewalks in conjunction with the pouring of the driveway for each lot.
  - 2. If the proposed subdivision has 35 or fewer lots, subdividers choosing this option must build sidewalks on a lot-by-lot basis within two years of final plat approval, provided that within two years all sidewalks are required to be installed. Any incomplete areas of the sidewalk system must be constructed as one unit before two years expire from the final plat approval.
  - 3. If the proposed subdivision has more than 35 lots but less than 150 lots,

subdividers choosing this option must build sidewalks on a lot-by-lot basis within three years of final plat approval or until 90 percent of platted lots have received certificates of occupancy (whichever is less), provided that within three years all sidewalks are required to be installed. Any incomplete areas of the sidewalk system must be constructed as one unit within three years of the final plat approval.

4. If the proposed subdivision has more than 150 lots, subdividers choosing this option must build sidewalks on a lot-by-lot basis within four years of final plat approval or until 90 percent of platted lots have received certificates of occupancy (whichever is less), provided that within four years all sidewalks are required to be installed. Any incomplete areas of the sidewalk system must be constructed as one unit before four years expire from the final plat approval.
5. Sidewalks poured on a lot-by-lot basis will be inspected by the county Building Inspection Department in conjunction with other inspections. Certificates of occupancy will not be issued for any lot until a properly constructed sidewalk is in place on that lot.
6. The Hall County Engineering Division will perform all inspections of sidewalks poured as one unit under this option at the end of the two, three, or four-year period after final platting. Developers utilizing this option will be required to notify County Engineering prior to pouring to allow the County Engineers to inspect formwork and subgrade, and must also notify County Engineering after pouring and

finishing of the sidewalks to allow for re-inspection by the county if the county deems it necessary.

7. If a developer utilizes this option, the following items must be clearly shown on the final plat of each such subdivision:
  - a. The construction details of sidewalks as shown in Plate 3A of the Hall County Standard Details.
  - b. The typical road section for residential streets with sidewalks as shown on the plates as set forth in the Hall County Standard Details. Plate 1A must be utilized for the final plat in subdivisions that will have sidewalks on both sides of the street. Plate 1C must be utilized for the final plat in subdivisions that will have sidewalks on a single side of the street.
  - c. A note that reads as follows:
 

"This development will utilize a sidewalk system throughout the project. The sidewalks will be installed on a lot-by-lot basis. Therefore, property owners of parcels shown on this plat are required to construct sidewalks along the road frontage of their property. Said sidewalks shall comply with the Hall County Subdivision Regulations. The entire sidewalk system must be completed prior to release of the maintenance bond, prior to the release of any maintenance agreement, and prior to the elapsing of the number of years required for the completion of the sidewalk system under Hall County Unified Development Code

Section 9.4.8.E. based upon the number of lots in the subdivision."

- F. All sidewalks may be installed as a unit within two years after final platting based upon the following criteria.
  - 1. Upon the elapsing of two years after final platting the entire sidewalk system must be constructed as one unit.
  - 2. All sidewalk inspections in subdivisions choosing this option will be performed by the Hall County Engineering Division. Subdividers utilizing this option will be required to notify the Hall County Engineering Division prior to pouring in order to allow the county's engineers to inspect formwork and subgrade, and shall also notify the Hall County Engineering Division after pouring and finishing of the sidewalks to allow for re-inspection by the county if the county deems it necessary.
  - 3. If a subdivider utilizes this option, the following items must be clearly shown on the final plat of each such subdivision:
    - a. The construction details of sidewalks as shown in Plate 3A of the Hall County Standard Details.
    - b. The typical road section for residential streets with sidewalks as shown on the plates as set forth in the Hall County Standard Details. Plate 1A must be utilized for the final plat in subdivisions that will have sidewalks on both sides of the street. Plate 1C must be utilized for the final plat in subdivisions that will have sidewalks on a single side of the street.

- c. A note that reads as follow:

"This development will utilize a sidewalk system throughout the project. The sidewalk system will be installed within two years after final plat approval. Said sidewalks shall comply with the Hall County Subdivision Regulations. The entire sidewalk system must be completed prior to release of the maintenance bond, prior to the release of any maintenance agreement, and prior to the elapsing of two years after final platting."

#### 9.4.9. Sidewalk Construction Requirements

In addition to the requirements of Sec. 8.4., the following sidewalk construction requirements apply to all in new residential subdivisions:

- A. The preliminary engineering plans for sidewalk subdivisions must depict the necessary cross-section, shoulder width, and right-of-way to accommodate the sidewalks.
- B. For sidewalk installation after final platting, the subdivider is responsible for ensuring that driveways and yards have the necessary slope to accommodate the approved sidewalk cross-section. Driveways poured incorrectly will need to be demolished and reconstructed. Yards that have been graded as to not permit the proper construction of the sidewalk cross-section must be regraded.
- C. Upon receiving the 45-day punch-list letter, the subdivider is required to complete the construction of the sidewalks and correct any problems with the sidewalks as noted within said notice letter.

- D. The sidewalk system must be completed prior to release of performance bond.
- E. All sidewalks must comply with the Americans with Disabilities Act and the Georgia Accessibility Code.
- F. Once sidewalks are started in a development, sidewalks must be continued throughout the development.
- G. Sidewalks may be constructed on one or both sides of the street.
- H. When new sidewalks are placed next to existing sidewalks, a smooth transition is required.
- I. Expansion joints must be placed between existing and new sidewalks.
- J. Sidewalks may not be used as part of the driveway.
- K. Disturbed areas resulting from sidewalk construction must be back-filled, grassed, and mulched.
- L. Overhead obstructions must be removed prior to completion of sidewalk construction.
- M. ADA compliant ramps must be installed by the subdivider during curb and gutter installation prior to final plat approval.
- N. For specific construction requirements and utility locations for streets with sidewalks please see the plates as set forth in the Hall County Standard Details.

## Sec. 9.5. Water and Sanitary Sewer System Requirements

### 9.5.1. Water Systems

Water systems in subdivisions must meet the following requirements.

#### A. Public Water Systems

All water systems must be designed and built in accordance with the rules and regulations of the territory service provider.

#### B. Single-Family Residential Subdivision Water Systems

1. All main lines of a community system must be a minimum of 8 inches in diameter. Individual connection must be made to each lot, and pipe sizes for service lines may be no less than three-fourths of an inch in diameter.
2. Systems constructed in subdivisions must have an average pressure of 30 pounds per square inch at each lot and must meet the requirements of table 9.5.1., Sec. 9.5.2., and the "Standard Construction Practices for Water and Wastewater Systems, Hall County, Georgia."
3. The system must be designed by an engineer licensed in the State of Georgia.

**Table 9.5.1. Instantaneous Water Demands for Single-family Residential Subdivision Water Systems**

Total Number of Lots Served	GPM per Lot
5	8.0
10	5.0
20	4.3
30	3.8
40	3.4
50	3.0
60	2.7
70	2.5
80	2.2
90	2.1
100	2.0
150	1.6
200	1.3
300	1.2
400	0.9
500	0.8
750	0.7
1,000	0.6

Source: Ameen, Joseph S., Community Water Systems Source Book, p. 50, Technical Proceeding, High Point, N.C., 1965.

### 9.5.2. Fire Hydrants and Valves

Fire hydrants are required for all subdivisions with water systems. Fire hydrants within residential developments must be located no more than 450 feet apart and at least six feet behind the curb or ditch line. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other water supply improvements, must be installed before any base course application of a street shown on the subdivision plat. All fire hydrants must be set plumb with outlets 18 inches above finished grade or 12 inches above a finished concrete surface. No valves may be located within the pavement or curb area.

### 9.5.3. Sanitary Sewer Systems

Sanitary sewer systems in subdivisions must meet the following requirements.

#### A. Public Sanitary Sewer Systems

Sanitary sewer systems must be designed in accordance with the "Development Guidelines for Sanitary Sewer Systems Hall County Public Works and Utilities Department", latest edition.

#### B. Community Sanitary Sewer Systems

1. Community sanitary sewer systems must be designed in accordance with the county "Standard Construction Practices for Water and Wastewater Systems" manual and approved by the

County Engineer prior to obtaining approval from the Department of Natural Resources.

2. All connections to residences, mobile homes and commercial and industrial buildings must be approved by the county health department. The home of the resident manager, recreational facilities (such as a clubhouse, swimming pool, etc.) and sanitary facilities in recreational developments must be approved by the county health department. No connection may be made to any structure other than those listed above without prior approval of the county health department.
3. Any sanitary sewer system must be designed by an engineer licensed in the State of Georgia.

### 9.5.4. Water and Sanitary Sewer System Design Approval

All water and sanitary sewer system design plans must be approved by the Georgia Department of Public Health. A letter of approval from the Department of Public Health must be submitted with the final plat. The County Engineer is responsible for approving the construction of all systems. No part of this section may be construed to abrogate any existing law or regulation of the Georgia Department of Public Health or of the county health department. In cases of conflict, the stricter rule or regulation applies.



## Sec. 9.6. Street Lighting

### 9.6.1. Special Tax District for Street Light Program

#### A. Ratification of existing district

The governing authority of Hall County, Georgia, does hereby ratify its action creating a special taxing district for the installation (if applicable), operation, maintenance, and repair of street lights and for collection of fees. The taxing district incorporates all of unincorporated Hall County, as shown by the records in the office of the Hall County Traffic Engineer, to which reference is hereby made for a full and complete description of the district created.

#### B. Existing subdivisions that currently have street lights and are in an individual special taxing district

All subdivisions currently in an individual special taxing district must be included in the countywide special tax district for street light operation, maintenance, and repair. The Hall County Traffic Engineer may determine the appropriate boundaries of the designated area to be included within the street light special taxing district.

#### C. Addition to the special taxing district for operation, maintenance, and repair of street lights in subdivisions

All applicable subdivisions are added to the special tax district for street light operation, maintenance, and repair. The Hall County Traffic Engineer may determine the appropriate boundaries of the designated area of the street light special taxing district. Notwithstanding, the subdivider(s) or property owner(s) may petition the Hall County Traffic Engineer to be excluded from the special taxing district. This petition must be

presented prior to or concurrently with the final platting of the subdivision.

#### D. Petition for addition to the special taxing district for existing or desired street lights in subdivisions

Any lot owner in an unincorporated area of Hall County may present a request to be added to the special taxing district to the Hall County Traffic Engineer. Upon receipt of the request, the Hall County Traffic Engineer must determine the appropriate boundaries for addition to the street light special taxing district that will serve the lot owner presenting the request and neighboring lot owners. The Hall County Traffic Engineer must then prepare a plat showing this area for addition to the street light special taxing district, and a petition for the addition to the special taxing district must then be circulated among the lot owners in the proposed district. The completed petition must be returned to the Hall County Traffic Engineer, and application fees must be paid at that time. If 51 percent of the lot owners in the proposed district sign the petition in affirmation for the addition to the street light special taxing district for existing street lights, the petition must be presented to the Board of Commissioners. If 75 percent of the lot owners in the proposed district sign the petition in affirmation for the addition to the street light special taxing district for new street lights, the petition must be presented to the Board of Commissioners. The Board of Commissioners shall conduct a public hearing for the purpose of determining whether to add the proposed area to the street light special taxing district. Safety and economic factors must be the prime consideration in making such determination. The public hearings must

be advertised one time in the official organ of Hall County, Georgia, giving notice of the hearing, at least 30 days before the public hearing. The Hall County Traffic Engineer will verify the signatures on the petition prior to advertising the public hearing.

**E. Addition to district under special conditions**

In areas where special conditions as to safety, security, land topography, economic and other factors may be involved, the Board of Commissioners may make additions to the special taxing district for street lights and provide for special street lighting under such terms and conditions as may be determined by the Board of Commissioners, any other provisions of this section to the contrary notwithstanding; provided, however, that in such instances, a public hearing must be held by the Board of Commissioners after advertisement in the official organ of the county one time at least 30 days before conducting such public hearing.

**F. Removal from the special taxing district**

Any lot owner in an unincorporated area of Hall County may present a request to be removed from the special taxing district to the Hall County Traffic Engineer. Upon receipt of the request, the Hall County Traffic Engineer must determine the appropriate boundaries for removal from the street light special taxing district. The Hall County Traffic Engineer must then prepare a plat showing this area for removal from the street light special taxing district, and a petition for the removal from the special taxing district must then be circulated among the lot owners in the affected area. The completed petition must be returned to the Hall County Traffic Engineer. If 75 percent of the lot owners in the proposed district sign the petition in

affirmation for removal from the street light special taxing district, the petition must be presented to the Board of Commissioners. The Board of Commissioners must conduct a public hearing for the purpose of determining whether or not to remove the area from the street light special taxing district. The public hearing must be advertised one time in the official organ of Hall County, Georgia, giving notice of the hearing, at least 30 days before the public hearing. The Hall County Traffic Engineer will verify the signatures on the petition prior to advertising the public hearings.

**9.6.2. Costs and Fees**

- A. The cost of providing and maintaining street light service in the existing street light district, and in the areas hereinafter designated as a part of the street light district, will be borne by the residents, lot owners, and property owners receiving that service. The charge therefore will be a one-time application fee plus a pro-rata share of service costs charged to Hall County plus the retirement of any construction cost plus an annual fee for administrative costs. The application fee charged is established in the Hall County Plan Review and Inspection Fee Schedule. From time to time, upon the recommendation of the County Engineer, and approval of the Board of Commissioners, said schedule may be revised as deemed necessary. In the event of excessive vandalism to street lights within the district which results in Hall County being billed for repairs, Hall County may prorate those repair bills and add a pro-rata share of those bills to the charge.
- B. In those districts in existence upon the effective date hereof, or which may

hereafter be created in which there are construction costs, the same may be retired as per agreement or contract with the public utility or other person to whom the indebtedness is owed and will be billed accordingly per "tax lot or parcel."

- C. In areas zoned for purposes other than single-family residential, different criteria may be adopted by the Board of Commissioners for the payment of energy costs, application and administrative fees, and retirement of construction costs.
- D. The due date for the payment of street lighting assessment charges must be the same date of each year as tax bills are due to the Hall County Tax Commissioner. Failure to pay may subject the responsible party to the same liens and penalties provided for failure to pay other real estate taxes and will result in the delinquency of the entire account and not be deemed paid until all real estate taxes are paid in full.
- E. The billing, accounting, collecting, and receiving of the moneys herein provided for is hereby declared to be the responsibility of the finance and Hall County Tax Commissioners.

**9.6.3. Conformance by Subdivider; Acceptance of Public Ways**

- A. The owner, subdivider, or other person developing a subdivision will be required to conform to all the standards herein.
- B. The Hall County Board of Commissioners may not accept any public streets or roads proposed to be dedicated until such time as the provisions of this UDC have been met.

**9.6.4. Procedures for Subdivisions**

Street lights are required to be provided by the subdivider of all new subdivisions involving new streets, unless waived by the Hall County Traffic Engineer. Unless waived, the subdivider must, at the time of submission of the preliminary plat of the subdivision, present a street light layout prepared by the utility company which will provide the street light service in the subdivision. At the time of and as a requirement of the submission of the final plat, unless granted a waiver as herein provided, the developer must:

- A. Submit a final street light layout approved by the utility company which will provide the lighting service showing exact location of street lights within the subdivision. This drawing must be approved by the Hall County Traffic Engineer prior to obtaining any building permit within that subdivision. Said layout may be shown on the final plat. Fixtures and standards/poles installed or used must be approved by both the utility company responsible for the maintenance of the facilities and Hall County. The fixtures must be mounted at least 16 feet above the ground and must be appropriately designed to place the majority of the light output over the street. One light must be located at each street intersection, and one light must be located in each cul-de-sac within the subdivision.
- B. Pay all costs for standards/poles, fixtures, and any other related items or materials necessary for the installation.
- C. Submit proof of payment for complete installation to the Hall County Traffic Engineer.
- D. Submit a copy of an executed agreement with the utility company for complete maintenance of all installations.

### 9.6.5. Subdivisions with Underground Electric

In subdivisions utilizing underground cable for electrical service, the subdivider is required to accomplish the same items listed in Sec. 9.6.4.

### 9.6.6. Lighting in Districts Other than Single-Family Residential

- A. Street lighting in districts other than single-family residential may be permitted as follows:
  1. With the approval of the Hall County Traffic Engineer subject to the safety, economic and other factors involved; and
  2. Upon final approval by the Board of Commissioners of Hall County; and
  3. Upon compliance with the standards this UDC.

### 9.6.7. Installation and Operation Standards

In order to ensure adequate illumination of public rights-of-way and promote safety and security, the "American National Standard Practice for Design and Maintenance of Roadway and Parking Facility Lighting", by the Illuminating Engineering Society, as approved by the American National Standards Institute in 2019, as amended, is hereby adopted as the standard for the installation and operation of lighting in the unincorporated areas of Hall County, and in addition thereto:

- A. Lighting fixtures installed within the public rights-of-way to be operated for the purpose of street illumination must comply with these standards. The minimum average horizontal footcandle illumination level by roadway classification is as listed in Table 9.6.1.

Table 9.6.1. Horizontal Footcandle Illumination Level

Roadway Classification	Commercial Area	Intermediate Area	Residential Area
Arterial	1.2	0.9	0.6
Collector	0.8	0.6	0.4
Local, minor, or residential	0.6	0.5	0.3

- B. The uniformity of illumination must be such that the point of lowest illumination will have at least one-third of the average horizontal footcandle required illumination level, except that on local or residential streets it may not be less than one-sixth of this average. In no case, unless extenuating circumstances exist, may fixtures for residential street lighting be required to be closer than 150 feet together, nor fixtures for all other roadways be closer than 100-foot spacing.
- C. Any party requesting permission to install or operate lighting fixtures within public rights-of-way must furnish plans and specifications to the Hall County Traffic Engineer for approval showing how the proposed lighting meets the standards, and no lighting may be installed or operated without this approval. Should the Hall County Traffic Engineer disapprove the request to install or operate lighting fixtures within any public right-of-way, they must communicate the disapproval in writing to the party requesting approval. The written communication must include the specific reasons for disapproval. Any disapproval of a light or lighting system by the Hall County Traffic Engineer may be appealed to the Board of Commissioners. If

any party desires to appeal an adverse decision by the Hall County Traffic Engineer within 30 days from the date following the written notice of disapproval, it will be the responsibility of the Hall County Traffic Engineer to provide to the Board of Commissioners all papers and allied documents constituting the record upon which the action appealed from was taken, and to ensure that the appeal is promptly placed upon the agenda of the Board of Commissioners for its determination. The Board of Commissioners may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision or determination appealed.

- D. Roadway or street lighting luminaries or fixtures installed within the public rights-of-way as "security lights" or for the purpose of lighting areas other than the public streets must be mounted on the side of the pole opposite from the street, and must be oriented in such a manner to ensure that the lateral light distribution pattern is parallel to the street and the vertical light distribution, at the initial light source, is perpendicular to the street, so as to protect the users of the street from objectionable glare.
- E. Other lighting fixtures to be installed within or outside of public rights-of-way for whatever purpose must be installed and operated in such a manner to prevent glare from being a hazard to or interfering with the normal use of the public rights-of-way.

### 9.6.8. Authority to Contract with Public Utilities

The Board of Commissioners may contract with public utilities for the purpose of carrying out the terms of this section.

### 9.6.9. Exceptions

The Board of Commissioners may grant exceptions to the terms of this section where special conditions or hardships exist.

### 9.6.10. Conflict with Federal or State Laws

If any provision of this section is in conflict with any state or federal law, or with any rule, regulation or order of any state or federal agency having jurisdiction of the subject matter of this section, it is hereby deemed to be the intention of the Board of Commissioners that the state or federal laws or rule, regulation or order, as the case may be, prevail so that the remaining portions of this section maybe deemed to be in full force and effect.

### 9.6.11. Right of Appeal

Any person or agency dissatisfied with any decision or action of the Hall County Traffic Engineer has the right to appeal the decision to the Board of Commissioners of Hall County within 30 days from the date of such decision or action.

### 9.6.12. Availability of Provisions

A copy of this section must be spread upon the official minutes of the Board of Commissioners of Hall County, Georgia, and the Hall County Traffic Engineer is hereby required to post a copy of the same in the office of the Hall County Traffic Engineer, and to provide copies thereof for persons desiring the same.

## Sec. 9.7. Required Improvements

### 9.7.1. Preliminary Plat Approval

No improvements may be made before the construction plans are accepted and approved by the Hall County in the form of a preliminary plat. All improvements must meet the minimum standards set forth in this article.

### 9.7.2. Street Improvements Standards

- A. Specific standards for street construction are contained in Sec. 9.4.
- B. **On-Site Inspection.** All construction may be tested following on-site inspection as determined necessary by the County Engineer, should the County Engineer determine that laboratory analysis and/or testing procedures are required to evaluate the quality and/or quantity of a particular improvement. The County Engineer may be authorized to employ a recognized consultant or a recognized testing laboratory or testing service to conduct any necessary examinations. All reports must be made in writing to the County Engineer and a copy provided to the subdivider. Following the collection of samples, the owner must repair all damage.
- C. **Inspection Costs.** The subdivider will bear all expense of all testing or examination of street improvements.

### 9.7.3. Delay of Installation of Paving

Paving must be completed under one of the following two options:

- A. Application of the bituminous plant mix surface may be completed before the filing of a final plat.
- B. Application of the bituminous plant mix surface may be delayed because of unsuitable weather until no later than June

1 of the year following the filing of the final plat if the final plat is submitted for approval after October 1 of the first year; provided that all other required improvements, including grassing, must be completed prior to approval of the final plat. In such case, the subdivider must present to the County Engineer an improvement guarantee in the form of a signed contract with a known contractor for paving and a surety or escrow agreement payable to the county for the cost of the paving, not less in amount than the average county contract price for the paving established by the Georgia Department of Transportation or the contract price, whichever is greater. The County Engineer may approve the amount and may increase the amount for increases due to normal inflation. The County Engineer may require that paving be completed at the first instance of suitable weather and availability of paving materials.

### 9.7.4. Water and Sewer Improvements

- A. **Completion.** All work on water and sanitary sewer systems except final individual service connections must be completed prior to the filing of the final plat. All installations under the proposed pavement surface must be completed prior to the application of the base course.
- B. **Certification for Community Systems.** Certification from the Department of Natural Resources, State of Georgia, in the form of an operator's permit, must be filed with the final plat for each community water or sanitary sewer system.

### 9.7.5. Notification of Utility Owners Prior to Completion of Street Grading

All utility service must be determined by the subdivider prior to the completion of street grading. The subdivider must notify each affected utility owner of his or her contracted agreement so that the utility owners may coordinate their development schedules.

### 9.7.6. Lot Specifications

All lots shall conform to the provisions of the Hall County Unified Development Code, specifically those provisions governing minimum area, frontage, and setbacks. The lot arrangement must be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with county regulations and in providing driveway access to buildings on such lots from an approved street.

#### A. Lot Dimensions

Lot dimensions must comply with the minimum standards of this Unified Development Code. In addition, the following standards apply:

1. All lots approved under these regulations must front on a publicly dedicated road.
2. Where lots are more than double the minimum required area for the zoning district, the county may require that such lots be arranged to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with these regulations.
3. In general, side lot lines must be at right angles to street lines or radial to curving street lines unless a

variation from this rule gives a better street or lot plan.

4. Dimensions of corner lots must be large enough to allow for construction of buildings, observing the minimum front-yard setback from both streets.
5. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes must be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in Sec. 8.1.

#### B. Flag Lots

The minimum required lot frontage as established by this Unified Development Code must be maintained as the minimum lot width for that portion of the lot between the front property line and the actual building site on the lot, even if the building site is a greater distance from the front property line than the minimum required front setback.

#### C. Double-Frontage Lots

Double-frontage lots are prohibited except where necessary to provide separation of residential development from arterial thoroughfares or to overcome specific disadvantages of topography and orientation. Double-frontage lots which are necessary must have a no-access easement across them, preventing access to arterial or collector streets.

### 9.7.7. Burying Debris and Waste Under Roadway or Right-of-Way

No cut trees, timbers, debris, rocks, stones, junk, rubbish, or other waste materials of any kind may be buried in any area of the right-of-way or under any roadway fill sections.

### 9.7.8. Preservation of Natural Features, Historic Sites and Other Amenities

Existing features which would add value to a development or to the county as a whole, such as watercourses and falls, historic sites, and similar irreplaceable assets, must be preserved in the design of the subdivision. If eligible, historic sites must be listed on the National Historic Register.

### 9.7.9. Nonresidential Subdivisions and Planned Developments

**A.** If a proposed subdivision includes land that is zoned for commercial or industrial purposes or is a planned development, the layout of the subdivision must conform to these regulations.

**B.** A nonresidential subdivision or planned development may also be subject to all the requirements of site plan approval set forth in Sec. 11.2.5. Site plan approval and nonresidential subdivision plat approval may proceed simultaneously at the discretion of the Board of Commissioners. A nonresidential subdivision is subject to all the requirements of these regulations, as well as such additional standards required by the Board of Commissioners and must conform to the standards established in Sec. 11.2.5.

#### **C. Specific Standards**

In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant must demonstrate to the satisfaction of the Board of Commissioners that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards must be observed:

1. A preliminary plat of a planned development must conform in all respects with the approved master development plan for the project and any conditions associated with the planned development zoning.
2. Proposed industrial parcels must be suitable in area and dimensions to the types of industrial development anticipated.
3. Street rights-of-way and pavement must be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
4. Special requirements may be imposed by the county with respect to street, curb, gutter, and sidewalk design and construction.
5. Special requirements may be imposed by the county with respect to the installation of public utilities, including water, sanitary sewer, and stormwater drainage.
6. Every effort must be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip as established in Sec. 8.2.
7. Streets carrying nonresidential traffic, especially truck traffic, may not normally be extended to the boundaries of adjacent existing or potential residential areas. The extension of streets must be approved at the discretion of the Board of Commissioners.



## Sec. 9.8. Construction Schedule

### 9.8.1. Prerequisites for Beginning Construction

No construction activity of any kind, including grading, installation of improvements, or building, may begin on any land subject to these regulations without prior approval of the preliminary plat or construction plans. Also, a preconstruction meeting is required between the county and the subdivider after preliminary plat or construction plan approval and prior to any construction activity.

### 9.8.2. Grading

Grading or land disturbing activities may commence only after the NPDES Construction Storm Water General Permit is approved.

### 9.8.3. Utilities

Utility installation may not occur until the Engineering Department has approved the rough grade of the street and shoulder preparation in accordance with Sec. 11.2.5.

### 9.8.4. Inspections

Periodic inspection during the installation of the required improvements in a subdivision may be made by the Engineering Department to ensure conformity with the approved plans and specifications. The subdivider must notify the Engineering Department when each phase

of the installation is completed and ready for inspection (see Sec. 11.2.5).

### 9.8.5. Recording of Final Plat Required Prior to Sale or Transfer of Lots

No lot or parcel of land may be sold or transferred until the final plat, of which said lot or parcel is a part, has been approved and recorded as provided for in these regulations.

### 9.8.6. Recording of Final Plat Required Prior to Issuance of Building Permits

The county building inspection department may not issue any permit for the construction of any building or structure located in any subdivision until a plat has been approved and recorded as provided for in these regulations.

### 9.8.7. Completion of Improvements Required Prior to Occupancy

Within each phase of development, no building may be occupied for dwelling or other purposes, nor may an occupancy permit be issued for any building, until all streets and required utility installations, including the water supply and sanitary sewer systems, have been completed to the satisfaction of the County Engineer and the county Building Inspection Department.

## Sec. 9.9. Custom Support Signage

### 9.9.1. Purpose

The purpose of this section is to allow a duly constituted maintaining authority the privilege to install and maintain custom support traffic sign assemblies within the maintaining authority's designated subdivision. Permission must be granted by the Hall County Public Works and Utilities Department.

### 9.9.2. Designation of Maintaining Authority

During residential subdivision construction and prior to the legal formation of a homeowners association, the subdivider will be the maintaining authority.

### 9.9.3. Responsibilities of Maintaining Authority

The maintaining authority will assume all costs associated with the installation and maintenance of custom support traffic sign assemblies within the maintaining authority's jurisdiction.

### 9.9.4. Liability

The maintaining authority willfully accepts any and all liability that may arise from the use of custom support traffic sign assemblies. The maintaining authority also agrees to hold harmless Hall County, Hall County Public Works and Utilities Department, and duly authorized representatives from any and all liability that may be incurred from the use of custom traffic sign assemblies.

### 9.9.5. Regulations for the Installation of Custom Support Traffic Sign Assemblies

A. The restrictive covenants of the development must express the

maintaining authority's responsibilities associated with the installation and maintenance of custom support traffic sign assemblies.

- B. The final plat of the subdivision must contain a provision signed by the subdivider which notifies all property owners of their responsibility for the installation and maintenance of custom support traffic sign assemblies.
- C. Street name signs must utilize the standard vane height of 6  $\frac{3}{4}$  inches and be of fixed length with a maximum of 48 inches. Street name signs may be installed on top of the appropriate intersection traffic control signage. The  $\frac{3}{8}$  inch white reflective stripe on top and on bottom must remain visible.
- D. Sign poles or posts must be of "breakaway" or other design which meets the requirements of Section 7 of the American Association of State Highway and Transportation Officials (AASHTO), "Standard Specifications for Structural Supports Highway Signs, Luminaries, and Traffic Signals." A list of supports which meet these standards can be obtained by contacting the Atlanta office of the Federal Highway Administration. It is the responsibility of the maintaining authority to provide documentation to the Hall County Public Works and Utilities Department of the Federal Highway Administration's approval of the proposed signage supports.
- E. A detailed plan for each sign assembly depicting typical installation, pole or post type, sign type and size, and FHWA approval must be provided to and approved by the Hall County Public Works and Utilities Department, Traffic Engineering Division, prior to installation.

- F. All signs must meet the requirements outlined for construction and installation in the current edition of the Manual on Uniform Traffic Control Devices.
- G. Prior to the installation of any signage assemblies, the locations must be marked by the maintaining authority and reviewed by the Hall County Public Works and Utilities, Traffic Engineering Division. Failure to have locations reviewed may result in signage relocation at the maintaining authority's expense.

#### **9.9.6. Regulations for the Maintenance of Custom Support Traffic Sign Assemblies**

- A. The maintaining authority understands that periodically signs are damaged, vandalized, stolen, or deteriorate. The following maintenance schedule must be followed:
  1. Stop signs must be replaced within one day.
  2. Other regulatory signs and warning signs must be replaced within one week.
  3. All other signs must be replaced within three weeks.
- B. It is recommended by the Hall County Public Works and Utilities Department, Traffic Engineering Division, that the maintaining authority stock a supply of all utilized signs, especially "Stop" signs, and poles or posts to facilitate timely maintenance.

#### **9.9.7. Inspections**

Hall County will make periodic inspections for substandard signage assemblies. If found, the maintaining authority will be notified. If the maintaining authority fails to replace the defective signs or supports within the time constraints outlined in Section 9.9.6.A., Hall

County will install county standard sign assemblies and bill the maintaining authority for materials and labor.

#### **9.9.8. Failure to Adequately Maintain the Signage Assemblies**

If the maintaining authority fails to adequately maintain the signage assemblies within its jurisdiction, Hall County may revoke the permit and assume maintenance of all affected signage. Once the permit has been revoked and Hall County has assumed maintenance, all custom support signage assemblies will be removed and replaced with standard signage assemblies. The cost for this process will be assessed to the maintaining authority.

#### **9.9.9. Request to Relinquish Maintenance of Custom Supports and Signage Assemblies**

If the maintaining authority wishes to relinquish maintenance of custom supports and signage assemblies, a written request with a petition signed by 70 percent of the maintaining authority's membership shall be provided to the Director of the Hall County Public Works and Utilities Department. The request will be evaluated and along with a recommendation forwarded to the Hall County Board of Commissioners for consideration. If approved, Hall County will remove all custom signage support assemblies and install Hall County standard signage assemblies. The cost for this process will be assessed to the maintaining authority.

#### **9.9.10. Authorization to Remove Signage**

Any signage that has been installed by Hall County may not be removed and/or replaced by the maintaining authority without authorization from the Hall County Traffic Engineer.

**9.9.11. Responsible Government Agencies**

The responsible government agencies and their locations are as follows:

**A. Hall County Public Works and Utilities Department**

Attn. Director

P.O. Box 1435

Gainesville, GA 30503

**B. Hall County Public Works and Utilities Department**

Traffic Engineering Division

Attn. Traffic Engineer

P.O. Box 1435

Gainesville, GA 30503

**C. Physical Address for the Public Works and Utilities Department:**

2875 Browns Bridge Road, 3rd Floor

Gainesville, GA 30504

## Sec. 9.10. Modification of Standards

### 9.10.1. Permitted Modifications

Where the Board of Commissioners finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may recommend modifications to these subdivision regulations so that substantial justice may be done and the public interest secured. The modification(s) will not have the effect of nullifying the intent and purpose of these regulations. The Board of Commissioners may not recommend modifications unless based upon the evidence presented to it in each specific case that:

- A. The granting of the modification will not be detrimental to the public safety, health, or welfare or injurious to other property;
- B. The conditions upon which the request for a modification is based are unique to the property for which the modification is sought and are not applicable generally to other property;
- C. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out;
- D. The modifications will not in any manner vary the provisions of the zoning regulations.

### 9.10.2. Approval with Conditions

In approving modifications, the Board of Commissioners may require such conditions as will, in its judgment, secure substantially

the objectives of the standards or requirements of these regulations.

### 9.10.3. Petition for Modification

A petition for any such modification must be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Board of Commissioners. The petition must state fully the grounds for the application and all the facts relied upon by the petitioner and be accompanied by a plat or plan showing the proposed modification.

### 9.10.4. Review by Planning and Zoning Director

The Planning and Zoning Director must review the proposed modification and may request the review of any applicable agency.

### 9.10.5. Action by Board of Commissioners

The Board of Commissioners must act upon the application in regular meeting, must enter its action into its records and must notify the applicant in writing.

# Article 10. Environmental Protection

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## Sec. 10.1. Erosion, Sedimentation, and Sedimentation Control

### 10.1.1. Definitions

The following definitions apply in the interpretation and enforcement of this Sec. 10.1, unless otherwise specifically stated:

**Best management practices (BMPs).** The schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the “Manual for Erosion and Sediment Control in Georgia” (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted to prevent or reduce the pollution of waters of Georgia. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

**Board.** The Board of Natural Resources.

**Buffer.** The area of land immediately adjacent to the banks of State waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

**Certified personnel.** A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

**Coastal marshlands.** shall have the same meaning as in O.C.G.A. § 12-5-282.

**Commission.** The Georgia Soil and Water Conservation Commission (GSWCC).

**CPESC.** A Certified Professional in Erosion and Sediment Control with current certification by EnviroCert, Inc.

**Cut.** A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below

original ground surface to excavated surface. Also known as "excavation."

**Department.** The Department of Natural Resources of the State of Georgia.

**Design professional.** A professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by EnviroCert International, Inc. Design Professionals must practice in a manner that complies with applicable Georgia law governing professional licensure.

**Director.** The Director of the Environmental Protection Division of the Department of Natural Resources or an authorized representative.

**District.** The Hall County Soil and Water Conservation District.

**Division.** The Environmental Protection Division of the Department of Natural Resources.

**Drainage structure.** A device composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control, or flood control purposes.

**Erosion.** The process by which land surface is worn away by the action of wind, water, ice or gravity.

**Erosion, Sedimentation and Pollution Control Plan.** A plan for the control of soil erosion and sediment resulting from a land disturbing activity.

**Fill.** A portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.



**Final stabilization.** All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100 percent of the soil surface is uniformly covered in permanent vegetation with a density of 70 percent or greater, or landscaped according to the plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region).

**Finished grade.** The final elevation and contour of the ground after cutting and/or filling and conforming to the proposed design.

**Grading.** Altering the shape of ground surfaces to a predetermined condition. This includes stripping, cutting, filling, stockpiling, and shaping or any combination thereof, and includes the land in its cut or filled condition.

**Ground elevation.** The elevation of the ground surface.

**Land-disturbing activity.** Any activity which may result in soil erosion and the movement of sediments into State waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land, but not including agricultural practices as described in Sec. 10.1.2.A.5.

**Larger common plan of development or sale.** A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For purposes of this paragraph, "plan" means an announcement, piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

**Local Issuing Authority.** The governing authority of any county or municipality which is certified pursuant to O.C.G.A. § 12-7-8(a).

**Maintenance.** Actions necessary or appropriate for retaining or restoring a currently serviceable improvement to the specified operable condition to achieve its maximum useful life. Maintenance includes emergency reconstruction of recently damaged parts of a currently serviceable structure so long as it occurs within a reasonable period of time after damage occurs. Maintenance does not include any modification that changes the character, scope, or size of the original design.

**Manual for Erosion and Sediment Control in Georgia.** The Manual for Erosion and Sediment Control in Georgia, (2016 Edition) as amended through July 1, 2016, published by the Georgia Soil and Water Conservation Commission.

**Metropolitan River Protection Act (MRPA).** A state law referenced as O.C.G.A. § 12-5-440, which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

**Natural ground surface.** The ground surface in its original state before any grading, excavation, or filling.

**Nephelometric turbidity units (NTU).** Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed or suspended particles are present.

**NOI.** A notice of intent form provided by EPD for coverage under the state general permit.

**NOT.** A notice of termination form provided by EPD to terminate coverage under the state general permit.

**Operator.** The party or parties that have: (A) operational control of construction project plans and specifications, including the ability

to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.

**Outfall.** The location where stormwater in a discernible, confined and discrete conveyance, leaves a facility or construction site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

**Permit.** The authorization necessary to conduct a land disturbing activity under the provisions of these rules and regulations.

**Person.** Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, State agency, municipality or other political subdivision of this State, any interstate body or any other legal entity.

**Phase or phased.** A reference to sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

**Project.** The entire area of the proposed development site, regardless of the size of the area to be disturbed.

**Properly designed.** Designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the GSWCC up until the date of NOI submittal.

**Receiving Water(s).** All perennial and intermittent waters of the State into which the runoff of stormwater from a construction

activity will discharge, either directly or indirectly.

**Roadway drainage structure.** A device such as a bridge, culvert, or ditch, composed of a virtually nonerodable material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

**Sediment.** Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion.

**Sedimentation.** The action or process of forming or depositing sediment.

**Soil and Water Conservation District Approved Plan.** An erosion, sedimentation and pollution control plan approved in writing by the Hall County Soil and Water Conservation District.

**Stabilization.** The process of establishing an enduring soil cover of vegetation and/or mulch or other ground cover and/or installing temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

**State General Permit.** The National Pollutant Discharge Elimination System (NPDES) general permit or permits for stormwater runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the State's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq., and subsection (f) of Code section 12-5-30.

**State Waters.** Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely

upon the property of a single individual, partnership or corporation.

**Structural Erosion and Sediment Control Practices.** Measures for the stabilization of erodible or sediment producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps, and land grading, etc. Such measures can be found in the publication Manual for Erosion and Sediment Control in Georgia.

**Trout streams.** All streams or portions of streams within the watershed as designated by the Division under the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20 et seq. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout streams are streams into which no other streams flow except springs.

**Vegetative erosion and sediment control measures.** Measures for the stabilization of erodible or sediment producing area by covering the soil with:

1. Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
2. Temporary seeding, producing short term vegetative cover; or
3. Sodding, covering areas with a turf of perennial sod-forming grass. Such practices can be found in the publication Manual for Erosion and Sediment Control in Georgia.

**Watercourse.** Any natural or artificial waterway, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

**Wetlands.** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

### 10.1.2. Exemptions

- A. This section does not apply to the following activities:
1. Surface mining as defined in O.C.G.A. § 12-4-72, "The Georgia Surface Mining Act of 1968".
  2. Granite quarrying and land clearing for such quarrying.
  3. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities, which result in minor soil erosion.
  4. The construction of single-family residences, except that a building permit must be acquired prior to any land-disturbing activity beginning on a site, when such construction disturbs less than one acre and is not a part of a larger common plan of development or sale with a planned disturbance equal to or greater than one acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence must conform to the minimum

requirements as set forth in Sec. 10.1.3. For single-family residence construction covered by the provisions of this paragraph, there must be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5, of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity may be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone must be at least 50 horizontal feet, and no variance to a smaller buffer may be granted. For secondary trout waters, the buffer zone must be at least 50 horizontal feet, but the Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters as defined by this section, the buffer must be at least 25 feet and no variance to a smaller buffer may be granted. The minimum requirements of Sec. 10.1.3 and the buffer zones provided by this paragraph shall be enforced by the local issuing authority.

5. Agricultural operations as defined in O.C.G.A. § 1-3-3, "definitions", to include those practices involving the establishment, cultivation, or harvesting of products of the field or orchard; the preparation and planting of pasture land; farm ponds; dairy operations; livestock and poultry management practices; and the construction of farm buildings.
6. Forestry land management practices, including harvesting, provided, however, that when such exempt forestry practices cause or result in

land-disturbing or other activities otherwise prohibited in a buffer, as established in paragraphs 19 and 20 of Sec. 10.1.3.C., no other land-disturbing activities, except for normal forest management practices, may be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices.

7. Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture.
8. Any noncommercial project involving less than one acre of disturbed area that is not otherwise exempt under Sec. 10.1.2.A.1. through A.7. and A.9. through A.11. is exempt from general land-disturbing permit plan requirements, but is required to have a minor land-disturbing permit and must meet the minimum requirements of Sec. 10.1.3.B., 10.1.3.C. and 10.1.4.A. Commercial projects of any size are not exempt from any provision of this section; provided, however, that the county engineer may specifically exempt certain projects from erosion, sedimentation, and pollution control plan requirements in cases where minimal land disturbance is to occur. These exemptions from erosion, sedimentation, and pollution control plan requirements do not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre or within 200 feet of the bank of any state waters. For purposes of this paragraph, "State waters" excludes channels and drainage ways which have water in

them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one-acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained in this section may prevent a city or county which is a local issuing authority from regulating any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5, 6, 7, 9 or 10 of this Sec. 10.1.2.A.

9. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of Department of Transportation or State Road and Tollway Authority which disturb one or more contiguous acres of land are subject to the provisions of O.C.G.A. § 12-7-7.1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit must be submitted to

the local issuing authority, the local issuing authority may enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations may be subject to the same penalties as violations by permit holders.

10. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the local issuing authority may enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations may be subject to the same penalties as violations by permit holders.

11. Public water system reservoirs.

- B. Where this section requires compliance with the minimum requirements set forth in Sec. 10.1.3.B. and 10.1.3.C., the local issuing authority may enforce compliance with the minimum requirements as if a permit had been issued and violations may be subject to the same penalties as violations by permit holders.

### 10.1.3. Minimum Requirements for Erosion and Sedimentation Control Using Best Management Practices

#### A. General provisions.

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if the requirements of this section and the NPDES permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this section must contain provisions for application of erosion, sedimentation and pollution control measures and practices. The provisions must be incorporated into the erosion, sedimentation and pollution control plans. Erosion, sedimentation and pollution control measures and practices must conform to the minimum requirements of Sec. 10.1.3.B. and 10.1.3.C. The application of measures and practices applies to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures must be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with the requirements of this section and the NPDES general permit.

#### B. Minimum requirements/BMPs.

1. Best management practices as set forth in Sec. 10.1.3.B. and 10.1.3.C. are

required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices may constitute a complete defense to any action by the Director or to any other allegation of noncompliance with this section or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to subsection (f) of O.C.G.A. § 12-5-30.

2. A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained may constitute a separate violation of any land-disturbing permit issued by the local issuing authority or of any state general permit issued by the division pursuant to subsection (f) of O.C.G.A. § 12-5-30, for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than ten nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters must be measured in accordance with guidelines to be issued by the Director. This paragraph does not apply to any land disturbance associated with the construction of single-family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five acres.
3. Failure to properly design, install, or maintain best management practices may constitute a violation of any land-disturbing permit issued by a local issuing authority or of any state general permit issued by the division pursuant to subsection (f) of O.C.G.A. §

12-5-30 for each day on which such failure occurs.

4. The Director may require, in accordance with regulations adopted by the board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land-disturbing activities occur.
  5. The local issuing authority may set more stringent buffer requirements than stated in Sec. 10.1.3.C.19, 10.1.3.C.20, and 10.1.3.C.21, in light of O.C.G.A. § 12-7-6(c).
  6. All soil, erosion, and sedimentation control measures will be checked daily by the operator and any deficiencies noted will be corrected by the end of each day. Additional soil, erosion, and sediment control measures must be installed if deemed necessary by the local issuing authority after an on-site inspection.
  7. If, at any time, any reasonably notable and visible quantity of sediment leaves the property lot lines, impacts other property or any stream buffer zone, additional and appropriate soil erosion and sedimentation control measures shall be added immediately to prevent future violations.
- C. The rules and regulations, ordinances, or resolutions adopted pursuant to this section for the purpose of governing land-disturbing activities require, as a minimum, protections at least as stringent as the state general permit. Best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, must be consistent with, and no less stringent than, those practices contained in the “Manual for Erosion and Sediment Control in Georgia”, published by the Georgia Soil

and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

1. A construction exit designed in accordance with the “Manual for Erosion and Sediment Control in Georgia” must be the first element developed on a construction site. The construction exit must be maintained in such a way as to prevent any mud from being tracked onto public roads.
2. Stripping of vegetation, regrading and other development activities must be conducted in a manner to minimize erosion.
3. Cut-fill operations must be kept to a minimum.
4. Development plans must conform to topography and soil type, so as to create the lowest practical erosion potential.
5. Whenever feasible, natural vegetation shall be retained, protected, and supplemented.
6. The disturbed area and the duration of exposure to erosive elements must be kept to a practicable minimum.
  - a. Projects with proposed disturbed areas of more than 20 acres will need to be graded in phases or comply with Hall County's Additional Best Management Practices for Large Developments list included in this section. If the project is going to be phased, a proposed phasing plan and schedule will need to be shown on the approved erosion, sedimentation, and pollution control plans. Mulch or temporary grassing must be applied immediately to all exposed soil areas that have been inactive for 14 days. The mulch or temporary

- grassing coverage must be maintained to a depth of two inches and must have a continuous 90 percent soil surface coverage, or greater until final stabilization has occurred.
- b. For development projects that disturb more than 20 acres and less than 50 acres, the approved erosion, sedimentation, and pollution control plans must include at least two of the additional BMP's from the Hall County's Additional Best Management Practices for Large Developments list.
  - c. For development projects that disturb more than or equal to 50 acres, the approved erosion, sedimentation, and pollution control plans must include at least four of the additional BMP's from the Hall County's Additional Best Management Practices for Large Development list.
7. Hall County's Additional Best Management Practices for Large Development list include the following:
- a. Increase all temporary sediment basins and retrofitted storm water management basins to provide sediment storage of at least 3600 cubic feet (134 cubic yards) per acre drained.
  - b. Use baffles in all temporary sediment basins and retrofitted stormwater management basins to at least double the conventional flow path length to the outlet structure.
  - c. Use flocculants or coagulants and/or mulch to stabilize areas left disturbed for more than seven calendar days in accordance with Section III. D.1. of the current NPDES Permit.
- d. Conduct turbidity sampling after every rain event of 0.5 inch or greater within any 24-hour period, recognizing the exceptions specified in Section IV.D.6.d. of the current NPDES Permits.
  - e. Comply with the applicable end-of-pipe turbidity effluent limit, without the "BMP defense" as provided for in O.C.G.A. § 12-7-6(a)(1).
  - f. Reduce the total planned site disturbance to less than 50 percent impervious surfaces (excluding any state-mandated buffer areas from such calculations). All calculations must be included on the plan.
  - g. Limit the amount of disturbed area at any one time to no greater than 25 acres or 50 percent of the total planned site, whichever is less. All calculations must be included on the plan.
  - h. Use mulch filter berms, in addition to a silt fence, on the site perimeter wherever construction storm water (including sheet flow) may be discharged. Mulch filter berms cannot be placed in waterways or areas of concentrated flow.
  - i. Use appropriate erosion control slope stabilization instead of concrete in all construction storm water ditches and storm drainages designed for a 25-year, 24-hour rainfall event.
  - j. Use flocculants or coagulants under a passive dosing method (e.g., flocculant blocks) within construction storm water ditches and storm drainages that feed into temporary sediment basins and retrofitted management basins.



- k. Certified personnel for primary permittees shall conduct inspections at least twice every seven calendar days and within 24 hours of the end of the storm that is 0.5 inches rainfall or greater in accordance with Section IV.D.4.a.(3)(a) - (c); secondary permittees, Section IV.D.4.b.(3)(a)-(c); and tertiary permittees, Section IV.D.4.c.(3)(a)-(c).
  - l. Limit the total planned site disturbance to less than 15 percent impervious surfaces (excluding any state mandated buffer areas from such calculations). All calculations must be included in the plan.
  - m. Conduct inspections during the intermediate grading and drainage BMP phase and during the final BMP phase of the project by the design professional who prepared the plan in accordance with Section IV.A.5 of the permit.
  - n. Install Post Construction BMPs (e.g., runoff reduction BMPs) which remove 80 percent TSS as outlined in the Georgia Stormwater Management Manual known as the Blue Book or an equivalent or stringent design manual.
8. Disturbed soil shall be stabilized as quickly as practicable.
  9. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development.
  10. Permanent vegetation and structural erosion control measures shall be installed as soon as practicable.
  11. To the extent necessary, sediment in run-off water must be trapped using debris basins, sediment basins, silt traps, sediment barriers (silt fences, hay bales, rock dams, etc.) or similar measures until the disturbed area is stabilized. Silt fences shall incorporate Georgia Department of Transportation approved fabrics and utilize posts and proper post spacing in conformance to the "Manual for Erosion and Sediment Control in Georgia". As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. § 12-7-1 et seq. and meets the definition of final stabilization as defined in this section.
  12. Any land disturbance within 200 feet of stream buffers, wetlands, or other critical areas designated by the Hall County Engineering Department shall require two rows of Type "C" silt fence, or one row of Type "C" silt fence backed by hay bales, appropriately installed, as per the "Manual for Erosion and Sediment Control in Georgia".

In addition, for projects that disturb greater than 20.0 acres, any required double rows of silt fence shall be fortified by hay bales below the lower row of silt fence.

Furthermore, any site development adjacent to Lake Lanier Boundary shall require double row silt fence with supplemental hay bales for drainage areas directly flowing to the lake.
  13. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping surface of fills.
  14. Cuts and fills may not endanger adjoining property.
  15. Cuts and fills may be no steeper than a ratio of two units horizontal to one unit vertical, unless a slope stabilization technique, such as a retaining wall, is used with written

- approval from the local issuing authority.
16. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners.
  17. Grading equipment must cross flowing streams by means of bridges or culverts, except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum.
  18. Erosion, sedimentation, and pollution control plans shall include provisions for treatment to control any source of sediments and adequate sedimentation control facilities to retain sediments on site or preclude sedimentation of adjacent streams beyond the levels specified in 10.1.3.B.2. of this section.
  19. Adequate erosion and sedimentation control measures which are approved by the "Manual for Erosion and Sediment Control in Georgia" shall be installed prior to, or concurrently with, any grubbing or grading activity, and be maintained until 'final stabilization' has been achieved.
  20. There is established a 25-foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except:
    - a. As provided in paragraphs 20 and 21 of this subsection.
    - b. Where the Director determines to allow a variance that is at least as protective of natural resources and the environment.
    - c. Where otherwise allowed by the Director pursuant to O.C.G.A. § 12-2-8.
- d. Where a drainage structure or roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented.
  - e. Along any ephemeral stream. As used in this provision, the term "ephemeral stream" means a stream:
    - i. That under normal circumstances has water flowing only during and for a short duration after precipitation events;
    - ii. That has the channel located above the ground-water table year round;
    - iii. For which ground water is not a source of water; and
    - iv. For which runoff from precipitation is the primary source of water flow.
  - f. Where shoreline stabilization is installed; provided, however, that this exception shall be limited to the construction of bulkheads and sea walls only to the extent required to prevent the erosion of the shoreline. This exception shall be limited to Lake Oconee and Lake Sinclair and shall be limited to the duration of such construction.
  - g. Unless exempted under division (v) of this subparagraph, buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, O.C.G.A. the "Georgia Water Quality Control Act," shall remain in force unless a variance is granted by the Director as provided in this paragraph.

- h. No land-disturbing activities shall be conducted within any such buffer; and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed, except as otherwise provided by this paragraph. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed.
  - i. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:
    - i. Stream crossings for water lines;
    - ii. Stream crossings for sewer lines; or
    - iii. Permitted uses specified in Sec. 10.4.6.D.; and
  - j. All requirements of Sec. 10.4.6. shall also be complied with.
21. There is established a 50-foot buffer, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to O.C.G.A. tit. 12, ch. 5, art. 2, the "Georgia Water Quality Control Act," except where a roadway drainage structure must be constructed, provided however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25-foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the board providing for notice to the division or local issuing authority of the location and extent of the piping and prescribed methodology for minimizing the impact of such piping and for measuring the volume of water discharged by the stream. As any such pipe must stop short of the downstream landowner's property, and the landowner must comply with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:
- a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities

- on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed;
- b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; they cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:
    - i. Stream crossings for water lines;
    - ii. Stream crossings for sewer lines; or
    - iii. Permitted uses specified in subsection 8.170.060 D.; and
  - c. All requirements of Official Code of Hall County, Georgia, Section 8.170.060 shall also be complied with.
22. There is established a 25-foot buffer along coastal marshlands, as measured horizontally from the coastal marshland-upland interface, as determined in accordance with O.C.G.A. tit. 12, ch. 5, the "Coastal Marshlands Protection Act of 1970," and the rules and regulations promulgated thereunder, except:
    - a. Where the Director determines to allow a variance that is at least as protective of natural resources and the environment;
    - b. Where otherwise allowed by the Director pursuant to O.C.G.A. § 12-2-8;
    - c. Where an alteration within the buffer area has been authorized pursuant to O.C.G.A. § 12-5-286;
    - d. For maintenance of any currently serviceable structure, landscaping, or hardscaping, including bridges, roads, parking lots, golf courses, golf cart paths, retaining walls, bulkheads, and patios; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented;
    - e. Where a drainage structure or roadway drainage structure is constructed or maintained; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented;

- f. On the landward side of any currently serviceable shoreline stabilization structure; and
- g. For the maintenance of any manmade stormwater detention basin, golf course pond, or impoundment that is located entirely within the property of a single individual, partnership, or corporation; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.
- h. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed, except as otherwise provided by this paragraph. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat.
- i. The buffer shall not apply to crossings for utility lines that cause a width of disturbance of not more than 50 feet within the buffer, provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.
- j. The buffer shall not apply to:
  - i. Any land-disturbing activity conducted pursuant to and in compliance with a valid and effective land-disturbing permit issued subsequent to April 22, 2014, and prior to December 31, 2015; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented; or
  - ii. Any lot for which the preliminary plat has been approved prior to December 31, 2015, if roadways, bridges, or water and sewer lines have been extended to such lot prior to the effective date of this Act and if the requirement to maintain a 25-foot buffer would consume at least 18 percent of the high ground of the platted lot otherwise available for development; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.
- k. Activities where the area within the buffer is not more than 500 square feet or that have a "minor buffer impact" as defined in section 391-3-7-.01(r) of the Rules of the Department of Natural

Resources, provided that the total area of buffer impacts is less than 5,000 square feet, are deemed to have an approved buffer variance by rule. Bank stabilization structures are not eligible for coverage under the variance by rule and notification shall be made to the division at least 14 days prior to the commencement of land disturbing activities.

- D. The board shall promulgate rules and regulations that contain specific criteria for the approval or denial by the Director of requests for variances for road construction and maintenance projects undertaken by the Department of Transportation when:
1. An alteration within the buffer area has been authorized pursuant to a permit issued by the United States Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act of 1972, as amended, or Section 10 of the Rivers and Harbors Act of 1899; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented; or
  2. The land-disturbing activity is not eligible for a permit issued by the United States Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act of 1972, as amended, and involves the piping, filling, or rerouting of waters that are not jurisdictional waters of the United States regardless as to whether or not such waters have been classified as primary or secondary trout waters.
- E. Nothing contained in this section shall prevent any local issuing authority from adopting rules and regulations, ordinances, or resolutions which contain

stream buffer requirements that exceed the minimum requirements in Sec. 10.1.3.B. and 10.1.3.C.

- F. The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this section or the terms of the permit.

#### 10.1.4. Application, Permits Process, Generally

There are three types of land-disturbing permits: minor land disturbing, new home construction grading, and general land disturbing.

- A. **Minor land disturbing permit.** Where required pursuant to Sec. 10.1.2.A.8, no person shall conduct any land-disturbing activity within the unincorporated area of Hall County without first obtaining a minor land-disturbing permit from Hall County Development Services to perform such activity. Additionally, a minor land disturbing permit shall be required for the construction of secondary driveways. The application for a minor land-disturbing permit must contain a current plat or drawing of the property containing the project which indicates all easements, streams, buffer zones, wetlands, and roadways. Said application must be submitted to Hall County Development Services. A fee as established in the Hall County Plan Review and Inspection Fee Schedule will be charged for each application. From time to time, upon the recommendation of the county engineer and approval of the board of commissioners of Hall County, Georgia, said schedule may be revised as deemed necessary. The permit will expire six months from the date of issuance.

Additionally, where a minor land-disturbing permit is required Sec. 10.1.4.C.4.f shall apply.

**B. Residential grading permit.** The residential grading permit will apply where land disturbance activities (i.e. grading) are to be performed on residential properties but prior to issuance of a building permit. The total disturbed area for this permit shall not exceed one acre on single or adjoining properties. The application for a residential permit must contain a current plat or drawing of the property containing the project which indicates all easements, streams, buffer zones, wetlands, and roadways. Said application must be submitted to Hall County Planning and Development. A fee as established in the Hall County Plan Review and Inspection Fee Schedule will be charged for each application. From time to time, upon the recommendation of the county engineer and approval of the board of commissioners of Hall County, Georgia, said schedule may be revised as deemed necessary. The permit will expire six months from date of issuance. Additionally, where new home construction grading permit is required Sec. 10.1.4.C.4.f shall apply.

**C. General land-disturbing permit.** All other required land-disturbing sites not fitting the minor land-disturbing requirement.

1. **General.** The property owner, developer, and designated planners and engineers shall review the general development plans and detailed plans of the local issuing authority that affect the tract to be developed and the area surrounding it. They shall review the zoning regulations, watershed protection regulations, subdivision regulations, flood damage prevention regulations, this section, and the other provisions of the Hall County Unified

Development Code, and the laws of the State of Georgia which regulate the development of land within the jurisdictional boundaries of the local issuing authority. However, the operator is the only party who may obtain a permit.

2. Application requirements.

a. No person shall conduct any land-disturbing activity within the unincorporated area of Hall County without first obtaining an appropriate permit from Hall County Planning and Development to perform such activity and providing a copy of notice of intent submitted to the EPD if applicable.

b. The application for a permit shall be submitted to the local issuing authority and must include the applicant's erosion, sedimentation, and pollution control plan with supporting data, as necessary. The plans shall include, as a minimum, the data specified in Sec. 10.1.4.C.3. of this section. Erosion, sedimentation, and pollution control plans shall conform to the provisions of Sec. 10.1.3.B and 10.1.3.C. Applications for a permit will not be accepted unless accompanied by the appropriate number of copies of the applicant's erosion, sedimentation, and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan or that such a visit was not required in accordance with rules and regulation established by the board. Upon plan approval, one reduced size set of plans shall be submitted to Hall County Development Review Division.

- c. A fee established in the Hall County Plan Review and Inspection Fee Schedule shall be charged for each application. This application fee allows for an initial review of plans and a second review of plans to ensure that redlined comments are addressed as well as an additional fee for plans that require third and subsequent reviews. After plans have been permitted, a fee shall be charged for each revision submitted to the county for review, as established in the Hall County Plan Review and Inspection Fee Schedule. From time to time, upon the recommendation of the county engineer and approval of the board of commissioners of Hall County, Georgia, the fee schedule may be revised as deemed necessary.
- d. In addition to the local permitting fees, fees will also be assessed pursuant to O.C.G.A. § 12-5-23(a)(5), in the amount of \$80.00 per acre, or fraction of acres to the nearest one-tenth acre, of land-disturbing activity, and these fees shall be calculated and be paid by the primary permittee as defined in the state general permit for each are of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. Out of the \$80.00 per disturbed acre collected, \$40.00 shall be submitted to the division; and any and all fees due from an entity which is required to give notice pursuant to O.C.G.A. § 12-7-17(9) or (10) shall be submitted in full to the division.
- e. Soil erosion and sediment control permits shall terminate 12 months from the date of issuance. If the land-disturbing activity has not commenced within said 12 months from the date of issuance, the person or entity in whose name the permit was issued shall make a new application and pay a reapplication fee as established in the Hall County Plan Review and Inspection Fee Schedule to obtain a new permit pursuant to these regulations before commencing such land-disturbing activity. However, if the land-disturbing activity has commenced but not completed and inspections have been made by the local issuing authority within said 12 months from the date of issuance, the person or entity in whose name the permit was issued shall make a new application and pay a reapplication fee as established in the Hall County Plan Review and Inspection Fee Schedule to obtain a new permit pursuant to this section before commencing such land-disturbing activity. Should the permit expire and the person or entity in whose name the permit was issued fail to make a new application within 12 months from the original date of issuance, the permit will be deemed terminated, and the person or entity will be required to permit the site from start by following subsections 10.1.4.C.2c(a)—(c) above. The foregoing notwithstanding, once the land-disturbing activity has commenced, it shall be completed within six months of the date of commencement. The reapplication fee for noncommercial sites meeting the criteria as set forth in subsection 10.1.2.A.8. shall be that fee established in the Hall County



- Plan Review and Inspection Fee Schedule regardless of whether or not land-disturbing activity has commenced in the past year. Termination of the permit shall not relieve the property owner of the responsibility for fulfilling the soil erosion and sediment control requirements of the permit, or of this section. From time to time, upon the recommendation of the county engineer and approval of the board of commissioners of Hall County, Georgia, the above fee schedule may be revised as deemed necessary.
- f. Immediately upon receipt of an application and plan for a permit, the local issuing authority shall refer the application and plan to the district for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The district shall approve or disapprove a plan within 35 days of receipt. Failure of a district to act within 35 days shall be considered an approval of the pending plan. The results of the district review shall be forwarded to the local issuing authority. No permit will be issued unless the plan has been approved by the district, and any variances required by Sec. 10.1.3.C.19., 20., and 21. and bonding, if required as per subsection 10.1.4.C.2.g(2), have been obtained. Such review will not be required if the local issuing authority and the district have entered into an agreement which allows the local issuing authority to conduct such review and approval of the plan without referring the application and plan to the district.
  - g. If a permit applicant has had two or more violations of previous permits, this section, or the Erosion and Sedimentation Act of the State of Georgia, as amended, within three years prior to the date of the filing of the application under consideration, the local issuing authority may deny the permit application.  

The local issuing authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof, up to but not exceeding \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. This subsection shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the local issuing authority with respect to alleged permit violations.
3. Plan requirements.
- a. Plans must be prepared to meet the minimum requirements as contained in Sec. 10.1.3.B and 10.1.3.C. Conformance with the minimum requirements may be attained through the use of design criteria in the current issue of the Manual for Erosion and Sediment Control in Georgia, published by the Georgia Soil and Water Conservation Commission as a

- guide; or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The Manual for Erosion and Sediment Control in Georgia, published by the Georgia Soil and Water Conservation Commission, is hereby incorporated by reference into this section. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological, and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways constructed waterway, sediment control and storm water management facilities, Hall County ordinances and state laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections of any land-disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the commission and in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A § 12-7-20.
- b. Data required for site plan shall include all the information required from the appropriate erosion, sedimentation and pollution control plan review checklist established by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted. Erosion, sedimentation and pollution control plans shall include:
- i. Narrative or notes, and other information. Notes or narrative to be located on the site plan in general notes or in erosion and sediment control notes.
  - ii. Description of existing land use at project site and description of proposed project.
  - iii. Name, address, and phone number of the property owner.
  - iv. Name, phone number, and email address of 24-hour local contact that is responsible for erosion and sedimentation controls.
  - v. Size of project, or phase under construction, in acres.
  - vi. Activity schedule including anticipated starting and completion dates for the project. Include the statement in bold letters, that “the installation of erosion and sediment control measures and practices shall occur prior to or concurrent with land-disturbing activities.”
  - vii. Stormwater and sedimentation management systems, storage capacity, hydrologic study, calculations, including off-site draining areas and other information as may be needed to satisfy the

- requirements of Sec. Sec. 10.1 and Sec. 10.4.
- viii. Location of erosion and sediment control measures and practices using coding symbols from the Manual for Erosion and Sediment Control in Georgia, and meeting the requirements of this section. Practices may include, but are not limited to:
    - i. Construction exit.
    - ii. Sediment barrier.
    - iii. Sediment basin.
    - iv. Grassed waterway (open swale).
    - v. Storm drain outlet protection.
    - vi. A plan for temporary and permanent vegetative and structural erosion and sediment control measures.
  - ix. Vegetative plan for all temporary and permanent vegetative practices, including species, planting dates, and seeding, fertilizer, lime and mulching rates. The vegetative plan should show options for year-round seeding.
  - x. Detail drawings for all structural practices. Specifications shall follow guidelines set forth in the Manual for Erosion and Sediment Control in Georgia.
  - xi. A maintenance statement shall be printed on the plan as follows: “Erosion and sedimentation control measures will be maintained at all times. Additional erosion and sedimentation control measures and practices will be installed if deemed necessary by on-site inspection.”
  - xii. A description of the sedimentation control program and sedimentation control practices.
  - xiii. An adequate description of general topographic and soil conditions of the tract as available from the Hall County Soil and Water Conservation District.
  - xiv. A description of the maintenance program for sediment control facilities including inspection programs, vegetative establishment of exposed soils, method and frequency of removal and disposal of solid waste material removed from control facilities and disposition of temporary structural measures.
  - xv. Any additional requirement established by the commission.
4. Permits.
- a. Permits shall be issued or denied as soon as practicable but, in any event, not later than 45 days after receipt by the local issuing authority of a completed application, providing variance and bonding are obtained, where necessary and all applicable fees

have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.

- b. No permit shall be issued by the local issuing authority unless the erosion, sedimentation and pollution control plan has been approved by the district, and the local issuing authority has affirmatively determined that the plan is in compliance with this section, any variances required by subsections 10.1.3 C.16. and 17. are obtained, bonding requirements, if necessary, as per subsection 10.1.4. C.2.g.(2) are met and all ordinances and rules and regulations in effect within the unincorporated area of the county are met. If Hall County is the local issuing authority, then no permit shall be issued without the written approval of the Hall County Engineering Division and the Hall County Department of Planning and Zoning. If the permit is denied, the reason for denial shall be furnished to the applicant. No permit will be issued unless the plan has been approved by the district and the Department of Planning and Zoning.
- c. Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this section, and any other ordinances related to land development, as are applied to private persons, and the division shall enforce such requirements upon the local issuing authority.
- d. If the tract is to be developed in phases, then a separate permit shall be required for each phase.
- e. The permit may be suspended, revoked, or modified by the local

issuing authority, as to all or any portion of the land affected by the plan, upon finding that the holder or that person's successor in the title is not in compliance with the approved erosion, sedimentation and pollution control plan or that the holder or his successor in title is in violation of this section. A holder of a permit shall notify any successor in title to him or her as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

- f. The local issuing authority may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. § 12-7-7(f)(1).
- g. No permit may be issued unless the applicant has secured necessary permits from other governing agencies, such as, but not limited to: U.S. Army Corps of Engineer Permits and Georgia Department of Transportation.
- h. The development or land-disturbing activity permit must be posted in clear view on the site.

### 10.1.5. Inspection and Enforcement

- A. The local issuing authority will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures and practices required in the plan are effective in controlling erosion and sedimentation. Also, the local issuing authority shall regulate both primary and

secondary as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. A local issuing authority must review, revise, or amend its ordinances within 12 months of any amendment to O.C.G.A. § 12-7-8(a)(2). If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this section, a written or verbal notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, that person shall be deemed in violation of this section. If there is any reasonably notable and visible quantity of sediment leaving or that has left the property lot lines, impacting other property or any stream buffer zone, no verbal or written notice shall be required, and the person engaged in land-disturbing activities shall be deemed in violation of this section.

- B. The local issuing authority shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this section, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.

- C. Once a verbal or written warning or a citation has been issued for a violation of this section, no additional warning will need to be given for any violation on that site for enforcement action relating to this section.
- D. No person shall refuse entry or access to any authorized representative or agent of the local issuing authority, the commission, the district, or division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out his official duties.
- E. The district or the commission or both shall semi-annually review the actions of counties and municipalities which have been certified as local issuing authorities pursuant to O.C.G.A. § 12-7-8(a). The district or the commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the jurisdictions erosion and sedimentation control program. The district or the commission shall notify the division and request investigation by the division if any deficient or ineffective local program is found.
- F. The division may periodically review the actions of counties and municipalities which have been certified as local issuing authorities pursuant to code section 12-7-8(a). Such review may include, but shall not be limited to, review of the administration and enforcement of and compliance with the applicable ordinances and regulations and review of conformance with an agreement, if any, between the district and the local issuing authority. If such review indicates that the governing authority of any county or

municipality certified pursuant to O.C.G.A. § 12-7-8(a) has not administered, enforced, or complied with its ordinances or regulations or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. § 12-7-7(e), the division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 90 days within which to take the necessary corrective action to retain certification as a local issuing authority. If the county or municipality does not take necessary correction action within 90 days after notification by the division, the division may revoke the certification of the county or municipality as a local issuing authority.

### 10.1.6. General Offenses

- A. No person shall remove, deface, obstruct or move any postings, notices, stickers, stop-work orders, or other material left on-site by the local issuing authority unless by the local issuing authority or its agent.
- B. It shall be unlawful for any person to dump, deposit, or cause any reasonably notable and visible quantity of sedimentation, mud, or related debris to come onto any public highway, road, street, alley, or thoroughfare.
- C. With the exception of land-disturbing activity exempted under this section, it shall be unlawful for any person to cause any mud or sediment to impact any other property or any stream buffer as a result of any land-disturbing activity where best management practices are not properly designed, installed, and maintained.

### 10.1.7. Penalties and Incentives

- A. **Failure to obtain a permit for land-disturbing activity.** If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this section without first obtaining said permit, the person shall be subject to double permit fees at the time the permit is obtained and/or revocation of his business license, work permit, or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the local issuing authority. It is the responsibility of the property owner to ensure that the proper permit is obtained.
- B. **Stop-work orders.**
  - 1. For the first and second violations of the provisions of this section, the Director or the local issuing authority shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the Director or local issuing authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state, the Director or local issuing authority shall issue an immediate stop-work order in lieu of a warning;
  - 2. For a third and each subsequent violation, the Director or local issuing authority shall issue an immediate stop-work order; and
  - 3. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.

4. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the local issuing authority or by the Director or their designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop-work order shall be issued by the local issuing authority or by the Director or their designee. All such stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. All such stop-work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.
  5. While a stop-work order is in effect, the Building Inspection Department shall conduct no inspection on the property except for soil erosion inspections, and all work on the site, except that work necessary to achieve compliance with this section, shall cease until compliance is achieved.
- C. Bond forfeiture.** If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he or she shall be deemed in violation of this section and, in addition to other penalties, shall be deemed to have forfeited his or her performance bond, if required to post one under the provisions
- Sec. 10.1.4.C.2.g. The local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.
- D. Civil penalties.** Any person who violates any provisions of this section, the rules and regulations adopted pursuant to this section, or any permit condition or limitation established pursuant to this section, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the county issued as provided in this section shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this section, notwithstanding any provisions of the Official Code of Hall County, the Magistrate Court of Hall County shall be authorized to impose a penalty not to exceed \$2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any other court of competent jurisdiction trying cases brought as violations of this section likewise shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which a violation or failure or refusal to comply continues shall be a separate violation.
- E. Penalty.** Any person, firm, corporation, association or partnership violating any provision of this section as the same exists or as it may hereinafter be amended, or shall fail to do anything required by this section as the same exists or as it may hereinafter be amended, shall be guilty of a misdemeanor, amenable to the process of the Magistrate or State Court of Hall County, and upon conviction, shall be punished as provided in the Official Code

of Hall County, Georgia for each violation in the discretion of the Court.

### 10.1.8. Education and Certification

- A. Persons involved in land development design, review, permitting, construction, monitoring, or inspection of any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in accordance with this section and in consultation with the division and the Stakeholder Advisory Board created pursuant to O.C.G.A. § 12-7-20.
- B. For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.
- C. Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this section.
- D. If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. § 12-7-19, then

any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of O.C.G.A. § 12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

### 10.1.9. Administrative Appeal Judicial Review

- A. **Administrative remedies.** The suspension, revocation, modification, or grant with condition of a permit by the local issuing authority upon finding that the holder is not in compliance with the approved erosion, sedimentation and pollution control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the Board of Commissioners of Hall County within 30 days after receipt by the local issuing authority of written notice of appeal.
- B. **Judicial review.** Any person, aggrieved by a decision or order of the local issuing authority, after exhausting his administrative remedies, shall have the right to appeal de novo to the Superior Court of Hall County.

### 10.1.10. Liability

- A. Neither the approval of a plan under the provisions of this section, nor the compliance with provisions of this section shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the local issuing authority or district for damage to any person or property.



- B. The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this section or the terms of the permit.
- C. No provision of this section shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act, or the rules and regulations promulgated and approved thereunder or pollute any waters of the state as defined thereby.

## Sec. 10.2. Flood Protection

### 10.2.1. General Provisions

#### A. Purpose and Intent

The purpose of this section is to protect, maintain and enhance the public health, safety, environment and general welfare and to minimize public and private losses due to flood conditions in flood hazard areas, as well as to protect the beneficial uses of floodplain areas for water quality protection, stream bank and stream corridor protection, wetlands preservation and ecological and environmental protection by provisions designed to:

1. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
2. Restrict or prohibit uses which are dangerous to health, safety and property due to flooding or erosion hazards, or which increase flood heights, velocities, or erosion;
3. Control filling, grading, dredging and other development which may increase flood damage or erosion;
4. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;
5. Limit the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters; and,
6. Protect the stormwater management, water quality, stream bank protection, stream corridor protection, wetland preservation, and ecological functions of natural floodplain areas.

#### B. Applicability

This section shall be applicable to all areas of special flood hazard within Hall County.

#### C. Designation of Section Administrator

The Hall County Engineer or their designee is hereby appointed to administer and implement the provisions of this section.

#### D. Basis for Establishing Areas of Special Flood Hazard, Areas of Future-Conditions Flood Hazard and Associated Floodplain Characteristics – Flood Area Maps and Studies

For the purposes of defining and determining "areas of special flood hazard," "areas of future-conditions flood hazard," "areas of shallow flooding," "base flood elevations," "floodplains," "floodways," "future-conditions flood elevations," "future-conditions floodplains," potential flood hazard or risk categories as shown on FIRM maps, and other terms used in this section, the following documents and sources may be used for such purposes and are adopted by reference thereto:

1. The flood insurance study (FIS) dated September 29, 2006, with accompanying maps and other supporting data and any revision thereto.
2. Other studies which may be relied upon for the establishment of the base flood elevation or delineation of the base or one percent (100-year) floodplain and flood prone areas, including:
  - a. Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey or

any other local, state or federal agency applicable to Hall County; and

- b. Any base flood study conducted by a licensed professional engineer which has been prepared by utilizing FEMA approved methodology and approved by the Hall County Engineer.
3. Other studies, which may be relied upon for the establishment of the future-conditions flood elevation or delineation of the future-conditions floodplain and flood prone areas, including:
- a. Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey, or any other local, state or federal agency applicable to Hall County; and
  - b. Any future-conditions flood study conducted by a licensed professional engineer which has been prepared utilizing FEMA approved methodology approved by the Hall County Engineer.
4. The repository for public inspection of the FIS, accompanying maps and other supporting data is located at the Hall County Engineering Office.

**E. Compatibility with Other Regulations**

This section is not intended to modify or repeal any other ordinance, rule, regulation, statute, easement, covenant, deed restriction or other provision of law. The requirements of this section are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this section imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is

more restrictive or imposes higher protective standards for human health or the environment shall control.

**F. Severability**

If the provisions of any section, subsection, paragraph, subdivision or clause of this section shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Sec. 10.2.

**G. Warning and Disclaimer of Liability**

The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by manmade or natural causes. This section does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of Hall County or any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

**10.2.2. Definitions**

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Addition.** Any walled and roofed expansion to the perimeter or height of a building.

**Adjacent.** Areas located within the defined horizontal distance from the future-conditions floodplain boundary that are at or lower in elevation than either three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is

higher, unless the area is hydraulically independent, (meaning absolutely no connection to the flooding source such as through pipes, sewer laterals, down drains, foundation drains, ground seepage, overland flow, gated or valved pipes, excavated and backfilled trenches, etc., with no fill or other manmade barriers creating the separation).

**Appeal.** A request for a review of the Hall County Engineer's interpretation of any provision of this section.

**Area of future-conditions flood hazard.** The land area that would be inundated by the one percent annual chance flood based on future-conditions hydrology (100-year future-conditions flood).

**Area of shallow flooding.** A designated AO or AH Zone on a community's flood insurance rate map (FIRM) with a one percent or greater chance of flooding to an average depth of one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of special flood hazard.** The land area subject to a one percent or greater chance of flooding in any given year. This includes all floodplain and areas at or below the base flood elevation designated as Zones A, A1-30, A-99, AE, AO, AH, and AR on a community's flood insurance rate map (FIRM).

**Accessory structure or facility.** A structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the primary structure.

**Base flood.** The flood having a one percent chance of being equaled or exceeded in any given year, also known as the 100-year flood.

**Base flood elevation.** The highest water surface elevation anticipated at any given location during the base flood.

**Basement.** Any area of a building having its floor subgrade below ground level on all sides.

**Building.** The same meaning as "structure."

**Development.** Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, tilling, clearing, grubbing, grading, paving, any other installation of impervious cover, excavation or drilling operations or storage of equipment or materials.

**Elevated building.** A non-basement building which has its lowest elevated floor raised above the ground level by foundation walls, shear walls, post, piers, pilings or columns.

**Existing construction.** Any structure for which the "start of construction" commenced before the effective date of the initial FIRM, November 2, 1983.

**Existing manufactured home park or subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the initial FIRM, November 2, 1983.

**Expansion to an existing manufactured home park or subdivision.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

**FEMA.** The Federal Emergency Management Agency.

**Flood or flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters;
2. The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood insurance rate map or FIRM.** An official map of a community, issued by FEMA, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

**Flood insurance study or FIS.** The official report by FEMA providing an examination, evaluation and determination of flood hazards and corresponding flood profiles and water surface elevations of the base flood.

**Floodplain or flood prone area.** Any land area susceptible to flooding.

**Floodproofing.** Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Floodway or regulatory floodway.** The channel of a stream, river, or other watercourse and the adjacent areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**Functionally dependent use.** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**Future-conditions flood.** The flood having a one percent chance of being equaled or exceeded in any given year based on future-conditions hydrology. Also known as the 100-year future-conditions flood.

**Future-conditions flood elevation.** The highest water surface elevation anticipated at any given location during the future-conditions flood.

**Future-conditions floodplain.** Any land area susceptible to flooding by the future-conditions flood.

**Future-conditions hydrology.** The flood discharges associated with projected land use conditions based on a community's zoning maps, comprehensive land use plans, and/or watershed study projections, and without consideration of projected future construction of stormwater management (flood detention) structures or projected future hydraulic modifications within a stream or other waterway, such as bridge and culvert construction, fill, and excavation.

**Highest adjacent grade.** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic structure.** Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places by states with historic preservation programs which

have been approved by the Secretary of the Interior; or

4. Individually listed on a local inventory of historic places by communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior, or
  - b. Directly by the Secretary of the Interior in states without approved programs.

**Lowest floor.** The lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this section.

**Manufactured home.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when attached to the required utilities. The term includes any structure commonly referred to as a "mobile home" regardless of the date of manufacture. The term also includes parked trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property. The term does not include a "recreational vehicle."

**Mean sea level.** The datum to which base flood elevations shown on a community's flood insurance rate map (FIRM) are referenced. For purposes of this section, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988.

**New construction.** Any structure for which the "start of construction" commenced on or after the effective date of the initial FIRM, November 2, 1983, and includes any subsequent improvements to the structure.

**New manufactured home park or subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the initial FIRM, November 2, 1983.

**Owner.** The legal or beneficial owner of a site, including, but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

**Permit.** The permit issued by Hall County to the applicant which is required prior to undertaking any development activity.

**Recreational vehicle.** A vehicle which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by light duty truck; and,
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Repetitive loss.** Flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds

25 percent of the market value of the structure before the damage occurred.

**Site.** The parcel of land being developed, or the portion thereof on which the development project is located.

**Start of construction.** Includes “substantial improvement”, and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of the structure on a site such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure.** A walled and roofed building (including a gas or liquid storage tank) that is principally above ground, or a manufactured home.

**Subdivision.** The division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from

or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

**Substantial damage.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial improvement.** Any reconstruction, rehabilitation, addition, or other improvement to a structure taking place during a ten-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure prior to the improvement. The market value of the building means (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include those improvements of a structure required to comply with existing state or local health, sanitary, or safety code specifications which are the minimum necessary to assure safe living conditions, which have been identified by the Hall County Building Official or Hall County Enforcement Officer. The term also does not include any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

**Substantially improved existing manufactured home park or subdivision.** The repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

**Variance.** A grant of relief from the requirements of this section.

**Violation.** The failure of a structure or other development to be fully compliant with the requirements of this section. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this section is presumed to be in violation until such time as that documentation is provided.

**10.2.3. Permit Procedures and Requirements**

**A. Permit Application Requirements**

No owner or developer shall perform any development activities on a site where an area of special flood hazard or area of future-conditions flood hazard is located without first meeting the requirements of this section prior to commencing the proposed activity.

1. Unless specifically excluded by this section, any landowner or developer desiring a permit for a development activity shall submit to Hall County Development Services a permit application on a form provided by Hall County Development Services for that purpose.
2. No permit will be approved for any development activities that do not meet the requirements, restrictions and criteria of this section.

**B. Floodplain Management Plan Requirements**

An application for a development project with any area of special flood hazard or area of future-conditions flood hazard located on the site shall include a floodplain management/flood damage prevention plan. This plan shall include the following items:

1. Site plan drawn to scale, which includes but is not limited to:

- a. Existing and proposed elevations of the area in question and the nature, location and dimensions of existing and/or proposed structures, earthen fill placement, amount and location of excavation material, and storage of materials or equipment;
  - b. For all proposed structures, spot ground elevations at building corners and 20-foot or smaller intervals along the foundation footprint, or one-foot contour elevations throughout the building site;
  - c. Proposed locations of water supply, sanitary sewer, and utilities;
  - d. Proposed locations of drainage and stormwater management facilities;
  - e. Proposed grading plan;
  - f. Base flood elevations and future-conditions flood elevations;
  - g. Boundaries of the base flood floodplain and future-conditions floodplain;
  - h. If applicable, the location of the floodway; and
  - i. Certification of the above by a licensed professional engineer or surveyor.
2. Building and foundation design detail, including but not limited to:
    - a. Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
    - b. Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed;
    - c. Certification that any proposed nonresidential floodproofed



structure meets the criteria in Sec. 10.2.5.B.2;

- d. For enclosures below the base flood elevation, location and total net area of flood openings as required in Sec. 10.2.5.A.5; and
  - e. Design plans certified by a licensed professional engineer or architect for all proposed structure(s);
3. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development;
  4. Hard copies and digital files of computer models, if any, copies of work maps, comparison of pre- and post-development conditions base flood elevations, future-conditions flood elevations, flood protection elevations, special flood hazard areas and regulatory floodways, flood profiles and all other computations and other information similar to that presented in the FIS;
  5. Copies of all applicable state and federal permits necessary for proposed development, including but not limited to permits required by Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334; and
  6. All appropriate certifications required under this section.

The approved floodplain management/flood damage prevention plan shall contain certification by the applicant that all development activities will be done according to the plan or previously approved revisions. Any and all development permits and/or use and occupancy certificates or permits may be revoked at any time if the construction and development activities are not in strict accordance with approved plans.

**C. Construction Stage Submittal Requirements**

1. For all new construction and substantial improvements on sites with a floodplain management/flood damage prevention plan, the permit holder shall provide the Hall County Engineer a certified as-built elevation certificate or floodproofing certificate for nonresidential construction, including the lowest floor elevation or floodproofing level immediately after the lowest floor or floodproofing is completed. A final elevation certificate shall be provided after completion of construction including final grading of the site. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. When floodproofing is utilized for nonresidential structures, said certification shall be prepared by or under the direct supervision of a licensed professional engineer or architect and certified by same using the FEMA floodproofing certificate. This certification shall also include the design and operation/maintenance plan to assure continued viability of the floodproofing measures.
2. Any work undertaken prior to approval of these certifications shall be at the permit holder's risk. The Hall County Engineer shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit certification or failure to make the corrections required hereby shall be cause to issue a stop work order for the project.

**D. Duties and Responsibilities of the Administrator**

Duties of the Hall County Engineer shall include, but shall not be limited to:

1. Review all development applications and permits to assure that the requirements of this section have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding;
2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including but not limited to Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334;
3. When base flood elevation data or floodway data have not been provided, then the Hall County Engineer shall require the applicant to obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other sources in order to meet the provisions of Sec. 10.2.4 and Sec. 10.2.5. of the Official Code of Hall County, Georgia
4. Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new and substantially improved structures;
5. Review and record the actual elevation, in relation to mean sea level to which any substantially improved structures have been floodproofed;
6. When floodproofing is utilized for a nonresidential structure, the Hall County Engineer shall review the design and operation/maintenance plan and obtain certification from a licensed professional engineer or architect;

7. Notify affected adjacent communities and the Georgia Department of Natural Resources (GA DNR) prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
8. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions), the Hall County Engineer shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this section. Where floodplain elevations have been defined, the floodplain shall be determined based on flood elevations rather than the area graphically delineated on the floodplain maps;
9. All records pertaining to the provisions of this section shall be maintained in the office of the Hall County Engineer and shall be open for public inspection;
10. Coordinate all FIRM revision with the GA DNR and FEMA; and
11. Review variance applications and make recommendations to the Planning Commission.

**10.2.4. Standards for Development**

**A. Definition of Floodplain Boundaries**

1. Studied "A" zones, as identified in the FIS, shall be used to establish base flood elevations whenever available.
2. For all streams with a drainage area of 100 acres or greater, the future-conditions flood elevations shall be provided by the Hall County Engineer.

If future-conditions elevation data is not available from the Hall County Engineer, then it shall be determined by a licensed professional engineer using a method approved by FEMA and the Hall County Engineer.

**B. Definition of Floodway Boundaries**

The width of a floodway shall be determined from the FIS or FEMA-approved flood study. For all streams with a drainage area of 100 acres or greater, the regulatory floodway shall be provided by the Hall County Engineer. If floodway data is not available from the Hall County Engineer, then it shall be determined by a licensed professional engineer using a method approved by FEMA and the Hall County Engineer.

**C. General Standards**

1. No development shall be allowed within any area of special flood hazard or area of future-conditions flood hazard that could result in any of the following:

- a. Raising the base flood elevation or future-conditions flood elevation equal to or more than 0.01 foot;
- b. Reducing the base flood or future-conditions flood storage capacity;
- c. Changing the flow characteristics as to the depth and velocity of the waters of the base flood or future-conditions flood as they pass both the upstream and the downstream boundaries of the development area; or
- d. Creating hazardous or erosion-producing velocities, or resulting in excessive sedimentation.

2. Any development within any area of special flood hazard or area of future-conditions flood hazard allowed under Sec. 10.2.4.C.1. shall also meet the following conditions:

- a. Compensation for storage capacity shall occur between the average ground water table elevation and the base flood elevation for the base flood, and between the average ground water table elevation and the future-condition flood elevation for the future-conditions flood, and lie either within the boundaries of ownership of the property being developed and shall be within the immediate vicinity of the location of the encroachment. Acceptable means of providing required compensation include lowering of natural ground elevations within the floodplain, or lowering of adjoining land areas to create additional floodplain storage. In no case shall any required compensation be provided via bottom storage or by excavating below the elevation of the natural (pre-development) stream channel unless such excavation results from the widening or relocation of the stream channel;
- b. Cut areas shall be stabilized and graded to a slope of no less than 2.0 percent;
- c. Effective transitions shall be provided such that flow velocities occurring on both upstream and downstream properties are not increased or decreased;
- d. Verification of no-rise conditions (0.01 foot or less), flood storage volumes, and flow characteristics shall be provided via a step-backwater analysis meeting the requirements of Sec. 10.2.4.D;
- e. Public utilities and facilities, such as water, sanitary sewer, gas, and electrical systems, shall be located and constructed to minimize or eliminate infiltration or

contamination from flood waters;  
and

- f. Any significant physical changes to the base flood floodplain shall be submitted as a conditional letter of map revision (CLOMR) or conditional letter of map amendment (CLOMA), whichever is applicable. The CLOMR submittal shall be subject to approval by the Hall County Engineer using the FEMA community concurrence forms before forwarding the submittal package to FEMA for final approval. The responsibility for forwarding the CLOMR to FEMA and for obtaining the CLOMR approval shall be the responsibility of the applicant. Within six months of the completion of development, the applicant shall submit as-built surveys and plans for a final letter of map revision (LOMR).

**D. Engineering Study Requirements for Floodplain Encroachments**

An engineering study is required, as appropriate to the proposed development activities on the site, whenever a development proposes to disturb any land within the future-conditions floodplain, except for a residential single-lot development on streams without established base flood elevations and floodways. This study shall be prepared by a licensed professional engineer and made a part of the application for a permit. This information shall be submitted to and approved by the Hall County Engineer prior to the approval of any permit which would authorize the disturbance of land located within the future-conditions floodplain. Such study shall include:

1. Description of the extent to which any watercourse or floodplain will be

altered or relocated as a result of the proposed development;

2. Step-backwater analysis, using a FEMA-approved methodology approved by the Hall County Engineer. Cross-sections (which may be supplemented by the applicant) and flow information will be obtained whenever available. Computations will be shown duplicating FIS results and will then be rerun with the proposed modifications to determine the new base flood profiles, and future-conditions flood profiles;
3. Floodplain storage calculations based on cross-sections (at least one every 100 feet) showing existing and proposed floodplain conditions to show that base flood floodplain and future-conditions floodplain storage capacity would not be diminished by the development; and
4. The study shall include a preliminary plat, grading plan, or site plan, as appropriate, which shall clearly define all future-conditions floodplain encroachments.

**E. Floodway Encroachments**

Located within areas of special flood hazard are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity flood waters, debris or erosion potential. In addition, floodways must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway, except for activities specifically allowed in Sec. 10.2.4.E.2 below;

2. Encroachments for bridges, culverts, roadways and utilities within the regulatory floodway may be permitted provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment will not result in any increase to the pre-project base flood elevations, floodway elevations, or floodway widths during the base flood discharge. A licensed professional engineer must provide supporting technical data and certification thereof; and
3. If the applicant proposes to revise the floodway boundaries, no permit authorizing the encroachment into or an alteration of the floodway shall be issued by the Hall County Engineer until an affirmative conditional letter of map revision (CLOMR) is issued by FEMA or a no-rise certification is approved by the Hall County Engineer.

**F. Maintenance Requirements**

The property owner shall be responsible for continuing maintenance as may be needed within an altered or relocated portion of a floodplain on the property so that the flood-carrying or flood storage capacity is maintained. The Hall County Engineer may direct the property owner (at no cost to Hall County) to restore the flood-carrying or flood storage capacity of the floodplain if the owner has not performed maintenance as required by the approved floodplain management plan on file with the Hall County Engineer.

**10.2.5. Provisions for Flood Hazard Reduction**

In all areas of special flood hazard and areas of future-conditions flood hazard, the following provisions apply:

**A. General Standards**

1. New construction and substantial improvements of structures (residential or nonresidential), including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain, unless all requirements of Sec. 10.2.4.C., 10.2.4.D., and 10.2.4.E. have been met;
2. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. Elevated buildings: All new construction and substantial improvements that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood-resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
  - a. Designs for complying with this requirement must either be certified by a licensed professional engineer or architect to meet or exceed the following minimum criteria:
    - i. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

- ii. The bottom of all openings shall be no higher than one foot above grade; and
    - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions;
  - b. So as not to violate the "lowest floor" criteria of this section, the unfinished and flood-resistant enclosure shall solely be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area;
  - c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms;
6. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher, so as to prevent water from entering or accumulating within the components during conditions of flooding;
  7. Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
  8. All proposed development shall include adequate drainage and stormwater management facilities per the requirements of Hall County to reduce exposure to flood hazards;
  9. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system
  10. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
  11. On-site waste disposal systems shall be located and constructed to avoid impairment to, or contamination from, such systems during flooding;
  12. Other public utilities such as gas and electric systems shall be located and constructed to avoid impairment to them, or public safety hazard from them, during flooding;
  13. Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this section shall be undertaken only if the nonconformity is not furthered, extended or replaced;
  14. If the proposed development is located in multiple flood zones, or multiple base flood elevations cross the proposed site, the higher or more restrictive base flood elevation or future condition elevation and development standards shall take precedence;
  15. When only a portion of a proposed structure is located within a flood zone or the future conditions floodplain, the entire structure shall meet the requirements of this section; and
  16. Subdivision proposals and other proposed new development, including manufactured home parks or

subdivisions, shall be reasonably safe from flooding:

- a. All such proposals shall be consistent with the need to minimize flood damage within the flood prone area;
- b. All public utilities and facilities, such as sewer, gas, electrical, and water systems, shall be located and constructed to minimize or eliminate flood damage; and
- c. Adequate drainage shall be provided to reduce exposure to flood hazards.

**B. Building Standards for Structures and Buildings Within the Future-Conditions Floodplain**

1. Residential Buildings.

- a. *New construction.* New construction of principal residential structures shall not be allowed within the limits of the future-conditions floodplain unless all requirements of Sec. 10.2.4.C., 10.2.4.D., and 10.2.4.E. have been met. If all of the requirements of Sec. 10.2.4.C., 10.2.4.D., and 10.2.4.E. have been met, all new construction shall have the lowest floor, including basement, elevated no lower than three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Sec. 10.2.5.A.5.
- b. *Substantial improvements.* Substantial improvement of any principal residential structure

shall have the lowest floor, including basement, elevated no lower than three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Sec. 10.2.5.A.5.

2. Nonresidential Buildings.

- a. *New construction.* New construction of principal nonresidential structures shall not be allowed within the limits of the future-conditions floodplain unless all requirements of Sec. 10.2.4.C., 10.2.4.D., and 10.2.4.E. have been met. If all requirements of sections Sec. 10.2.4.C., 10.2.4.D., and 10.2.4.E. have been met, all new construction shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Sec. 10.2.5.A.5. New construction that has met all of the requirements of Sec. 10.2.4.C., 10.2.4.D., and 10.2.4.E. may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one foot above the base flood

elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Hall County Engineer using the FEMA floodproofing certificate along with the design and operation/maintenance plan.

- b. *Substantial improvements.* Substantial improvement of any principal nonresidential structure located in A1-30, AE, or AH zones may be authorized by the Hall County Engineer to be elevated or floodproofed. Substantial improvements shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Sec. 10.2.5.A.5. Substantial improvements may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one foot above the base flood elevation, or at least as

high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Hall County Engineer using the FEMA floodproofing certificate along with the design and operation/maintenance plan.

- 3. *Accessory Structures and Facilities.* Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, recreational facilities and other similar non-habitable structures and facilities) which meet the requirements of Sec. 10.2.4.C., 10.2.4.D., and 10.2.4.E. and are permitted to be located within the limits of the future-conditions floodplain shall be constructed of flood-resistant materials and designed to provide adequate flood openings in accordance with Sec. 10.2.5.A.5. and be anchored to prevent flotation, collapse and lateral movement of the structure.
- 4. *Standards for Recreational Vehicles.* All recreational vehicles placed on sites must either:
  - a. Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no



- permanently attached structures or additions); or
  - b. Meet all the requirements for Residential buildings—substantial improvements (Sec. 10.2.5.B.1.b), including the anchoring and elevation requirements.
5. *Standards for Manufactured Homes.*
- a. New manufactured homes shall not be allowed to be placed within the limits of the future-conditions floodplain unless all requirements of Sec. 10.2.4.C., 10.2.4.D., and 10.2.4.E. have been met. If all of the requirements of Sec. 10.2.4.C., 10.2.4.D., and 10.2.4.E. have been met, all new construction and substantial improvement shall have the lowest floor, including basement, elevated no lower than three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Sec. 10.2.5.A.5.
  - b. Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision shall be elevated so that either:
    - i. The lowest floor of the manufactured home is elevated no lower than three feet above the level of the base flood elevation, or one foot above the future-conditions flood elevation, whichever is higher; or
    - ii. The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.
  - b. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement in accordance with standards of Sec. 10.2.5.A.7.
- C. Building Standards for Structures and Buildings Authorized Adjacent to the Future-Conditions Floodplain**
1. *Residential buildings.* For new construction and substantial improvement of any principal residential building or manufactured home, the elevation of the lowest floor, including basement and access to the building, shall be at least three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Sec. 10.2.5.A.
  2. *Nonresidential buildings.* For new construction and substantial improvement of any principal nonresidential building, the elevation of the lowest floor, including basement and access to the building, shall be at least one foot above the level of the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the

hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Sec. 10.2.5.A. Nonresidential buildings may be floodproofed in lieu of elevation.

**D. Building Standards for Residential Single-lot Development on Streams without Established Based Flood Elevations and Floodway (A-zones)**

For a residential single-lot development not part of a subdivision that has areas of special flood hazard, where streams exist but no base flood data have been provided (A-zones), the Hall County Engineer shall review and reasonably utilize any available scientific or historic flood elevation data, base flood elevation and floodway data, or future-conditions flood elevation data available from a federal, state, local or other source, in order to administer the provisions and standards of this section.

If data are not available from any of these sources, the following provisions shall apply:

1. No encroachments, including structures or fill material, shall be located within an area equal to twice the width of the stream or 50 feet from the top of the bank of the stream, whichever is greater.
2. In special flood hazard areas without base flood or future-conditions flood elevation data, new construction and substantial improvements shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three feet above the highest adjacent grade at the building site. Flood openings sufficient to facilitate automatic equalization of hydrostatic flood forces shall be provided for flood prone enclosures in accordance with Sec. 10.2.5.A.5.

**E. Building Standards for Areas of Shallow Flooding (AO-zones)**

Areas of special flood hazard may include designated "AO" shallow flooding areas. These areas have base flood depths of one to three feet above ground, with no clearly defined channel. In these areas, the following provisions apply:

1. All new construction and substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated to no lower than one foot above the flood depth number in feet specified on the flood insurance rate map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet above the highest adjacent grade. Flood openings sufficient to facilitate the automatic equalization of hydrostatic flood forces shall be provided in accordance with standards of Sec. 10.2.5.A.5;
2. New construction and substantial improvement of a nonresidential structure may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus one foot above the highest passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice and shall provide such certification to the Hall County Engineer using the FEMA floodproofing certificate along with the design and operation/maintenance plan; and

3. Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

**F. Standards for Subdivisions of Land**

1. All subdivision proposals shall identify the areas of special flood hazard and areas of future-conditions flood hazard therein and provide base flood elevation data and future-conditions flood elevation data.
2. All residential lots in a subdivision proposal shall have sufficient buildable area outside of the future-conditions floodplain such that encroachments into the future-conditions floodplain for residential structures will not be required.
3. All subdivision plans will provide the elevations of proposed structures in accordance with Sec. 10.2.3.B.

**10.2.6. Variance Procedures**

The following variance and appeals procedures shall apply to an applicant who has been denied a permit for a development activity, or to an owner or developer who has not applied for a permit because it is clear that the proposed development activity would be inconsistent with the provisions of this section:

- A. Requests for variances from the requirements of this section shall be submitted to the Hall County Engineer. All such requests shall be heard and decided in accordance with procedures to be published in writing by the Hall County Engineer. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.
- B. Any person adversely affected by any decision of the Hall County Engineer may appeal said decision to the Hall County Planning Commission within 30 days from the Hall County Engineer's decision along

with the costs of appeal in accordance with Sec. 11.2. An appeal shall not be considered as filed until the required fee is paid. Pursuant to Sec. 11.2, said appeal shall be heard by the Hall County Planning Commission in accordance with the procedures set forth in Sec. 11.2. with the exception that:

1. All appeals shall be heard by the Planning Commission after notice to affected parties at the next scheduled public meeting that is 30 days or more from the filing of the appeal. The Planning Commission shall have 30 days from the date of its hearing within which to make its decision to affirm or reverse the decision of the Hall County Engineer. If the Planning Commission fails to make a decision within the specified period, it shall be deemed to have affirmed the decision of the Hall County Engineer.

- C. Any person aggrieved by the decision of the Hall County Planning Commission may appeal such decision to the Hall County Board of Commissioners in accordance with procedures set forth in Sec. 11.2. with the exception that:

1. Said appeal shall follow all the procedures in Sec. 11.2. as though it was a zoning decision or a use permitted subject to approval of the Planning Commission;
2. The justification required should make specific reference to such relevant criteria for a variance as listed in Sec. 10.2.6.D—K; and
3. The criteria for variances established pursuant to Sec. 10.2.6.D—K of this UDC shall be used instead of Sec. 11.2.6.F. for the relevant factors to be considered pursuant to Sec. 11.2.6.M.3.

- D. Variances may be issued for the repair or rehabilitation of historic structures upon a

determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure, and the variance issued shall be the minimum necessary to preserve the historic character and design of the structure.

- E. Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this section are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- F. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- G. In reviewing such requests, the Hall County Engineer, the Hall County Planning Commission and the Hall County Board of Commissioners shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this UDC.
- H. Conditions for variances:
  - 1. A variance shall be issued only when there is:
    - a. A finding of good and sufficient cause;
    - b. A determination that failure to grant the variance would result in exceptional hardship; and
    - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or the creation of a nuisance.
  - 2. The provisions of this section are minimum standards for flood loss reduction; therefore, any deviation

from the standards must be weighed carefully. Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- 3. Any person to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance resulting from the lowest floor elevation being placed below the base flood elevation will be commensurate with the increased risk to life and property, and that such costs may be as high as \$25.00 for each \$100.00 of insurance coverage provided.
- 4. The Hall County Engineer shall maintain the records of all variance actions, both granted and denied, and report them to the Georgia Department of Natural Resources and the Federal Emergency Management Agency upon request.
- I. Any person requesting a variance shall, from the time of the request until the time the request is acted upon, submit such information and documentation as the Hall County Engineer and the Hall County Planning Commission shall deem necessary to the consideration of the request.
- J. Upon consideration of the factors listed above and the purposes of this section, the Hall County Engineer and the Hall County Planning Commission may attach such conditions to the granting of variances as they deem necessary or appropriate, consistent with the purposes of this section.
- K. Variances shall not be issued "after the fact."

### 10.2.7. Violations, Enforcement and Penalties

Any action or inaction which violates the provisions of this section or the requirements of an approved stormwater management plan or permit may be subject to the enforcement actions outlined in this section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

#### A. Notice of Violation

If Hall County determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this section, a notice of violation shall be written to such applicant or other responsible person. In the event that a person is engaged in activity covered by this section without having first secured a permit, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

The notice shall contain:

1. The name and address of the owner or the applicant or the responsible person;
2. The address or other description of the site upon which the violation is occurring;
3. A statement specifying the nature of the violation;
4. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this section and the date for the completion of such remedial action;

5. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and
6. A statement that the determination of violation may be appealed to the Hall County Magistrate Court by filing a written notice of appeal within 30 days after the notice of violation.

#### B. Penalties

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, Hall County shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten days (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, Hall County may take any one or more of the following actions or impose any one or more of the following penalties:

1. *Stop work order.* Hall County may issue a stop work order, which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be

withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.

2. *Withhold certificate of occupancy.* Hall County may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
3. *Suspension, revocation or modification of permit.* Hall County may suspend, revoke or modify the permit authorizing the development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as Hall County may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
4. *Civil penalties.* In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or

otherwise fails to cure the violations described therein within ten days, or such greater period as Hall County shall deem appropriate (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient) after Hall County has taken one or more of the actions described above, Hall County may impose a penalty not to exceed \$1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

5. *Criminal penalties.* For intentional and flagrant violations of this section, Hall County may issue a citation to the applicant or other responsible person. Any person, firm, corporation, association or partnership violating any provision of this section as the same exists or as it may hereinafter be amended, or shall fail to do anything required by this section as the same exists or as it may hereinafter be amended, shall be guilty of a misdemeanor, amenable to the process of the Magistrate or State Court of Hall County, and, upon conviction, shall be punished as provided in the Official Code of Hall County, Georgia section 1.50.020 for each violation in the discretion of the court. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

## Sec. 10.3. Illicit Discharge and Illegal Connection

### 10.3.1. General Provisions

**A. Purpose and intent.** The purpose of this ordinance is to protect the public health, safety, environment and general welfare through the regulation of non-stormwater discharges to the Hall County separate storm sewer system to the maximum extent practicable as required by federal law. This section establishes methods for controlling the introduction of pollutants into the Hall County separate storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are to:

1. Regulate the contribution of pollutants to the Hall County separate storm sewer system by any person;
2. Prohibit illicit discharges and illegal connections to the Hall County separate storm sewer system;
3. Prevent non-stormwater discharges, generated as a result of spills, inappropriate dumping or disposal, to the Hall County separate storm sewer system; and,
4. To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this ordinance.

**B. Applicability.** The provisions of this section shall apply throughout the unincorporated area of Hall County.

**C. Compatibility with other regulations.** This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this section are in addition to the requirements of any other

ordinance, rule, regulation, or other provision of law, and where any provision of this Sec. 10.3. imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

**D. Severability.** If the provisions of any section, subsection, paragraph, subdivision or clause of this Sec. 10.3. shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this section.

**E. Responsibility for administration.** Hall County shall administer, implement, and enforce the provisions of this section.

### 10.3.2. Definitions

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Accidental discharge.** A discharge prohibited by this section which occurs by chance and without planning or thought prior to occurrence.

**Clean Water Act.** The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

**Construction activity.** Activities subject to the Georgia Erosion and Sedimentation Control Act or NPDES General Construction Permits. These include construction projects resulting in land disturbance. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

**Illicit discharge.** Any direct or indirect non-stormwater discharge to the Hall County separate storm sewer system, except as exempted in Sec. 10.3.3. of this UDC.

**Illegal connection.** Either of the following:

- a) Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or
- b) Any pipe, open channel, drain or conveyance connected to the Hall County separate storm sewer system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

**Industrial activity.** Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b(14)).

**National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit.** A permit issued by the Georgia EPD under authority delegated pursuant to 33 USC § 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

**Hall County Separate Storm Sewer System.** Any facility designed or used for collecting and/or conveying stormwater, including but not limited to any roads with drainage systems, highways, Hall County streets, curbs, gutters, inlets, catch basins, piped storm drains,

pumping facilities, structural stormwater controls, ditches, swales, natural and man-made or altered drainage channels, reservoirs, and other drainage structures, and which is:

- a) Owned or maintained by Hall County;
- b) Not a combined sewer; and
- c) Not part of a publicly-owned treatment works.

**Non-stormwater discharge.** Any discharge to the storm drain system that is not composed entirely of stormwater.

**Person.** Except to the extent exempted from this section, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the state, any interstate body or any other legal entity.

**Pollutant.** Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any kind.

**Pollution.** The contamination or other alteration of any water's physical, chemical or biological properties by the addition of any constituent and includes but is not limited to, a change in temperature, taste, color, turbidity,



or odor of such waters, or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

**Premises.** Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

**State waters.** Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface and subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State of Georgia which are not entirely confined and retained completely upon the property of a single person.

**Stormwater runoff, or stormwater.** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

**Structural stormwater control.** A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow.

### 10.3.3. Prohibitions

**A. Prohibition of illicit discharges.** No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the Hall County separate storm sewer system any pollutants or waters containing any pollutants, other than stormwater.

The following discharges are exempt from the prohibition provision above:

1. Water line flushing performed by a government agency, other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, natural riparian habitat or wetland flows, and any other water source not containing pollutants;
2. Discharges or flows from fire fighting, and other discharges specified in writing by Hall County as being necessary to protect public health and safety; and
3. The prohibition provision above shall not apply to any non- stormwater discharge permitted under an NPDES permit or order issued to the discharger and administered under the authority of the State and the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the Hall County separate storm sewer system.

**B. Prohibition of illegal connections.** The construction, connection, use, maintenance or continued existence of any illegal connection to the Hall County separate storm sewer system is prohibited.

1. This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was

permissible under law or practices applicable or prevailing at the time of connection.

2. A person violates this section if the person connects a line conveying sewage to the Hall County separate storm sewer system, or allows such a connection to continue.
3. Improper connections in violation of this section must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the appropriate sewer authority.
4. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written Notice of violation from Hall County requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be completed, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to Hall County Engineering.

#### **10.3.4. Industrial or Construction Activity Discharges**

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to Hall County Engineering prior to

allowing discharges to the Hall County separate storm sewer system.

#### **10.3.5. Access and Inspection of Properties and Facilities**

- A. Hall County shall be permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with this ordinance.
  1. If a property or facility has security measures in force which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to representatives of Hall County.
  2. The owner or operator shall allow Hall County ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination and copying of any records that are required under the conditions of an NPDES permit to discharge stormwater.
  3. Hall County shall have the right to set up on any property or facility such devices as are necessary in the opinion of Hall County to conduct monitoring and/or sampling of flow discharges.
  4. Hall County may require the owner or operator to install monitoring equipment and perform monitoring as necessary, and make the monitoring data available to Hall County. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator at his/her own expense. All devices used to measure flow and quality shall be calibrated to ensure their accuracy.
  5. Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected

and/or sampled shall be promptly removed by the owner or operator at the written or oral request of Hall County and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.

6. Unreasonable delays in allowing Hall County access to a facility is a violation of this section.
7. If Hall County has been refused access to any part of the premises from which stormwater is discharged, and Hall County is able to demonstrate probable cause to believe that there may be a violation of this section, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this section or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then Hall County may seek issuance of a search warrant from any court of competent jurisdiction.

#### **10.3.6. Notification of Accidental Discharges and Spills**

- A. Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or non-stormwater discharges from that facility or operation which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the Hall County separate storm sewer system, State Waters, or Waters of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge.

- B. Said person shall notify Hall County Engineering in person or by phone, facsimile or in person no later than 24 hours of the nature, quantity and time of occurrence of the discharge. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to Hall County Engineering within three business days of the phone or in person notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill.
- C. In the event of such a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified by the owner/operator or other person in charge of the facility at the time of the release.
- D. Failure to provide notification of a release as provided above is a violation of this ordinance.

#### **10.3.7. Violations, Enforcement and Penalties**

- A. **Violations.**
  1. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. Any person who has violated or continues to violate the provisions of this ordinance, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.

2. In the event the violation constitutes an immediate danger to public health or public safety, Hall County is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. Hall County is authorized to seek costs of the abatement as outlined in Sec. 10.3.7.E.

**B. Notice of violation.** Whenever Hall County finds that a violation of this section has occurred, hall county may order compliance by written notice of violation.

1. The notice of violation shall contain:
  - a. The name and address of the alleged violator;
  - b. The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
  - c. A statement specifying the nature of the violation;
  - d. A description of the remedial measures necessary to restore compliance with this section and a time schedule for the completion of such remedial action;
  - e. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and,
  - f. A statement that the determination of violation may be appealed to Hall County Magistrate Court by filing a written notice of appeal within 30 days of service of notice of violation.
2. Such notice may require without limitation:

- a. The performance of monitoring, analyses, and reporting;
- b. The elimination of illicit discharges and illegal connections;
- c. That violating discharges, practices, or operations shall cease and desist;
- d. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- e. Payment of costs to cover administrative and abatement costs; and,
- f. The implementation of pollution prevention practices.

**C. Appeal of notice of violation.** Any person receiving a notice of violation may appeal the determination of Hall County. The notice of appeal must be received within 30 days from the date of the notice of violation. Hearing on the appeal before Hall County Magistrate Court shall take place within 30 days from the date of receipt of the notice of appeal. The decision of the appropriate authority or their designee shall be final.

**D. Enforcement measures after appeal.** If the violation has not been corrected pursuant to the requirements set forth in the notice of violation or, in the event of an appeal, within 30 days of the decision of the appropriate authority upholding the decision of Hall County, then representatives of Hall County may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or

designated contractor to enter upon the premises for the purposes set forth above.

**E. Costs of abatement of the violation.**

1. Within 60 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the assessment or to the amount of the assessment within 30 days of such notice. If the amount due is not paid within 30 days after receipt of the notice, or if an appeal is taken, within 30 days after a decision on said appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.
2. Any person violating any of the provisions of this article shall become liable to Hall County by reason of such violation.

**F. Civil penalties.** In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as Hall County shall deem appropriate, after Hall County has taken one or more of the actions described above, Hall County may impose a penalty not to exceed \$1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

**G. Criminal penalties.** For intentional and flagrant violations of this ordinance, Hall County may issue a citation to the alleged violator requiring such person to appear in Hall County Magistrate Court to answer

charges for such violation. Any person, firm, corporation, association or partnership violating any provision of this section as the same exists or as it may hereinafter be amended, or shall fail to do anything required by this section as the same exists or as it may hereafter be amended, shall be guilty of a misdemeanor, amenable to the process of the Magistrate or State Court of Hall County, and upon conviction, shall be punished as provided in the Official Code of Hall County, Georgia § 1.50.020 for each violation in the discretion of the court. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

**H. Violations deemed a public nuisance.** In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this section is a threat to public health, safety, welfare, and environment and is declared and deemed a nuisance, and may be abated pursuant to the provisions of Chapter 8.140 of the Official Code of Hall County, Georgia as well as by injunctive or other equitable relief as provided by law.

**I. Remedies not exclusive.**

1. The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law and Hall County may seek cumulative remedies.
2. Hall County may recover attorney's fees, court costs, and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

## Sec. 10.4. Stream Buffer Protection Ordinance

### 10.4.1. General Provisions

This section shall be known as "stream buffer protection."

### 10.4.2. Findings and Purposes

A. Whereas, The Board of Commissioners of Hall County, Georgia finds that buffers adjacent to streams provide numerous benefits including:

1. Protecting, restoring and maintaining the chemical, physical and biological integrity of streams and their water resources;
2. Removing pollutants delivered in urban stormwater;
3. Reducing erosion and controlling sedimentation;
4. Protecting and stabilizing stream banks;
5. Providing for infiltration of stormwater runoff;
6. Maintaining base flow of streams;
7. Contributing organic matter that is a source of food and energy for the aquatic ecosystem;
8. Providing tree canopy to shade streams and promote desirable aquatic habitat;
9. Providing riparian wildlife habitat;
10. Furnishing scenic value and recreational opportunity; and
11. Providing opportunities for the protection and restoration of greenspace.

B. It is the purpose of this section to protect the public health, safety, environment and general welfare; to minimize public and private losses due to erosion, siltation and

water pollution; and to maintain stream water quality by provisions designed to:

1. Create buffer zones along the streams of Hall County, Georgia for the protection of water resources; and
2. Minimize land development within such buffers by establishing buffer zone requirements and by requiring authorization for any such activities.

### 10.4.3. Definitions

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Buffer.** With respect to a stream, a natural or enhanced vegetated area (established by this section) lying adjacent to the stream.

**Impervious cover.** Any manmade paved, hardened or structural surface regardless of material. Impervious cover includes, but is not limited to, rooftops, buildings, streets, roads, decks, swimming pools and any concrete or asphalt.

**Land development.** Any land change, including but not limited to clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving and any other installation of impervious cover.

**Land development activity.** Those actions or activities which comprise, facilitate or result in land development.

**Land disturbance.** Any land or vegetation change, including, but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, that does not involve

construction, paving or any other installation of impervious cover.

**Land disturbance activity.** Those actions or activities which comprise, facilitate or result in land disturbance.

**Floodplain.** Any land area susceptible to flooding, which would have at least a one percent probability of flooding occurrence in any calendar year based on the basin being fully developed as shown on the current land use plan; i.e., the regulatory flood.

**Parcel.** Any plot, lot or acreage shown as a unit on the latest county tax assessment records.

**Permit.** The permit issued by Hall County, Georgia, required for undertaking any land development activity.

**Person.** Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State, any interstate body or any other legal entity.

**Protection area, or stream protection area.** With respect to a stream, the combined areas of all required buffers and setbacks applicable to such stream.

**Riparian.** Belonging or related to the bank of a river, stream, lake, pond or impoundment.

**Setback.** With respect to a stream, the area established by this section extending beyond any buffer applicable to the stream.

**Stream.** Any stream, beginning at:

1. The location of a spring, seep, or groundwater outflow that sustains streamflow; or
2. A point in the stream channel with a drainage area of 25 acres or more; or
3. Where evidence indicates the presence of a stream in a drainage area

of other than 25 acres, Hall County, Georgia may require field studies to verify the existence of a stream.

**Stream bank.** The sloping land that contains the stream channel and the normal flows of the stream.

**Stream channel.** The portion of a watercourse that contains the base flow of the stream.

**Watershed.** The land area that drains into a particular stream.

#### 10.4.4. Applicability

This section shall apply to all land development activity on property containing a stream protection area as defined in Sec. 10.4.3. These requirements are in addition to, and do not replace or supersede, any other applicable buffer requirements established under state law, and approval or exemption from these requirements does not constitute approval or exemption from buffer requirements established under state law or from other applicable local, state or federal regulations.

#### 10.4.5. Grandfather Provisions

This section shall not apply to the following activities:

- A. Work consisting of the repair or maintenance of any lawful use of land that is zoned and approved for such use on or before the effective date of this section.
- B. Existing development and on-going land disturbance activities including but not limited to existing agriculture, silviculture, landscaping, gardening and lawn maintenance, except that new development or land disturbance activities on such properties will be subject to all applicable buffer requirements.

- C. Any land development activity that is under construction, fully approved for development, scheduled for permit approval or has been submitted for approval as of the effective date of this section.
- D. Land development activity that has not been submitted for approval, but that is part of a larger master development plan, such as for an office park or other phased development that has been previously approved within two years of the effective date of this section.

### 10.4.6. Exemptions

The following specific activities are exempt from this section. Exemption of these activities does not constitute an exemption for any other activity proposed on a property.

- A. Activities for the purpose of building one of the following:
  1. A stream crossing by a driveway, transportation route or utility line;
  2. Public water supply intake or public wastewater outfall structures;
  3. Intrusions necessary to provide access to a property;
  4. Public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;
  5. Unpaved foot trails, paths and elevated boardwalks; or
  6. Activities to restore and enhance stream bank stability, vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used.
- B. Public sewer line easements paralleling the creek, except that all easements (permanent and construction) and land disturbance should be at least 25 feet from the top of the bank. This includes such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures. This exemption shall not be construed as allowing the construction of roads, bike paths or other transportation routes in such easements, regardless of paving material, except for access for the uses specifically cited in Official Code of Hall County, Georgia § 8.170.060(A).
- C. Land development activities within a right-of-way existing at the time this section takes effect or approved under the terms of this section.
- D. Within an easement of any utility existing at the time this section takes effect or approved under the terms of this section, land disturbance activities and such impervious cover as are necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures.
- E. Emergency work necessary to preserve life or property is exempt. However, when emergency work is performed under this section, the person performing it shall report such work to the Hall County Engineering Department on the next business day after commencement of the work. Within ten days thereafter, the person shall apply for a permit and perform such work within such time period as may be determined by Hall County, Georgia to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the protection area.
- F. Forestry, silviculture and agricultural activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity. If such activity results in land



disturbance in the buffer that would otherwise be prohibited, then no other land-disturbing activity other than normal forest management practices will be allowed on the entire property for three years after the end of the activities that intruded on the buffer.

After the effective date of this section, it shall apply to new subdividing and platting activities.

Any land development activity within a buffer established hereunder or any impervious cover within a setback established hereunder is prohibited unless a variance is granted pursuant to Sec. 10.4.8.

#### 10.4.7. Stream Buffer and Setback Requirements

All land development activity subject to this section shall meet the following requirements:

- A. An undisturbed natural vegetative buffer shall be maintained for 50 feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank. This buffer shall not be altered or reduced by any method in this section.
- B. An additional setback shall be maintained beyond the natural vegetative buffer, in which all impervious cover shall be prohibited. Stormwater management structures shall be allowed within this setback however, all other grading, filling and earthmoving shall be minimized. The setback shall be either of the following dimensions:
  - 1. For a uniform distance of 25 feet, measured horizontally, from the undisturbed natural vegetative buffer boundary.
  - 2. For a variable distance, measured horizontally, from the undisturbed natural vegetative buffer boundary,

provided that the total area encompassed by this impervious setback on the land development activity is equal to, or greater than, the total area that would be encompassed by the uniform distance of 25 feet.

- C. On properties between 10 acres and 49.9 acres, the impervious setback area may be reduced such that the sum of the undisturbed buffer area and the impervious setback area do not exceed 12 percent of the total property area of the development activity. However, in no case shall the 50-foot undisturbed buffer be reduced or altered to achieve this percentage.
- D. On properties of 50 acres or larger, the impervious setback area may be reduced such that the sum of the undisturbed buffer area and the impervious setback area do not exceed eight percent of the total property area of the development activity. However, in no case shall the 50-foot undisturbed buffer be reduced or altered to achieve this percentage.
- E. No septic tanks or septic tank drain fields shall be permitted within the buffer or the setback, except that existing septic systems constructed prior to the effective date of this section may be maintained or replaced, but not enlarged within the required buffer and setback area.
- F. For water supply watershed districts subject to the requirements of Sec. 6.5. of this UDC, the minimum stream buffer setbacks shall be the greater of the applicable requirements of this section or those in Sec. 6.5.

#### 10.4.8. Buffer and Setback Variance Procedures

Variations from the buffer and setback requirements in this section may be granted in accordance with the following provisions:

- A. Where a parcel was platted prior to the effective date of this section, and its shape, topography or other existing physical condition prevents land development consistent with this section, and the Hall County Engineering Department finds and determines that the requirements of this section prohibit the otherwise lawful use of the property by the owner, the Hall County Engineering Department may grant a variance from the buffer and setback requirements hereunder, provided such variance requires mitigation measures to offset the effects of any proposed land development on the parcel.
- B. Except as provided in Section 10.4.8.A. above, the Board of Commissioners of Hall County, Georgia shall grant no variance from any provision of this section without first conducting a public hearing on the application for variance and authorizing the granting of the variance by an affirmative vote of the Board of Commissioners of Hall County, Georgia. The Board of Commissioners of Hall County, Georgia shall give public notice of each such public hearing in a newspaper of general circulation within Hall County, Georgia. Hall County, Georgia shall require that the applicant post a sign giving notice of the proposed variance and the public hearing. The sign shall be of a size and posted in such a location on the property as to be clearly visible from the primary adjacent road right-of-way.
  - 1. Variances will be considered only in the following cases:
    - a. When a property's shape, topography or other physical conditions existing at the time of the adoption of this section prevents land development unless a buffer variance is granted.
    - b. Unusual circumstances when strict adherence to the minimal buffer requirements in the section would create an extreme hardship.
  - 2. Variances will not be considered when, following adoption of this section, actions of any property owner of a given property have created conditions of a hardship on that property.
- C. At a minimum, a variance request shall include the following information:
  - 1. A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey;
  - 2. A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
  - 3. A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated;
  - 4. Documentation of unusual hardship should the buffer be maintained;
  - 5. At least one alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;
  - 6. A calculation of the total area and length of the proposed intrusion;
  - 7. A stormwater management site plan, if applicable; and,
  - 8. Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.

- D. The following factors will be considered in determining whether to issue a variance:
1. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
  2. The locations of all streams on the property, including along property boundaries;
  3. The location and extent of the proposed buffer or setback intrusion;
  4. Whether alternative designs are possible which require less intrusion or no intrusion;
  5. The long-term and construction water-quality impacts of the proposed variance; and,
  6. Whether issuance of the variance is at least as protective of natural resources and the environment.

#### 10.4.9. Compatibility with Other Buffer Regulations and Requirements

This section is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law. The requirements of this section should be considered minimum requirements, and where any provision of this section imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

#### 10.4.10. Additional Information Requirements for Development on Buffer Zone Properties

- A. Any permit applications for property requiring buffers and setbacks hereunder must include the following:
1. A site plan showing:

- a. The location of all streams on the property;
  - b. Limits of required stream buffers and setbacks on the property;
  - c. Buffer zone topography with contour lines at no greater than five-foot contour intervals;
  - d. Delineation of forested and open areas in the buffer zone; and,
  - e. Detailed plans of all proposed land development in the buffer and of all proposed impervious cover within the setback;
2. A description of all proposed land development within the buffer and setback; and,
3. Any other documentation that Hall County, Georgia may reasonably deem necessary for review of the application and to ensure that the requirements of this section are addressed in the approval process.
- B. During development activities, and all phases of construction, the buffer perimeters shall be marked with a temporary sign at an interval of one per parcel, or every 100 feet, whichever is less. Signs shall remain in place prior to and during approved construction activities. The sign shall contain the following statement "Streamside Buffer - Do Not Remove or Alter Existing Native Vegetation." Other plainly visible marking methods are acceptable in lieu of the signage, including, but not limited to tree save fencing, painted markings on trees, or orange silt fence.
- C. Replanting of the buffer shall be required where buffer disturbance has occurred. The replanting shall be accomplished within 14 days of the buffer impact using native vegetation or by following current Natural Resources Conservation Service (NRCS) conservation practice standards.

The Hall County Engineer or his/her designee shall approve the revegetation plan.

- D. All buffer and setback areas must be recorded on the final plat of the property following plan approval.

#### 10.4.11. Responsibility

Neither the issuance of a development permit nor compliance with the conditions thereof, nor with the provisions of this section shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose any liability upon Hall County, Georgia, its officers or employees, for injury or damage to persons or property.

#### 10.4.12. Inspection

Hall County, Georgia may cause inspections of the work in the buffer or setback to be made periodically during the course thereof and shall make a final inspection following completion of the work. The permittee shall assist Hall County, Georgia in making such inspections. Hall County, Georgia shall have the authority to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this section, and for this purpose to enter at reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites of any land development activities within the protection area.

No person shall refuse entry or access to any authorized representative or agent who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out official duties.

#### 10.4.13. Violations, Enforcement and Penalties

Any action or inaction which violates the provisions of this section or the requirements of an approved site plan or permit may be subject to the enforcement actions outlined in this section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

- A. **Notice of violation.** If Hall County, Georgia determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved site plan or the provisions of this section, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this section without having first secured the appropriate permit therefore, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

1. The notice of violation shall contain:
  - a. The name and address of the owner or the applicant or the responsible person;
  - b. The address or other description of the site upon which the violation is occurring;
  - c. A statement specifying the nature of the violation;
  - d. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the approved site plan or this section and the date for the completion of such remedial action;

- e. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,
- f. A statement that the determination of violation may be appealed to the Magistrate Court of Hall County, Georgia by filing a written notice of appeal within 30 days after the notice of violation (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient).

**B. Penalties.** In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, Hall County, Georgia shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten days (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, Hall County, Georgia may take any one or more of the following actions or impose any one or more of the following penalties.

1. **Stop-work order.** Hall County, Georgia may issue a stop-work order which shall be served on the applicant or other responsible person. The stop-work order shall remain in effect until the applicant or other responsible

person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop-work order may be withdrawn or modified to enable the applicant or other responsible person to take necessary remedial measures to cure such violation or violations.

2. **Withhold certificate of occupancy.** Hall County, Georgia may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
3. **Suspension, revocation or modification of permit.** Hall County, Georgia may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the Notice of Violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as Hall County, Georgia may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
4. **Civil penalties.** In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days (or such greater period as Hall County, Georgia shall deem appropriate) (except that in the event the violation constitutes an immediate danger to

public health or public safety, 24 hours notice shall be sufficient) after Hall County, Georgia has taken one or more of the actions described above, Hall County, Georgia may impose a penalty not to exceed \$1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

5. **Criminal penalties.** For intentional and flagrant violations of this section, any applicant, responsible person, firm, corporation, association or partnership violating any provision of this section as the same exists or as it may hereinafter be amended, or shall fail to do anything required by this section as the same exists or as it may hereafter be amended, shall be guilty of a misdemeanor, amenable to the process of the Magistrate or State Court of Hall County, and upon conviction, shall be punished as provided in the Official Code of Hall County, Georgia § 1.50.020 for each violation in the discretion of the court. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

#### **10.4.14. Administrative Appeal and Judicial Review**

- A. **Administrative appeal.** Any person aggrieved by a decision or order of the Hall County Engineering Department pursuant to this section, may appeal in writing within 15 days after the issuance of such decision or order to the Board of Commissioners of Hall County, Georgia and shall be entitled to a hearing before the Board of Commissioners of Hall County, Georgia within 45 days of receipt of the written appeal.
- B. **Judicial review.** Any person aggrieved by a decision or order of the Hall County Engineering Department, after exhausting all administrative remedies, shall have the right to appeal de novo to the Superior Court of Hall County, Georgia.

#### **10.4.15. Severability**

If any article, section, subsection, paragraph, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decision shall not affect or invalidate the remaining portions of this ordinance.

## Sec. 10.5. Post-Construction Stormwater Management

### 10.5.1. General Provisions

This Sec. 10.5. shall be known as "Post-Construction Stormwater Management for New Development and Redevelopment."

### 10.5.2. Purpose and Intent

The purpose of this section is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-construction stormwater runoff and nonpoint source pollution associated with new development and redevelopment. Proper management of post-construction stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, and protect water and aquatic resources. Additionally, Hall County is required to comply with several state and federal laws, regulations and permits and the requirements of the Metropolitan North Georgia Water Planning District's regional water plan related to managing the water quantity, velocity, and quality of post-construction stormwater runoff.

### 10.5.3. Definitions

For this section, the terms below shall have the following meanings:

**Administrator.** The person appointed to administer and implement this section on post-construction stormwater management for new development and redevelopment in accordance with Sec. 10.5.5.

**Applicant.** A person submitting a land development application for approval.

**BMP, or best management practice.** Both structural devices to store or treat stormwater

runoff and non-structural programs or practices which are designed to prevent or reduce the pollution of the waters of the state.

**BMP landscaping plan.** A design for vegetation and landscaping that is critical to the performance and function of the BMP including how the BMP will be stabilized and established with vegetation. It shall include a layout of plants and plant names (local and scientific).

**Channel.** A natural or artificial watercourse with a definite bed and banks that conveys continuously or periodically flowing water.

**Detention.** The temporary storage of stormwater runoff in a stormwater detention facility for the purpose of controlling the peak discharge.

**Detention facility.** A structure designed for the storage and gradual release of stormwater runoff at controlled rates.

**Development.** New development or redevelopment.

**Extended detention.** The storage of stormwater runoff for an extended period of time.

**Extreme flood protection.** Measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

**Flooding.** A volume of surface water that exceeds the banks or walls of a BMP, or channel; and overflows onto adjacent lands.

**GSMM.** The latest edition of the Georgia Stormwater Management Manual, Volume 2: Technical Handbook, and its Appendices.

**Hotspot.** A land use or activity on a site that has the potential to produce higher than normally found levels of pollutants in stormwater runoff. As defined by the administrator,

hotspot land use may include gasoline stations, vehicle service and maintenance areas, industrial facilities (both permitted under the industrial stormwater general permit and others), material storage sites, garbage transfer facilities, and commercial parking lots with high-intensity use.

**Impervious surface.** A surface composed of any material that significantly impedes or prevents the natural infiltration of water into the soil. Gravel parking areas, pavement, and buildings are examples of impervious surfaces, but most retaining walls would not be considered impervious surface due to the nature of their minimal surface area.

**Industrial stormwater general permit.** The National Pollutant Discharge Elimination System (NPDES) permit issued by Georgia Environmental Protection Division to an industry for stormwater discharges associated with industrial activity. The permit regulates pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies based on standard industrial classification (SIC) code.

**Infiltration.** The process of percolating stormwater runoff into the subsoil.

**Inspection and maintenance agreement.** A written agreement providing for the long-term inspection, operation, and maintenance of the stormwater management system and its components on a site.

**Land development application.** The application for a land development permit on a form provided by the county along with the supporting documentation required in Sec. 10.5.11.

**Land development permit.** The authorization necessary to begin construction-related, land-disturbing activity.

**Land disturbing activity.** Any activity which may result in soil erosion from water or wind and the movement of sediments into state

water or onto lands within the state, including, but not limited to clearing, dredging, grading, excavating, and filling of land. Land disturbing activity does not include agricultural practices as described O.C.G.A. § 12-7-17(5) or silvicultural land management activities as described O.C.G.A. § 12-7-17(6) within areas zoned for these activities.

**Linear feasibility program.** A feasibility program developed by the county and submitted to the Georgia Environmental Protection Division, which sets reasonable criteria for determining when implementation of stormwater management standards for linear transportation projects being constructed by the county is infeasible.

**Linear transportation projects.** Construction projects on traveled ways including, but not limited to roads, sidewalks, multi-use paths and trails, and airport runways and taxiways.

**MS4 permit.** The NPDES permit issued by Georgia Environmental Protection Division for discharges from the county's municipal separate storm sewer system.

**New development.** Land disturbing activities, structural development (construction, installation of a building or other structure), and/or creation of impervious surfaces on a previously undeveloped site.

**Nonpoint source pollution.** A form of water pollution that does not originate from a discrete point such as a wastewater treatment facility or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water or groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agricultural, silvicultural, mining,



construction, subsurface disposal and urban runoff sources.

**Overbank flood protection.** Measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e., flow events that exceed the capacity of the channel and enter the floodplain).

**Owner.** The legal or beneficial owner of a site, including, but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

**Person.** Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the state, any interstate body or any other legal entity.

**Post-construction stormwater management.** Stormwater best management practices that are used on a permanent basis to control and treat runoff once construction has been completed in accordance with a stormwater management plan.

**Post-development.** The conditions anticipated to exist on site immediately after completion of the proposed development.

**Practicability policy.** The latest edition of the Metropolitan North Georgia Water Planning District's policy on practicability analysis for runoff reduction.

**Pre-development.** The conditions that exist on a site immediately before the implementation of the proposed development. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time before the first item being approved or permitted shall establish pre-development conditions.

**Pre-development hydrology.** For new development, the runoff curve number

determined using natural conditions hydrologic analysis based on the natural, undisturbed condition of the site immediately before implementation of the proposed development. For redevelopment, the existing conditions hydrograph may take into account the existing development when defining the runoff curve number and calculating existing runoff, unless the existing development causes a negative impact on downstream property.

**Previously developed site.** A site that has been altered by paving, construction, and/or land disturbing activity.

**Redevelopment.** Structural development (construction, installation, or expansion of a building or other structure), creation or addition of impervious surfaces, replacement of impervious surfaces not as part of routine maintenance, and land disturbing activities associated with structural or impervious development on a previously developed site. Redevelopment does not include such activities as exterior remodeling.

**Routine maintenance.** Activities to keep an impervious surface as near as possible to its constructed condition. This includes ordinary maintenance activities, resurfacing paved areas, and exterior building changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

**Runoff.** Stormwater runoff.

**Site.** An area of land where development is planned, which may include all or portions of one or more parcels of land. For subdivisions and other common plans of development, the site includes all areas of land covered under an applicable land development permit.

**Stormwater concept plan.** An initial plan for post-construction stormwater management at the site that provides the groundwork for the stormwater management plan including the natural resources inventory, site layout

concept, initial runoff characterization, and first round stormwater management system design.

**Stormwater management facility.** Any infrastructure that controls or conveys stormwater runoff.

**Stormwater management plan.** A plan for post-construction stormwater management at the site that meets the requirements of 8.180.180 D. and is included as part of the land development application.

**Stormwater management standards.** Those standards set forth in 8.180.170.

**Stormwater management system.** The entire set of non-structural site design features and structural BMPs for collection, conveyance, storage, infiltration, treatment, and disposal of stormwater runoff in a manner designed to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

**Stormwater runoff.** Flow on the surface of the ground, resulting from precipitation.

**Subdivision.** The division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

Other terms used but not defined in this section shall be interpreted based on how such terms are defined and used in the GSMM and Hall County MS4 permit.

#### 10.5.4. Adoption and Implementation of the GSMM; Conflicts and Inconsistencies

- A. In implementing this section, the county shall use and require compliance with all relevant design standards, calculations, formulas, methods, and other guidance from the GSMM as well as all related appendices.
- B. This section is not intended to modify or repeal any other chapter, ordinance, rule, regulation or other provision of law, including, but not limited to any applicable stream buffers under state and local laws, and the Georgia Safe Dams Act and Rules for Dam Safety. In the event of any conflict or inconsistency between any provision in the county's MS4 permit and this section, the provision from the MS4 permit shall control. In the event of any conflict or inconsistency between any provision of this section and the GSMM, the provision from this section shall control. In the event of any other conflict or inconsistency between any provision of this section and any other ordinance, rule, regulation or other provision of law, the provision that is more restrictive or imposes higher protective standards for human health or the environment shall control.
- C. If any provision of this section is invalidated by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this section.

#### 10.5.5. Designation of Administrator

The Hall County Engineer and their designees are hereby appointed to administer and implement the provisions of this section.

### 10.5.6. Applicability Criteria for Stormwater Management Standards

This Sec. 10.5. applies to the following activities:

- A. New development that creates or adds 5,000 square feet or greater of new impervious surface area or that involves land disturbing activity of one acre of land or greater;
- B. Redevelopment (excluding routine maintenance and exterior remodeling) that creates, adds, or replaces 5,000 square feet or greater of new impervious surface area or that involves land disturbing activity of one acre or more;
- C. New development and redevelopment if;
  - 1. Such new development or redevelopment is part of a subdivision or other common plan of development; and
  - 2. The sum of all associated impervious surface area or land disturbing activities that are being developed as part of such subdivision or other common plan of development meets or exceeds the threshold in A. and B. above;
- D. Any commercial or industrial new development or redevelopment, regardless of size, that is a hotspot land use as defined in this section; and
- E. Linear transportation projects that exceed the threshold in A. or B. above.

### 10.5.7. Exemptions from Stormwater Management Standards

This Sec. 10.5. does not apply to the following activities:

- A. Land disturbing activity conducted by local, state, authority, or federal agencies, solely to respond to an emergency need to

protect life, limb, or property or conduct emergency repairs;

- B. Land disturbing activity that consists solely of cutting a trench for utility work and related pavement replacement;
- C. Land disturbing activity conducted by local, state, authority, or federal agencies, whose sole purpose is to implement stormwater management or environmental restoration;
- D. Repairs to any stormwater management system deemed necessary by the administrator;
- E. Agricultural practices as described O.C.G.A. § 12-7-17(5) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the threshold in Sec. 10.5.6.A. or 10.5.6.B.;
- F. Silvicultural land management activities as described O.C.G.A. § 12-7-17(6) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the threshold in Sec. 10.5.6.A. or 10.5.6.B.;
- G. Installations or modifications to existing structures solely to implement Americans with Disabilities Act (ADA) requirements, including, but not limited to elevator shafts, handicapped access ramps and parking, and enlarged entrances or exits; and
- H. Linear transportation projects being constructed by the county to the extent the administrator determines that the stormwater management standards may be infeasible to apply, all or in part, for any portion of the linear transportation project. For this exemption to apply, an infeasibility report that is compliant with the county linear feasibility program shall first be submitted to the administrator that contains adequate documentation to

support the evaluation for the applicable portion(s) and any resulting infeasibility determination, if any, by the administrator.

- I. Individual single-family or duplex residential lots that are not part of a subdivision or phased development project;
- J. Additions or modifications to existing single-family or duplex residential structures.
- K. Residential subdivisions of six lots or less with all lots accessing existing Hall County, Georgia roads.

### 10.5.8. Stormwater Management Standards

Subject to the applicability criteria in Sec. 10.5.6. and exemptions in Sec. 10.5.7., the following stormwater management standards apply. Additional details for each standard can be found in the GSMM Section 2.2.2.2:

- A. **Design of stormwater management system.** The design of the stormwater management system shall be in accordance with the applicable sections of the GSMM as directed by the administrator. Any design which proposes a dam shall comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable.
- B. **Natural resources inventory.** Site reconnaissance and surveying techniques shall be used to complete a thorough assessment of existing natural resources, both terrestrial and aquatic, found on the site. Resources to be identified, mapped, and shown on the stormwater management plan, shall include, at a minimum (as applicable):
  - 1. Topography (minimum of two-foot contours) and steep slopes (i.e., areas with slopes greater than 15 percent),

- 2. Natural drainage divides and patterns,
  - 3. Natural drainage features (e.g., swales, basins, depressional areas),
  - 4. Natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers, drinking water wellhead protection areas and river corridors,
  - 5. Predominant soils (including erodible soils and karst areas), and
  - 6. Existing predominant vegetation including trees, high quality habitat and other existing vegetation.
- C. **Better site design practices for stormwater management.** Stormwater management plans shall preserve the natural drainage and natural treatment systems and reduce the generation of additional stormwater runoff and pollutants to the maximum extent practicable. Additional details can be found in the GSMM Section 2.3.
  - D. **Stormwater runoff quality/reduction.** Stormwater runoff quality/reduction shall be provided by using the following:
    - 1. For development with a stormwater management plan submitted before December 1, 2020, the applicant may choose either a. runoff reduction or b. water quality [below].
    - 2. For development with a stormwater management plan submitted on or after December 1, 2020, the applicant shall choose (a) runoff reduction and additional water quality shall not be required. To the extent a. runoff reduction has been determined to be infeasible for all or a portion of the site using the practicability policy, then b. water quality shall apply for the remaining runoff from a 1.2 inch rainfall event and must be treated to remove at least 80 percent of the calculated average annual post-development total suspended solids

(TSS) load or equivalent as defined in the GSMM.

- a. Runoff reduction—The stormwater management system shall be designed to retain the first one inch of rainfall on the site using runoff reduction methods, to the maximum extent practicable.
  - b. Water quality—The stormwater management system shall be designed to remove at least 80 percent of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM for runoff from a 1.2 inch rainfall event.
3. If a site is determined to be a hotspot as detailed in Sec. 10.5.6, the county may require the use of specific or additional components for the stormwater management system to address pollutants of concern generated by that site.
- E. Stream channel protection.** Stream channel protection shall be provided by using all of the following three approaches:
- 1. 24-hour extended detention storage of the one-year, 24-hour return frequency storm event;
  - 2. Erosion prevention measures, such as energy dissipation and velocity control; and
  - 3. Preservation of any applicable stream buffer.
- F. Overbank flood protection.** Downstream overbank flood protection shall be provided by controlling the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour storm event. If control of the one-year, 24-hour storm is exempted, then peak discharge rate attenuation of the two-year through the 25-year return frequency storm event must be provided.

**G. Extreme flood protection.** Extreme flood protection shall be provided by controlling the 100-year, 24-hour storm event such that flooding is not exacerbated.

**H. Downstream analysis.** Due to peak flow timing and runoff volume effects, some structural components of the stormwater management system fail to reduce discharge peaks to pre-development levels downstream from the site. A downstream peak flow analysis shall be provided to the point in the watershed downstream of the site or the stormwater management system where the area of the site comprises ten percent of the total drainage area in accordance with Section 3.1.9 of the GSMM. This is to help ensure that there are minimal downstream impacts from development on the site. The downstream analysis may result in the need to resize structural components of the stormwater management system.

**I. Stormwater management system inspection and maintenance.** The components of the stormwater management system that will not be dedicated to and accepted by the county, including all drainage facilities, best management practices, credited conservation spaces, and conveyance systems, shall have an inspection and maintenance agreement to ensure that they continue to function as designed. All new development and redevelopment sites are to prepare a comprehensive inspection and maintenance agreement for the on-site stormwater management system. This plan shall be written in accordance with the requirements in Sec. 10.5.19.

**J. Stormwater management system drainage and access easements.** Drainage and access easement(s) will be in favor of Hall County, Georgia to allow Hall County,

Georgia to inspect and maintain (on publicly maintained systems) the system, as necessary. No obstruction shall be built, constructed, or planted that would inhibit proper function of the system, associated drainage systems, or the easement(s).

1. Stormwater management system easements, residential. The developer shall execute 20-foot easements in favor of Hall County, Georgia to include the following:

- a. An easement encompassing the entire perimeter of any stormwater management facilities that shall be measured from the 100-year stormwater ponding limits or six inches above the elevation of the overflow. Easement shall encompass entirety of the stormwater management system as well. The entire dam structure shall be included as well, and easement should extend 20 feet beyond the dam toe of slope.
- b. A 20-foot drainage easement measured ten feet in both directions from the appropriate centerline of all associated piping, channels, ditches, streams or other areas that are designed for stormwater to flow to and from the stormwater management facility;
- c. A 20-foot access easement connecting the facility to the nearest public road;
- d. Access easements can be combined with drainage easements where a pipe exists with a width of 30 feet provided easement is off center with the pipe such that there is 20 feet clear on one side for access.
- e. No portion of the easement(s) to and from the Hall County, Georgia road and around the perimeter of

the facility will be steeper than a grade of 3:1. The access easement must be clearly staked at the time of final platting.

- 2. *Stormwater management system easements, nonresidential.* The property owner shall execute a 20-foot drainage easement surrounding the entire perimeter of the facility in favor of Hall County, Georgia to allow Hall County, Georgia to inspect and observe the facility, as necessary. The easement boundary shall be measured from the 100-year stormwater ponding limit or six inches above the elevation of the overflow. The entire dam structure shall be included as well. Easement shall encompass entirety of the stormwater management system as well. The property owner shall additionally grant permission to Hall County, Georgia, its authorized agents and employees, to enter upon the property and to inspect the facilities whenever Hall County, Georgia deems necessary. Hall County, Georgia maintains the right to make emergency repairs to the facility as deemed necessary. No obstruction shall be built, constructed or planted that would inhibit proper function of the facility, associated drainage systems, or the easement(s).

**K. Hall County specific design requirements.**

- 1. *Fencing.* Fences and warning signs will be required on all detention facilities, constructed wetlands, retention ponds or similar devices where the sides of the device adjacent to the water are steeper than a 3:1 grade and the depth of the water in the pond is greater than three feet during a 25-year storm event. Fences shall be five feet tall with a 14-foot-wide gate. Fences may be chain link or other approved material. The gate shall be locked with a Master Number One lock that is keyed as per the Hall County Engineer. Residential

fences shall be located on the outside edge of the 20-foot perimeter easement and must allow complete access to facility and dam. Commercial fencing should be located on the outside edge of the 20-foot perimeter easement when possible but may be located elsewhere with the Hall County Engineering Department's approval.

2. *Survey marker.* A concrete survey marker shall be placed in the near vicinity of the stormwater management facility. The marker shall be a minimum of five inches by five inches in width and be embedded one foot into the ground. The marker shall have a "PK" nail embedded in the top. The marker must be placed above the high water elevation of the facility and within the drainage easement area. Alternate survey markers are allowed with prior approval from the Hall County Engineer.
3. *Outlet structure and piping construction.* Outlet structures and piping for residential above-ground detention facilities must be constructed of concrete to be eligible for acceptance into the Hall County, Georgia maintenance system.
4. *Residential underground stormwater management facilities.* Residential underground stormwater management facilities must be constructed of materials with a service life of greater than 50 years, and must be designed to allow for proper inspection and maintenance. Residential underground facilities will not be accepted into the Hall County, Georgia maintenance system until the subdivision has reached a point of 85 percent build-out, or greater. Until such acceptance time, the underground facilities must be bonded for 100 percent of entire cost of facility.
5. *Residential stormwater management facilities with retaining walls or water.* Retaining walls, micro pools, permanent pools, ground water present, holding water, or any facility which is constructed to provide 80 percent removal of Total Suspended Solids for water quality as part of stormwater management facilities will not be accepted into the county maintenance system. An appropriate private maintenance agreement for these facilities must be in place prior to final plat.
6. *Individual lot residential BMPs.* Individual lot residential BMPs, including, but not limited to, downspout disconnects, individual rain gardens, or other BMPs designed to treat a single residential lot, are not eligible for acceptance into the county maintenance system. An appropriate private maintenance agreement for these facilities will need to be in place prior to final plat.
7. *Stormwater management facility dams.* Dams for stormwater management facilities need to be at least 20 feet from the nearest property line as measured from the toe of slope for an earthen dam or edge of footer for a concrete structure.
8. *Proprietary devices.* Proprietary devices or facilities may be allowed with proper third party testing data that follows the testing protocol as set forth by the Metropolitan North Georgia Water Planning District. Such devices or facilities are not eligible for acceptance into the county maintenance system. An appropriate private maintenance agreement for such devices or facilities must be in place prior to final plat.

### 10.5.9. Pre-Submittal Meeting, Stormwater Concept Plan, and Stormwater Management Plan Requirements

- A. Before a land development permit application is submitted, an applicant may request a pre-submittal meeting with the county. The pre-submittal meeting should take place based on an early step in the development process such as before site analysis and inventory (GSMM Section 2.4.2.4) or the stormwater concept plan (GSMM Section 2.4.2.5). The purpose of the pre-submittal meeting is to discuss opportunities, constraints, and ideas for the stormwater management system before formal site design engineering. To the extent applicable, local and regional watershed plans, greenspace plans, trails and greenway plans, and other resource protection plans should be consulted in the pre-submittal meeting. Applicants must request a pre-submittal meeting with the county when applying for a determination of infeasibility through the practicability policy.
- B. The stormwater concept plan shall be prepared using the minimum following steps:
  - 1. Develop the site layout using better site design techniques, as applicable (GSMM Section 2.3).
  - 2. Calculate preliminary estimates of the unified stormwater sizing criteria requirements for stormwater runoff quality/reduction, channel protection, overbank flooding protection and extreme flood protection (GSMM Section 2.2).
  - 3. Perform screening and preliminary selection of appropriate best management practices and identification of potential siting locations (GSMM Section 4.1).
- C. The stormwater concept plan shall contain:
  - 1. Common address and legal description of the site,
  - 2. Vicinity map, and
  - 3. Existing conditions and proposed site layout mapping and plans (recommended scale of one inch equals 50 feet), which illustrate at a minimum:
    - a. Existing and proposed topography (minimum of two-foot contours),
    - b. Perennial and intermittent streams,
    - c. Mapping of predominant soils from USDA soil surveys,
    - d. Boundaries of existing predominant vegetation and proposed limits of clearing and grading,
    - e. Location and boundaries of other natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.),
    - f. Location of existing and proposed roads, buildings, parking areas and other impervious surfaces,
    - g. Existing and proposed utilities (e.g., water, sewer, gas, electric) and easements,
    - h. Preliminary estimates of unified stormwater sizing criteria requirements,
    - i. Preliminary selection and location, size, and limits of disturbance of proposed BMPs,
    - j. Location of existing and proposed conveyance systems such as grass



- channels, swales, and storm drains,
  - k. Flow paths,
  - l. Location of the boundaries of the base flood floodplain, future-conditions floodplain, and the floodway (as applicable) and relationship of site to upstream and downstream properties and drainage, and
  - m. Preliminary location and dimensions of proposed channel modifications, such as bridge or culvert crossings.
- D. The stormwater management plan shall contain the items listed in this part and be prepared under the direct supervisory control of either a registered professional engineer or a registered Landscape Architect licensed in the State of Georgia. Items 3, 4, 5, and 6 below shall be sealed and signed by a registered professional engineer licensed in the state of Georgia. The overall site plan must be stamped by a design professional licensed in the State of Georgia for such purpose. (GSMM Section 2.4.2.7)
1. Natural resources inventory.
  2. Stormwater concept plan.
  3. Existing conditions hydrologic analysis.
  4. Post-development hydrologic analysis.
  5. Stormwater management system.
  6. Downstream analysis.
  7. Erosion and sedimentation control plan.
  8. BMP landscaping plan.
  9. Inspection and maintenance agreement.
  10. Evidence of acquisition of applicable local and non-local permits.
11. Determination of infeasibility (if applicable).
  12. Conservation area easement (if applicable).
- E. For redevelopment and to the extent existing stormwater management structures are being used to meet stormwater management standards the following must also be included in the stormwater management plan for existing stormwater management structures.
1. As-built drawings.
  2. Hydrology reports.
  3. Current inspection of existing stormwater management structures with deficiencies noted.
  4. BMP landscaping plans.

#### 10.5.10. Application Fee

The fee for review of any land development application shall be based on the fee structure established by Hall County, and payment shall be made before the issuance of any land disturbance permit or building permit for the development.

#### 10.5.11. Application Procedures

Land development applications are handled as part of the process to obtain the land disturbance permit pursuant to Sec. Sec. 10.1 or building permit pursuant to chapter 17.360, as applicable. Before any person begins development on a site, the owner of the site shall first obtain approval in accordance with the following procedure:

- A. File a land development application with Hall County on the county's form of application with the following supporting materials:
1. The stormwater management plan prepared in accordance with 8.180.180 D,

2. A certification that the development will be performed in accordance with the stormwater management plan once approved,
  3. A preliminary determination of infeasibility, as applicable, prepared in accordance with the practicability policy, and
  4. An acknowledgement that applicant has reviewed the county's form of inspection and maintenance agreement and that applicant agrees to sign and record such inspection and maintenance agreement before the final inspection.
- B. The administrator shall inform the applicant whether the application and supporting materials are approved or disapproved.
- C. If the application or supporting materials are disapproved, the administrator shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same for the administrator to again consider and either approve or disapprove.
- D. If the application and supporting materials are approved, the county may issue the associated land disturbance permit or building permit, provided all other legal requirements for the issuance of such permits have been met. The stormwater management plan included in such applications becomes the approved stormwater management plan.

#### **10.5.12. Compliance with the Approved Stormwater Management Plan**

All development shall be:

- A. Consistent with the approved stormwater management plan and all applicable land disturbance and building permits, and

- B. Conducted only within the area specified in the approved stormwater management plan.

No changes may be made to an approved stormwater management plan without review and advanced written approval by the administrator.

#### **10.5.13. Inspections to Ensure Plan Compliance During Construction**

Periodic inspections of the stormwater management system during construction shall be conducted by the staff of the county or conducted and certified by a professional engineer who has been approved by the county. Inspections shall use the approved stormwater management plan for establishing compliance. All inspections shall be documented with written reports that contain the following information:

- A. The date and location of the inspection;
- B. Whether the stormwater management system is in compliance with the approved stormwater management plan;
- C. Variations from the approved stormwater management plan; and
- D. Any other variations or violations of the conditions of the approved stormwater management plan.

#### **10.5.14. Final Inspection; As-Built Drawings; Delivery of Inspection and Maintenance Agreement**

Upon completion of the development, the applicant is responsible for:

- A. Certifying that the stormwater management system is functioning properly and was constructed in conformance with the approved stormwater management plan and associated hydrologic analysis,

- B. Submitting as-built drawings showing the final design specifications for all components of the stormwater management system as certified by a professional engineer,
- C. Certifying that the landscaping is established and installed in conformance with the BMP landscaping plan, and
- D. Delivering to the county a signed inspection and maintenance agreement that has been recorded by the owner in the property record for all parcels that make up the site.

The required certification under part A shall include a certification of volume, or other performance test applicable to the type of stormwater management system component, to ensure each component is functioning as designed and built according to the design specifications in the approved stormwater management plan. This certification and the required performance tests shall be performed by a qualified person and submitted to the county with the request for a final inspection. Hall County shall perform a final inspection with applicant to confirm applicant has fulfilled these responsibilities.

#### 10.5.15. Special Tax District for Public Residential Stormwater Management Facilities

- A. **Ratification of existing district.** The governing authority of Hall County, Georgia, does hereby ratify its action creating a special taxing district for inspection, maintenance, and repair of residential stormwater management facilities in unincorporated Hall County, Georgia and incorporated areas of Hall County, Georgia in which the County is the issuing authority, as shown by the records in the office of the Hall County Engineer to which reference is hereby made for a full

and complete description of the district hereinbefore created. All subdivisions permitted on or after the effective date of this section shall be added to the special taxing district.

- B. **Responsibility for costs.** The cost of construction (if applicable), inspection, maintenance, and repair of residential stormwater management facilities in the existing taxing district, and in the areas hereinafter added to the taxing district, shall be borne by the residents, lot owners, and property owners whose lot or property lies in the boundary of a subdivision served by a stormwater management facility.
- C. **Fee.** The charge assessed to each property owner in the district for inspecting, maintaining, and repairing the facility shall be as established in Appendix "I" Hall County Plan Review and Inspection Fee Schedule. From time to time, upon the recommendation of the Director of Public Works and Utilities of Hall County, Georgia, and approval of the Board of Commissioners of Hall County, Georgia, the below Appendix "I" may be revised as deemed necessary.
- D. **Petition for addition to the special taxing district for stormwater management facility inspection, maintenance, and repair in subdivisions.** Any lot owner being served by a stormwater management facility in Hall County, Georgia may present a request to be added to the special taxing district to the Hall County Engineer. Upon receipt of the request, the Hall County Engineer shall determine the appropriate boundaries for addition to the special taxing district for stormwater management facilities that will serve the lot owner presenting the request and neighboring lot owners. The boundary shall consist of the subdivision that is

served by the stormwater management facility and adjoining land owners served by the facility that agree to be included in the special tax district. The Hall County Engineer shall then prepare a plat showing this area for addition to the special taxing district for stormwater management facilities, and a petition for the addition to the special taxing district for stormwater management facilities shall then be circulated among the lot owners in the proposed district. The completed petition must be returned to the Hall County Engineering Department, and application fees must be paid at that time. If 51 percent of the lot owners in the proposed district sign the petition in affirmation for the addition to the special taxing district for existing stormwater management facilities, the petition shall be presented to the Board of Commissioners of Hall County, Georgia. The board of commissioners shall conduct two public hearings for the purpose of determining whether or not to add the proposed area to the special district for stormwater management facilities. The public hearings shall be advertised one time in the official organ of Hall County, Georgia, giving notice of the hearings, at least 15 days before the public hearings. The Hall County Engineer will verify the signatures on the petition prior to advertising the public hearings.

**E. Payment date, delinquencies.** The due date for the payment of drainage district assessment charges herein provided for shall be the same date of each year as tax bills are due to the Hall County Tax Commissioner. Failure to pay shall subject the responsible party to the same liens and penalties provided for failure to pay other real estate taxes and will result in the delinquency of the entire account and not

be deemed paid until all real estate taxes are paid in full.

**F. Responsibilities of revenue collections department.** The billing, accounting, collecting, and receiving of the moneys herein provided for are hereby declared the responsibility of the Finance and Tax Commissioner's Departments of Hall County, Georgia.

#### **10.5.16. Special Tax District for Nonresidential and Private Residential Stormwater Management Facilities**

**A. Ratification of existing district.** The governing authority of Hall County, Georgia, does hereby ratify its action creating a special taxing district for the inspection and emergency repairs of nonresidential stormwater management facilities in unincorporated areas of Hall County, Georgia, and incorporated areas in which Hall County is the soil erosion issuing authority, as shown by the records in the office of the Hall County Engineer to which reference is hereby made for a full and complete description of the district hereinbefore created. All nonresidential projects and private subdivisions permitted on or after the effective date of this section shall be added to the special taxing district.

**B. Responsibility for costs.** The cost of inspection and emergency repairs completed by Hall County of nonresidential and private residential stormwater management facilities in the existing taxing district, and in the areas hereinafter added to the taxing district, shall be borne by the property owners whose lot or property lies in the boundary of said district served by a stormwater management facility.

- C. **Fees.** The charge assessed to each property owner in the district for inspecting the facility shall be as established in Appendix "I" Hall County Plan Review and Inspection Fee Schedule. Additional costs will be assessed for any necessary emergency repairs performed by Hall County Georgia on the facility. In addition, from time to time, upon the recommendation of the Director of Public Works and Utilities of Hall County, Georgia, and approval of the board of commissioners of Hall County, Georgia, the below Appendix "I" may be revised as deemed necessary.
- D. **Payment date, delinquencies.** The due date for the payment of drainage district assessment charges herein provided for shall be the same date of each year as tax bills are due to the Hall County Tax Commissioner. Failure to pay shall subject the responsible party to the same liens and penalties provided for failure to pay other real estate taxes and will result in the delinquency of the entire account and not be deemed paid until all real estate taxes are paid in full.
- E. **Responsibilities of revenue collections department.** The billing, accounting, collecting, and receiving of the moneys herein provided for is hereby declared the responsibility of the Finance and Tax Commissioner's Departments of Hall County, Georgia.

**10.5.17. Violations and Enforcement**

Any violation of the approved stormwater management plan during construction, failure to submit as-built drawings, failure to submit a final BMP landscaping plan, or failure of the final inspection shall constitute and be addressed as violations of, or failures to comply with, the underlying land disturbance permit pursuant to Sec. 10.1 or the underlying

building permit pursuant to Sec. 11.2. To address a violation of this section, the county shall have all the powers and remedies that are available to it for other violations of building and land disturbance permits, including without limitation the right to issue notices and orders to ensure compliance, stop work orders, and penalties as set forth in the applicable ordinances for such permits.

**10.5.18. Maintenance by Owner of Stormwater Management Systems Predating Current GSMM**

For any stormwater management systems approved and built based on requirements predating the current GSMM and that is not otherwise subject to an inspection and maintenance agreement, such stormwater management systems shall be maintained by the owner so that the stormwater management systems perform as they were originally designed.

**10.5.19. Inspection and Maintenance Agreements**

- A. The owner shall execute an inspection and maintenance agreement with the county obligating the owner to inspect, clean, maintain, and repair the stormwater management system; including vegetation in the final BMP landscaping plan. The form of the inspection and maintenance agreement shall be the form provided by the county. After the inspection and maintenance agreement has been signed by the owner and the county, the owner shall promptly record such agreement at the owner's cost in the property record for all parcels that make up the site.
- B. The inspection and maintenance agreement shall identify by name or official title the person(s) serving as the point of contact for carrying out the owner's obligations under the inspection

and maintenance agreement. The owner shall update the point of contact from time to time as needed and upon request by the county. Upon any sale or transfer of the site, the new owner shall notify the county in writing within 30 days of the name or official title of new person(s) serving as the point of contact for the new owner. Any failure of an owner to keep the point of contact up to date shall, following 30 days' notice, constitute a failure to maintain the stormwater management system.

- C. The inspection and maintenance agreement shall run with the land and bind all future successors-in-title of the site. If there is a future sale or transfer of only a portion of the site, then:
  - 1. The parties to such sale or transfer may enter into and record an assignment agreement designating the owner responsible for each portion of the site and associated obligations under the inspection and maintenance agreement. The parties shall record and provide written notice and a copy of such assignment agreement to the county.
  - 2. In the absence of a recorded assignment agreement, all owners of the site shall be jointly and severally liable for all obligations under the inspection and maintenance agreement regardless of what portion of the site they own.

**10.5.20. Right of Entry for Maintenance Inspections**

The terms of the inspection and maintenance agreement shall provide for the county's right of entry for maintenance inspections and other specified purposes. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was

for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then the county shall have the right to enter and make inspections pursuant to the county's general provisions for property maintenance inspections.

**10.5.21. Owner's Failure to Maintain the Stormwater Management System**

The terms of the inspection and maintenance agreement shall provide for what constitutes a failure to maintain a stormwater management system and the enforcement options available to the county. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then:

- A. An owner's failure to maintain the stormwater management system so that it performs as it was originally designed shall constitute and be addressed as a violation of, or failure to comply with, owner's property maintenance obligations pursuant to the county's general provisions for property maintenance inspections and
- B. To address such a failure to maintain the stormwater management system, the county shall have all the powers and remedies that are available to it for other violations of an owner's property maintenance obligations, including without limitation prosecution, penalties, abatement, and emergency measures.

## Article 11. Administration

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## Sec. 11.1. Review Bodies

### 11.1.1. Planning Commission

#### A. Authority.

The Planning Commission may authorize Conditional Use Permits as expressly identified in Article 7 of this UDC. However, the Planning Commission shall have full authority to deny any request it deems inappropriate in order to protect the general health, safety, and welfare of the County and its citizens.

#### B. Membership.

1. The Hall County Planning Commission shall consist of five members, appointed by the Board of Commissioners. All Planning Commission members must be residents of the county. Each member of the Hall County Board of Commissioners shall appoint one member for a two-year term to the Planning Commission. Each two-year term will begin February 1, and expire January 31, or continue until their successor is appointed.
2. Any vacancy in membership must be filled for the unexpired term by the Board of Commissioners.
3. The Board of Commissioners have the authority to remove any member for cause on written charges after a public hearing.
4. The unexcused absence of a Planning Commission member from three consecutive regularly scheduled meetings without prior notice to the chairperson of the Planning Commission or the Planning Commission staff office may be cause for termination of said member's appointment.
5. Members of the Planning Commission may be reimbursed or compensated

for their services pursuant to direction and approval of the Hall County Commission.

#### C. Organization and Proceedings.

The Planning Commission must elect a chairperson from its members to be approved by the Board of Commissioners. The term of the chairperson will be one year with eligibility for re-election. The Planning Commission must appoint a secretary, who may be an officer or employee of the county. The Planning Commission must adopt its own rules of procedure and determine its time of meeting. All meetings of the Planning Commission at which official action is taken must be open to the public and all records of the Planning Commission are considered to be a public record.

#### D. Powers and Duties.

The Planning Commission has the following powers and duties:

1. To accept applications and make findings and recommendations at a public hearing for all amendments to this UDC. Recommendations will be forwarded to the county Board of Commissioners.
2. To grant application for all Conditional Use Permits as specified by this UDC, provided that the standards and requirements of this UDC are met.
3. To review preliminary subdivision plats and grant development approval for same when required by this UDC. The Planning Commission may appoint a secretary from their membership to oversee preliminary plat review. The secretary may delegate this duty to the Department of Planning and Zoning as they see fit.



4. To review final subdivision plats and grant recording and approval permits for subdivision when required by this UDC. The Planning Commission may appoint a secretary from their membership to oversee final plat review. The secretary may delegate this duty to the Department of Planning and Zoning as they see fit.
5. To initiate, direct and review from time to time a study of the provisions of this UDC and to make reports of its findings and recommendations as to amendments to the Board of Commissioners.
6. To investigate and make recommendations to the Board of Commissioners regarding the acceptance and classification of county roads.
7. To accept and determine requests regarding unclassified uses upon recommendation from the Director of Planning and Zoning. Such determinations must be made in accordance with the criteria set forth in Sec. 7.1.4.
8. To hear and decide on appeals of determinations and decisions made by an administrative official as specified by Sec. 11.2.7.
9. The Planning Commission may make such determinations, investigate such matters relating to the planning and development of the county, and take such action as authorized by this UDC and the laws of the state.
10. To authorize upon appeal in specific cases such variances as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this UDC will result in unnecessary hardship and so that the spirit of this UDC is observed, public safety and welfare secured, and substantial justice done.
  - a. In cases involving requests for variances from the building setback standards, a plat or survey of the property is required. In cases involving setback variances for commercial or industrial uses of land, a site plan of the property in question prepared by a registered land surveyor, architect, landscape architect or engineer is required.
  - b. The authority to grant such variances is limited to variances from the following requirements:
    - i. Setbacks from property lines.
    - ii. Planted buffers and vision clearance requirements.
    - iii. Off-street parking space requirements.
    - iv. Design standards for single-family and two-family dwellings in Sec. 2.2.
    - v. Other requirements where the granting of a variance is specifically authorized.
11. Such variances may be granted in individual cases of unnecessary hardship upon a finding of the board that:
  - a. There are extraordinary and exceptional conditions pertaining to the particular lot in question because of its size, shape or topography (the hardship must relate to the physical character of the lot and not to a personal or economic hardship);
  - b. The application of the requirements of this UDC to this particular piece of property would create an unusual hardship;

- c. Such conditions are particular to the property involved and are not common to other properties in the neighborhood;
- d. Such conditions are not the result of any actions of the property owner; and
- e. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this UDC; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this UDC or for a Conditional Use Permit which has been denied by the Planning Commission.

12. To receive and act upon applications for the change, continuance and/or enlargement of a nonconforming use as provided in this UDC.

13. To perform other duties as from time to time may be delegated by the Board of Commissioners.

**E. Exercise of Planning Commission Powers.**

F. In exercising the above powers, the Planning Commission may, in conformity with the provisions of this UDC, reverse or affirm, wholly or in part, or may have all powers of the officer from whom the application is taken, and may direct the issuance of a building permit, occupancy permit or certificate of zoning compliance. In no case shall the powers of the commission be construed to include authority to reclassify use zones. **Actions by Planning Commission.**

In all actions or decisions of the Planning Commission, three members being present constitutes a quorum with a majority vote of the quorum constituting an official action or decision of the Planning Commission. Each official action,

with the full text of the motion and record of members' votes, must be incorporated in the minutes of the Planning Commission. If an application to the Planning Commission is denied, the same property may not be considered for any zoning application, and no application may be filed, until the expiration of at least six months immediately following the denial of the application.

**G. Review Procedures.**

1. The Planning Commission must hold a public hearing on all applications for conditional use permits in accordance with Sec. 11.2.6. and consider the merits of the applications as authorized by this UDC.

2. After hearing testimony from all interested parties, the Planning Commission will have 30 days to render its decision.

**H. Notice of Public Hearing.**

The requirements and procedures for notice of public hearing in Sec. 11.2.6. must be followed.

**I. Submission Requirements.**

An application must be submitted to the Department of Planning and Zoning at least 30 days prior to the date of the Planning Commission hearing at which the application is to be considered. The completed application must be accompanied by payment of such fee prescribed in Sec. 11.2. to cover administrative and advertising costs. The items of information must be supplied by the applicant as set forth in this section.

**J. Review Criteria.**

A conditional use permit may be granted when the Planning Commission finds from a preponderance of the evidence produced at the public hearing that the proposed use

is suitable for the subject property considering the general lines of inquiry established in Sec. 11.2.6.F.3.

**K. Burden of Proof.**

The applicant for a conditional use permit must have the burden of proof, which must include the presentation of evidence and the burden of persuasion of all questions of fact which are to be determined by the Planning Commission as authorized in this section.

**L. Conditions of Approval.**

The Planning Commission may place any reasonable conditions or stipulations

upon an approved Conditional Use Permit as deemed necessary, including but not limited to hours of operation, parking, maximum building size, lot size, outside displays, signs, landscape and buffer improvements, and screens, to further insure the orderly operation of the proposed use and its compatibility with the surrounding properties.

**M. Appeals to the Board of Commissioners.**

Any decision of the Planning Commission may be appealed to the Hall County Board of Commissioners in accordance with Sec. 11.2.7.

## Sec. 11.2. Review Process and Procedures

### 11.2.1. Zoning Application Fee

#### A. General

Fees for the administration of the zoning regulations must be collected prior to action by any commission, board, or final action by an administrative official. An application will not be considered complete until the required fee is paid.

#### Application Fees

1. Application filing fees for rezoning and conditional use applications are as established in Table 11.2.1.
2. Additional fees will be assessed as follows:
  - a. Site plan review of mobile home parks:
    - i. \$0.10 per linear foot of new streets proposed, and
    - ii. \$5.00 per mobile home space proposed.
  - b. Determination of unclassified uses: none.
  - c. Zoning Verification Letter: \$25.
  - d. Appeals to the Board of Commissioners: \$200.

#### B. Refund of Application Fees

Refunds for zoning application fees to the county will be processed as follows:

1. Rezoning.
  - a. Withdrawal prior to notification of adjacent property owners by public advertisement will result in a refund of 50 percent of the application fee.
  - b. Withdrawal after notification of adjacent property owners by public advertisement but prior to the required public hearing will

result in a refund of 25 percent of the application fee.

2. Variance, special use, and conditional use permits.
  - a. Withdrawal prior to notification of adjacent property owners by public advertisement will result in a refund of 50 percent of the application fee.
  - b. Withdrawal after notification of adjacent property owners by public advertisement: none.
3. No refunds will be issued for any application which was withdrawn after a public hearing.

**Table 11.2.1. Fees for Applications Submitted to the Planning Commission**

Rezoning Applications		
Acres	Zone To: V-C, R-1-L, R-1, AG, AR-1, AR-2	Zone To: R-TF, R-X, R-MF, O-I, S-S, H-B, I-1, I-2, Planned Development, MHP, P-C, M-U
0-5	\$300	\$450
5-10	\$400	\$550
10-20	\$600	\$750
20-100	\$1,000	\$1,500
>100	\$1,000 + \$30 per acre or part thereof, not to exceed \$2,500	\$1,500 + \$30 per acre or part thereof, not to exceed \$3,000
Special Use and Conditional Use Permit Applications		
Acres	Zoning Districts V-C, R-1-L, R-1, AG, AR-1, AR-2	Zoning Districts R-TF, R-X, R-MF, O-I, S-S, H-B, I-1, I-2, Planned Development, MHP, P-C, M-U
0-5	\$250	\$350
5-10	\$350	\$450
10-20	\$500	\$650
20-100	\$750	\$1,000
>100	\$750 + \$25 per acre or part thereof, not to exceed \$2,000	\$1,000 + \$30 per acre or part thereof, not to exceed \$2,500

**11.2.2. Subdivision Fees**

**A. Preliminary Plat**

A fee as established in the Hall County Plan Review and Inspection Fee Schedule will be charged per linear foot of a new street proposed in addition to fees required by Sec. 10.1. From time to time, upon the recommendation of the Director of Public Works and Utilities of Hall County, Georgia, and approval of the Board of

Commissioners of Hall County, Georgia, said schedule may be revised as deemed necessary.

**B. Final Plat**

A fee as established in the Hall County Plan Review and Inspection Fee Schedule will be charged. This review fee allows for an initial review of the final plat and associated stormwater as-builts and a second review to ensure that redlined comments are addressed, as well as an additional fee for final plats and associated

stormwater as-builts that require third and subsequent reviews. From time to time, upon the recommendation of the Director of Public Works and Utilities of Hall County, Georgia, and approval of the Board of Commissioners of Hall County, Georgia, said schedule may be revised as deemed necessary.

**C. Extension of Time Limit on Preliminary Plat**

A fee as established in the Hall County Plan Review and Inspection Fee Schedule will be charged for an extension of time limit on a preliminary plat per linear foot of a new street proposed. From time to time, upon the recommendation of the Director of Public Works and Utilities of Hall County, Georgia, and approval of the Board of Commissioners of Hall County, Georgia, said schedule may be revised as deemed necessary.

**D. Appeals**

A fee as established in the Hall County Plan Review and Inspection Fee Schedule will be charged for appeals to the Board of Commissioners of any Planning Commission decision on the regulations of Article 9 (Subdivisions). From time to time, upon the recommendation of the Director of Public Works and Utilities of Hall County, Georgia, and approval of the Board of Commissioners of Hall County, Georgia, said schedule may be revised as deemed necessary.

**11.2.3. Administration**

**A. Planning and Development Director**

1. The County Board of Commissioners authorizes the Director of Planning and Zoning to administer, interpret, and enforce this UDC, except as otherwise provided in this UDC.

2. Any decision or interpretation of the Director of Planning and Zoning may be appealed to the Planning Commission in accordance with Sec. 11.2.7.

**11.2.4. Administrative Variances**

**A. Applicability**

The Director of Planning and Zoning may modify the following standards during development review. Any modification beyond those listed below must be considered by the Planning Commission as a variance.

1. Setbacks. A reduction of up to 10% of the numeric standard for a minimum building setback.
2. Lot coverage. An increase of up to 1% beyond the numeric standard for lot coverage.
3. Parking. A reduction in the minimum required vehicle parking spaces by up to 10%.

**B. Criteria for Approval**

The applicant must demonstrate, and the Director of Planning and Zoning must find, that all the following criteria are present when approving a request for an administrative variance:

1. There are clear and compelling reasons that are not purely financial demonstrating that the required standard cannot be met;
2. The modification is the minimum amount necessary to meet the objectives of this UDC; and
3. The requested adjustment will not contravene the general health, safety, and welfare of the County and its citizens or negatively impact adjoining properties.

### 11.2.5. Subdivision Review Process and Procedures

#### A. Procedures for Submittal of Plans and Plat Recordation

1. **General Procedure.** When any subdivision of land is proposed, before any permit for the subdivision may be granted, the subdividing owner, or his authorized agent, must apply for and secure approval of the proposed subdivision in accordance with the following procedures of this UDC.
2. **Subdivision Defined.** See Sec. 12.2.
3. **Plat Approval Required.** No person may sell or transfer any land by reference to or exhibition of or other use of a plat of a subdivision before such plat has been approved by the Director of Planning and Zoning and recorded in the office of the Clerk of Superior Court of the county. The description of any land by metes and bounds in the instrument of transfer or other documents used in the process of selling or transfer does not exempt the transaction from this Sec. 11.2.5.
4. **Submittal of required plats.** Any subdivider of land within unincorporated Hall County must submit to the Director of Planning and Zoning the required plats of the subdivision, which shall conform to the requirements of this UDC.
5. **Preliminary Plat Approval Required.** No subdivider may proceed with any construction work on the proposed subdivision, including clearing of land, before obtaining a preliminary plat approval from the county.
6. **Approved Street Access Required for All Lots.** No building permit may be issued for and no building or other structure may be erected on any lot within the subdivision unless the

street giving access to the lot upon which said building is proposed to be placed has been accepted or opened as, or has otherwise received the legal status of, a public street prior to that time, or unless such street and lot corresponds in its location and lines with a street shown on a subdivision plat approved by the county, or on a street plat made and adopted by the Board of Commissioners, or a street located and accepted by the governing authority of the county. Any building erected in violation of this section will be deemed an unlawful structure, and the Building Official, county attorney, or other official designated by the governing authority of the county may bring appropriate action to enjoin such erection or cause it to be vacated or removed.

7. **Exemptions from Preliminary Plat Requirements.** The following types of subdivision may be exempted from the requirements of a preliminary plat and are not required to obtain a certificate of preliminary plat approval. The subdivision must be required to obtain a recording and approval certificate as a final plat:
  - a. A subdivision which has lots fronting on a road or street shown on the official road map of the county; provided no new street, no community water system and no community sewer system is required.
  - b. The subdivision of land in a designated planned development meeting the requirements of this UDC and having been approved by the county.
  - c. A subdivision in which all lots having frontage on a proposed street exceed 1.25 acres per lot may be exempt from curb and gutter and the related storm

- drainage. Those lots which front on the proposed street may not thereafter be subdivided into lots smaller than 1.25 acres. A statement to this effect must be placed on the final plat to be recorded. Additionally, those lots shall have a minimum lot width of 100 feet at the building line as defined in Sec. 2.1. Any lot which has at least 50 percent of its frontage on the radius section of a turnaround at the end of a street may measure the building line at a point beyond the minimum required setback line but in no case may the building line be less than 50 feet from the minimum required rear setback line.
8. **Preapplication Review.** The owner, or their authorized design representative, must review the subdivision plans with the Director of Planning and Zoning prior to submittal of a preliminary plat when the proposed subdivision involves a tract greater than 20 acres, any tract with a community water or sewer system, or any tract in a planned development district with a proposed new street. The informal review is intended to:
    - a. Review of the requirements of these regulations; and
    - b. Review of the owner's plans and the development's impact on soil erosion control, subdivision design, water supply and waste treatment.
  9. **Boundary Survey Required.** The subdivider must present a boundary survey of the tract and a rough sketch of the proposal.
  10. **Submittal of Plans to Affected Agencies.** The Director of Planning and Zoning may require the developer to present the plans to any other affected agency.
  11. **Preliminary Plat Action Required.** The owner or their authorized agent must make an application for preliminary plat approval to the Director of Planning and Zoning by filing in the office of the Director the following items, if applicable, in subsection 12 and 13 below.
  12. **Preliminary Plat Application.** The preliminary plat must contain an application signed by the owner, setting out:
    - a. Total acreage.
    - b. Number of lots.
    - c. Average lot size.
    - d. Minimum lot size.
    - e. Proposed use of each lot.
    - f. Water supply system.
    - g. Sewer system.
    - h. Length of proposed roads.
    - i. Phasing of the subdivision.
    - j. Estimated time for completion.
    - k. An outline of any proposed organizations to control a portion or all of the tract, such as a homeowners association or equivalent body.
    - l. Notice of intent to dedicate any portion of the property to the public.
  13. **Preliminary plat; agency approvals and engineering certificate.** The preliminary plat must contain copies of the preliminary plat, drawn according to this section, having affixed to them the stamps or signatures of the following applicable agencies or firms. A letter from an applicable agency may be submitted in lieu of a plat stamp:



- a. Approval of the Director of Utilities if to be served by a public water system;
  - b. Approval of the Department of Natural Resources and Director of Engineering if to be served by a community water system;
  - c. Approval of the Director of Utilities if to be served by a public sewer system;
  - d. Approval of the Department of Natural Resources and Director of Engineering if to be served by a community sewer system;
  - e. Approval of the county health department;
  - f. Preliminary engineering certificate, signed and sealed by an engineer, surveyor or landscape architect registered in Georgia;
  - g. Approval for construction by the Director of Engineering.
14. **Preliminary plat; review by Planning and Zoning Director.** The Director of Planning and Zoning must review the application and, if determined to be complete, submit it to the Planning Commission. The Director may recommend changes that are necessary to meet the standards and intent of this UDC to serve the best interests of the county.
15. **Preliminary plat; action by Planning Commission.** The Planning Commission, or their designee as detailed in Sec. 11.1.1.D.3., may:
- a. Grant preliminary plat approval; or
  - b. Grant preliminary plat approval conditional upon any changes, which must be noted on the preliminary plat or attached thereto; or
  - c. Deny preliminary plat approval, if the plat does not meet the standards and intent of this Sec. 11.2. or any other regulations of this UDC.
16. **Preliminary plat; notation of action.** Action of the Department of Planning and Zoning must be noted on three copies of the preliminary plat. One copy of the plat must be returned to the applicant.
17. **Preliminary Plat, expiration of approval.** A certificate of preliminary plat approval will expire 12 months following the date of approval. The applicant must have received, at a minimum, an approved grading inspection within the 12 months following preliminary plat approval to continue work on the subdivision without an extension.
18. **Preliminary Plat; appeals.** Should an applicant disagree with the comments of the Director of Planning and Zoning, concluding that factual or interpretive errors have been made, the following appeal procedure is designed to resolve the issues:
- a. Submit to the Director a written statement clearly defining the nature of the disagreement, the specific reference to the section of these regulations at issue, and the applicant's own opinion.
  - b. Should the Director, after review of the applicant's statement, conclude that neither these regulations nor other applicable regulations or conditions of zoning would be violated, the Director may modify their comments accordingly. However, should the Director conclude that these or other applicable regulations would be violated, the case must be referred to the Planning

Commission at the earliest regularly scheduled meeting.

- c. The Planning Commission must, after receiving a report from the Director, decide the issue.
- d. Should the applicant disagree with the decision of the Planning Commission, an application may be filed to appeal the decision to the Board of Commissioners in accordance with Sec. 11.2.7.

constructed according to the schedule in Table 11.2.2. Care should be taken to observe the schedule, as unnecessary delay and additional expense may result if the construction is varied substantially from the schedule.

19. **Soil Erosion and Sedimentation Control Permit; issuance.** Following the approval of a preliminary plat, and review and approval by the Department of Planning and Zoning, a soil erosion and sedimentation control permit may be issued by the Engineering Department.

20. **Soil Erosion and Sedimentation Control Permit; implementation of measures.** Upon the issuance of a soil erosion and sedimentation control permit:

- a. Erosion control measures must be installed by the subdivider and inspected and approved by the Engineering Department prior to any grubbing or grading; and
- b. Sediment retention facilities must be installed and operational prior to major grading operations.

21. **Extension on Time Limit of Development.** Before a certificate of preliminary plat approval has expired, the subdivider may request an extension of the certificate. An application must be made in writing to the Planning Commission. The Planning Commission must take action on the application in the same manner as an original application. However, if modifications are made to regulations, the plat must meet these changes.

22. **Construction Inspection Schedule.** Each phase of the subdivision must be

**Table 11.2.2 Construction Inspections**

Type	Responsibility
Soil Erosion Control	County Engineering Department
Clearing and Grubbing	County Engineering Department
Subsurface Drainage Installation	County Engineering Department
Wet Weather Springs, Soft Spots and Swamps	County Engineering Department
Street Grading and Staking	County Engineering Department
Water System Installation	County Engineering Department
Subgrade Stabilization	County Engineering Department
Sanitary Sewer Installation	Utility owner, County Health Department, County Engineering Department
Curb and Gutter Form and Work Lines	County Engineering Department
Curb and Gutter Installation	County Engineering Department
Base Course Application	County Engineering Department
Asphalt Pavement Installation	County Engineering Department
Sidewalk Form Work*	County Engineering Department
Sidewalk After Pouring and Finishing*	County Engineering Department
Sidewalks Poured on a Lot by Lot Basis	County Building Inspection Department
Shaping and Backfilling+	County Engineering Department
Grassing of Shoulder and Slope	County Engineering Department
Shoulder Shaping and Backfilling+	County Engineering Department
Re-grassing+	County Engineering Department
Sign Installation	County Engineering Department

**Table 11.2.2 Construction Inspections**

Type	Responsibility
------	----------------

Table Notes:

- \* For instances when sidewalks are constructed as a single unit.
- + As applicable or required by the county.

23. **Completion of water and sewer Installations.** All underground water and sewer installations, including sewer cross taps to individual lots, must be completed prior to the application of the base course.
24. **Inspection Required.** The inspection of all construction is required. The subdivider is responsible for notification of the inspection authority 24 hours prior to the covering of the work. Before reinspection of any subdivision development site by the county, the developer of such site must pay the reinspection fee as established in the Hall County Plan Review and Inspection Fee Schedule if the reinspection is necessitated by the developer's failure to comply with these regulations. From time to time, upon the recommendation of the Director of Public Works and Utilities of Hall County, Georgia, and approval of the Board of Commissioners of Hall County, Georgia, said schedule may be revised as deemed necessary.
25. **Stages for notification of county engineering department.** The county Engineering Department must be notified:
  - a. At completion of clearing and grubbing and prior to grading;
  - b. Prior to covering stormwater drainage pipe;
  - c. At completion of grading and restaking the centerline prior to setting curb forms and line;

- d. For subgrade and curbing inspection prior to application of base course;
- e. At completion of the base course and prior to the application of the prime coat;
- f. At completion of the prime coat and prior to the application of the paving course in order to schedule the presence of a county inspector during application of plant mix;
- g. Upon construction of sidewalk formwork, prior to pouring of concrete. (Note: Inspections on sidewalks poured on a lot-by-lot basis are handled by county building inspections.)
- h. After pouring and finishing of sidewalks. (Note: Inspections on sidewalks poured on a lot-by-lot basis are handled by county building inspections.)
- i. At completion of shoulder reconstruction and shaping, prior to final seeding;
- j. At completion of construction and final plat;
- k. Fifteen months from acceptance of the maintenance bond or 75 percent build-out, whichever occurs last; (publicly maintained residential subdivisions);
- l. One year from acceptance of maintenance bonds for paving only in any subdivision with roads built to industrial standards (depths of base and asphalt only);
- m. One year from acceptance of the maintenance bond in privately maintained subdivisions and;
- n. At such other times as the Director of Engineering should specify.

26. **Private Utility Inspection Schedule.** The owner of any utility serving a

subdivision must set its own inspection schedule.

27. **Inspection of Community Water or Sewer System.** The inspection of any community water system or any community sewer system must be as required by the Director of Engineering and the applicable state agency.

28. **Use of Testing Agency.** If tests of materials or construction are required, a recognized testing agency must be used, and the owner of the subdivision bear any expense.

29. **Final Plat Approval; generally.** Whenever the provisions of these regulations have been complied with and while the certificate of preliminary plat approval is in effect, the subdivider may submit to the Director of Planning and Zoning, for final plat review and approval, the following items in subsections 30 and 31 below.

30. **Final Plat Application.** The subdivider must submit an application signed by the subdivider, stating:

- a. Total acreage.
- b. Number of lots.
- c. Minimum lot size.
- d. Proposed use of each lot.
- e. Water supply system.
- f. Sewer system.
- g. Length of proposed roads.
- h. Phasing of the subdivision.
- i. Estimated time for completion.
- j. An outline of any proposed organizations to control a portion or all of the tract, such as a homeowners' association or equivalent body; and

- k. Notice of intent to dedicate any portion of the property to the public.
31. **Final plat approval; agency approvals and surveyor's certificate.** The subdivider must submit copies of the final plat, drawn according to this Sec. 11.2., having affixed to them the stamps or signatures of the following applicable agencies or firms. A letter from an applicable agency may be submitted in lieu of a plat stamp:
    - a. Approval of the Director of Utilities if to be served by a public water system;
    - b. Approval of the Department of Natural Resources and Director of Engineering if to be served by a community water system;
    - c. Approval of the Director of Utilities if to be served by a public sewer system;
    - d. Approval of the Department of Natural Resources and Director of Engineering if to be served by a community sewer system;
    - e. Approval of the county health department;
    - f. Preliminary engineering certificate, signed and sealed by an engineer, surveyor or landscape architect registered in Georgia;
    - g. Approval for construction by the Director of Engineering.
  32. **Final Plat Approval; copy of improvement guarantee.** The subdivider must submit a copy of any improvement guarantee for which provision is made in Article 9.
  33. **Final Plat Review; review by Planning and Zoning Director.** The Director of Planning and Zoning must review the final plat for compliance with these regulations, the zoning regulations, conditions of zoning, and the regulations of other county departments and state agencies, as appropriate.
  34. **Final plat review; compliance responsibility.** The subdivider is responsible for compliance with all appropriate regulations.
  35. **Final plat review; approval requirements and maintenance bond.**
    - a. *Bonding instrument requirement.* Final approval by the Director of Planning and Zoning must not be shown on the final plat until all requirements of these regulations have been met and until the Hall County Engineering Division has certified by letter or endorsement on the plat that a maintenance bond (either in the form of a guaranty bond or cash deposited in escrow for the county) or an irrevocable letter of credit has been received which adequately and sufficiently provides for the maintenance of all installations and improvements required by these regulations for a period of 24 months following the date of final plat approval for base, paving, grassing, storm water management facilities, sidewalks, and any other necessary infrastructure within that subdivision.
    - b. *Bonding and maintenance agreement.* All bonding instruments must be valid for a minimum of 24 months from the date of issuance. The guarantee bond, escrowed cash, or irrevocable letter of credit must also be accompanied by completed forms provided by the Hall County Engineering Division, and must also be accompanied by a fully executed Maintenance Agreement by which the developer agrees to

maintain all such facilities and infrastructure for a period of not less than 24 months from the date of final platting. All bonding instruments must be issued by a company with a minimum A rating (or better), and which is licensed to do business in the State of Georgia and with a principal office and registered agent located in the State of Georgia.

- c. *Storm water bonding release.* Storm water management facilities will need to be cleaned of accumulated silt and properly maintained as provided in Sec. 10.5., prior to release of issued bonds.
- d. *Bonding instrument amount.* The amount of the bonding mechanism must equal 30 percent of all completed infrastructure including base, paving, grassing, storm water management facilities, sidewalks, and any other necessary infrastructure plus 100 percent of the cost of all incomplete infrastructure such as remaining sidewalks and asphalt topping. The unit cost data used in the initial calculations will be based upon the latest Georgia Department of Transportation (GDOT) Item Mean Summary plus up to ten percent per year, or the latest county contract data, whichever is higher. The county is also authorized to require yearly increases in the face amount of required bonds based upon the consumer price index in order to cover the increasing cost of construction and maintenance of infrastructure due to economic inflation.
- e. *Transfer of land ownership during the bonding period.* No person, firm, partnership, association,

corporation, estate, trust, developer, subdivider, or any other owner or agent may transfer title of a property which is the subject of any active maintenance or performance bonds without first providing to the county, as beneficiary, a newly executed bonding instrument for the new owner or developer. The newly executed bonding instrument must be presented to and approved by the Hall County Board of Commissioners.

- f. *Bonding instrument collection fee.* Hall County may impose a collection fee \$1,000.00 for any bonding instrument that is presented to the Hall County Board of Commissioners for collection, which fee the Board of Commissioners reasonably believes to be related to the costs associated with collection on such a bond. The Director of Public Works and Utilities is granted authority to initiate collection efforts at their discretion. Staff must commence collection efforts at least 90 days prior to the expiration of the bond in order to allow sufficient time for collection. The developer must deposit \$1,000.00 at the time of submission of the bond to the county, and the \$1,000.00 will be refunded once bonded work is completed more than 45 days prior to the expiration of the bond or the bond is renewed more than 45 days prior to its expiration.
- g. *Request for final acceptance and release of bonds.* Roads within a development are not accepted into the Hall County road system until there has been a request for acceptance by the developer and a favorable vote by the Hall County

Board of Commissioners to accept the roads and to release all bonding mechanisms relating to the development. Likewise, the county may release bonding mechanisms only upon a favorable vote by the Hall County Board of Commissioners. Release of bonds can occur after all asphalt road construction has been in place for a minimum of one year, and all infrastructure is installed to the satisfaction of Hall County's Engineering Division. In order for the county's Board of Commissioners to release bonding mechanisms Hall County's Engineering Division must confirm that:

- i. All improvements and installations to the subdivision required for approval of the final plat under the rules and regulations of the county have been completed in accordance with the appropriate specifications; and
- ii. All of the drainage and retention facilities, grading, water and sewer utilities, street base and curbing construction, and grassing required for approval of the final plat have been completed.

36. **Final plat review; certification of approval.** When the Director of Planning and Zoning has approved the final plat, and other affected departments and agencies of government as required have certified compliance and signed the original, the Director may certify by signature on the plat that all of the requirements of these regulations, the zoning regulations, and the conditions of

zoning approval have been met. The final plat will not be deemed approved until it has been signed by the Director and duly authorized representatives of the Engineering Department, Water Department and Health Department.

37. **Issuance of certificates of occupancy.** Where an improvement guarantee has been required for a subdivision, no certificate of occupancy for any building on any lot fronting a proposed road in the subdivision may be issued prior to completion of improvements under the guarantee.

38. **Final Plat; Revisions.** No change, erasure, or revision may be made on any preliminary or final plat, nor on accompanying data sheets, after approval of the county has been endorsed in writing on the plat or sheets, unless authorization for such changes has been granted in writing by the Director of Planning and Zoning. In no case may the Director approve a revision thereof unless the fact that it is a revised plat is clearly stated thereon.

39. **Final Plat; filing for recordation.**

- a. An approved final plat must be filed for recording by the subdivider in the office of the Clerk of Superior Court within 60 days after final approval thereof. Otherwise, such approval may be void. No Clerk of Superior Court shall file or record a plat of a subdivision until such plat has been approved by the Director of Planning and Zoning.
- b. The approval of a plat will not be deemed to constitute or effect acceptance by the county of any street or other ground shown on the plat.

40. **Final Plat; Recordation.** The Clerk of Superior Court must file and record in

their office maps or plats relating to real estate in the county.

41. **Specifications for maps and plats.** Maps or plats to be filed and recorded in the office of the Clerk of Superior Court must be prepared in accordance with the following minimum standards and specifications:

- a. *Material.* Any such maps or plats must conform to the Georgia Plat Act, as amended.
- b. *Caption.* The maps or plats must have a title or name which must be contained in the caption, and the caption must also provide the following information:
  - i. The county, city, town, or village, land district and land lot, and subdivision, if the property lies within a particular subdivision.
  - ii. The date of plat preparation.
  - iii. The scale, stated and shown graphically.
  - iv. The name of the land surveyor and their registration number.
- c. *Size.* Maps or plats must not be less than 8½ inches by 11 inches and not larger than 17 inches by 23 inches.
- d. *Data.* Maps or plats must be made in a professional manner and in accordance with the standards of good drafting procedures and must show the following information, as specified:
  - i. All maps or plats must show the direction and distance from a point of reference to a point on the boundary of the individual survey, and such additional data as may be required to relocate the boundary point from the

point of reference with the same degree of accuracy required of the parcel surveyed. The point of reference must be an established monument position which can be identified or relocated from maps, plats, or other documents on public record.

- ii. All maps or plats of boundary surveys or subdivision surveys must show bearings and distances of all lines, and area of the parcels expressed in acres and square feet.
- iii. All maps or plats of boundary surveys must show the closure precision of the field survey as the ratio of one foot to the traversed distance in which an error of one foot would occur and a statement as to the method of adjustment. The closure may be stated as follows: "The field data upon which this map or plat is based has a closure precision of one foot in \_\_\_ feet, and an angular error of \_\_\_ per angle point, and was adjusted using \_\_\_\_\_ rule."
- iv. All maps or plats of boundary surveys must show the closure precision of the data shown on the map or plat. The closure may be stated as follows: "This map or plat has been calculated for closure and is found to be accurate within one foot in \_\_\_ feet."
- v. All maps or plats must show the width, and the former



widths if pertinent, of all rights-of-way adjacent to or crossing the property or adjacent to any point of reference.

- vi. All maps or plats must show easements and apparent encroachments, if pertinent.
- vii. In the case of curved lines, pertinent data must be given for regular curves. Chord distances and directions must be given for irregular curves.
- viii. All land lot lines, land district lines, land section lines and city and county boundaries intersecting or adjacent to the surveyed property must be indicated by lines drawn upon the map or plat with appropriate words and figures.
- ix. All corner markers and markers of pertinent reference points must be fully described and indicated as to their material or types and must be constructed of a permanent material such as iron, steel, concrete, or stone.
- x. An arrow must be shown on the map or plat to indicate the principal meridian, and a notation made as to the reference of bearing to magnetic north, astronomic north, or grid north. A grid north reference must indicate the zone.
- xi. All linear distances shown on maps or plats must be horizontal.
- xii. All angular directions shown on maps or plats must be represented in degrees and

minutes. Where plats state or surveys require accuracy in excess of one in 5,000, the angular direction must be represented in degrees, minutes, and seconds. All angular direction must be referenced to the principal meridian.

- xiii. A statement must be shown on the map or plat to indicate the type of equipment used to obtain the linear and angular measurements used in the preparation of the map or plat.

#### B. Plat Specifications

1. **Plat Requirements, generally.** Plats submitted to the county must contain the following information as specified in this section.
2. **Preliminary Plat Contents.** All applications for a certificate of preliminary plat approval for a subdivision must be accompanied by copies of the plat setting forth the proposed design of such subdivision. The scale of such plats may be no less than 100 feet to the inch. Such plats must contain the following information:
  - a. Proposed name of subdivision
  - b. Name and address of the owner of record.
  - c. Name, address, telephone number, seal, and signature of the registered engineer, surveyor or landscape architect responsible for the construction plans and surveyor responsible for the boundary survey.
  - d. Name, address, and telephone number of the subdivider.
  - e. Date of survey, north point and graphic scale, source of datum,

- date of plat drawing, and space for revision dates.
- f. Natural features within the proposed subdivision, including drainage channels, bodies of water, wooded areas and other significant features. On all water courses leaving the tract, the direction of flow must be shown.
  - g. Cultural features within the proposed subdivision, including right-of-way and pavement widths, and names of existing and platted streets adjoining or abutting the subdivision, all easements, city and county lines and other significant information. Location and dimensions of bridges, utility lines and structures, buildings, culverts, cemeteries, and other features must also be indicated.
  - h. Location (land district and land lot) and acreage.
  - i. Location sketch locating the subdivision in relation to the surrounding area with regard to well-known landmarks such as major thoroughfares, railroads or others. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than one inch to 2,000 feet. U.S. Geological Survey maps may be used as a reference guide for the location sketch.
  - j. Name of former subdivision, and the plat book and page numbers where it was recorded, of any or all of the preliminary plat that has been previously subdivided.
  - k. The location and specifications of proposed streets, including right-of-way lines, proposed roadbed type, roadbed width, and proposed grades.
  - l. Exact boundary lines of the tract indicated by a heavy line giving lengths and bearings.
  - m. Proposed layout, including lot lines with rough dimensions, lot numbers, block letters, street lines with letter designations for proposed street names, right-of-way widths, and sites reserved through covenants, easements, dedication or otherwise for public uses, for single family dwellings, for nonresidential uses, and for multifamily dwellings.
  - n. Contour lines based on sea level datum. These must be drawn at intervals of five feet for hilly terrain (slopes greater than ten percent), two feet for rolling terrain (two percent to ten percent) and one foot for flat terrain (slopes less than two percent). Contour lines must be based on field surveys. Topographic data based on geological survey maps which have been adjusted by field survey data may be accepted if the Director of Engineering determines that such data will be adequate to evaluate the layout of lots and streets, drainage and other service requirements.
  - o. The preliminary plan of any existing and proposed water lines, sanitary sewers and storm sewers. Such plans must include the proposed size of the pipe to be installed and the proposed percent grades of the lines of all sewers.
  - p. The distance and direction to public water lines and sanitary sewer lines.

- q. Location of drainage easements for all storm drain facilities, outlets, and subsequent drainage ways, streams and at other locations as required.
  - r. Proposed unit division or stage development, if any, as proposed by the subdivider.
  - s. Location and results of percolation tests for lots which will not be served by a public or community sanitary sewer system, as required by the health department.
  - t. Location or statement of flood hazard areas.
  - u. Any other information as may be required by the health department and Director of Planning and Zoning to determine whether or not the proposed design of the subdivision will conform to the design requirements of these regulations.
3. **Preliminary Plat; supplemental information.** The preliminary plat must be accompanied by the following information when same is not shown on or evident from the preliminary plat:
- a. A written summary of the proposal giving information as to the overall development plan, giving type of structure, number of dwelling units, and types of business and industry, so that the effects of the development can be determined by the Director of Planning and Zoning.
  - b. Source of water supply.
  - c. Statement of provision for sewage disposal and drainage.
  - d. Drainage information:
    - i. Location and size of all proposed drainage structures.
    - ii. Acreage of drainage area.
    - iii. Location of land subject to flooding.
  - e. Engineering data as listed below:
    - i. A ground run profile of proposed streets must show original centerline elevations. The profile must be drawn on standard plan and profile sheets with the plan section showing street layout, curvature and drainage required.
    - ii. Where sanitary or storm sewers are to be installed, size of pipe and location of manholes must be indicated on the street profile.
    - iii. Profiles of streets that are extensions of existing streets must include elevations at 50-foot intervals for a minimum distance of 200 feet back of beginning point and forward of ending, or such additional distance as may be required by the Engineering Department.
    - iv. The above plans must be drawn to a scale no less than as follows: a horizontal scale of one inch to 100 feet, and a vertical scale of one inch to ten feet.
    - v. Cross-sections at all cross-drain locations extending 25 feet beyond the pipe: a horizontal scale of one inch to ten feet, and a vertical scale of one inch to ten feet.
    - vi. Where a proposed street construction limits or abuts the plat boundary, cross-sections and the necessary slope easement must be

- submitted. A slope easement must also be submitted under such other conditions as may be required by the Director of Engineering.
- vii. Municipal, county, or land lot lines tied to the lines of the subdivision by distance and angles when such lines traverse the subdivision.
  - viii. Exact locations, widths, and names of all streets within and immediately adjoining the plat.
  - ix. Street centerlines showing stations and standard curve data of intersection, radii, length of tangents and arcs, and degree of curvature.
  - x. Lot lines with dimensions to the nearest foot, and minimum lot area.
  - xi. Lots numbered in numerical order and blocks lettered alphabetically.
  - xii. Name of each street.
  - xiii. Minimum setback lines on all lots and other sites.
  - xiv. Location and description of monuments.
  - xv. Names of recorded owners of adjoining unplatted land.
  - xvi. Reference to recorded subdivision plats of adjoining platted land by record name, data, and number, when known.
  - xvii. Certification by a surveyor certifying to accuracy of the survey and plat.
  - xviii. Militia district and, when applicable, the land lot number.
  - xix. When lots are located on a curve or when side lot lines are at angles other than 90 degrees, the lot width at the building line must be shown.
  - xx. When the subdivided property abuts Buford Dam Reservoir property or easement, the 1,071-foot contour line must be shown and designated "Lake Sidney Lanier—Normal Lake Level" and the 1,085-foot contour line must be shown and designated "Lake Sidney Lanier—Maximum Lake Level".
  - xxi. Location, dimension and purpose of all drainage structures and of any easements, including slope easements, if required, and public utility right-of-way lines, and any areas to be reserved, donated, or dedicated to public use of sites for other than residential use with notes stating their purpose and limitations; and of any areas to be reserved by deed covenant for common uses of all property owners.
  - xxii. Places for certificates and statements specified in this Sec. 11.2.
  - xxiii. Plans must show clearly the elevation and/or contour of the 100-year floodplain of any stream or backwater area on the site.
- f. **Contents of Final Plat.** All applications for a recording permit must be accompanied by electronic plans and paper copies of the final plat of the subdivision to be recorded. The submitted

prints of such final plat must be not greater than 17 inches by 23 inches at a scale of not less than 200 feet to the inch. Where necessary, the final plat may be on several sheets accompanied by an index sheet showing the entire subdivision. The final plat must contain the following information:

- i. Name of the subdivision.
- ii. Name and address of owner of record.
- iii. Name and address of subdivider.
- iv. Date of plat drawing, graphic scale, north point, and notation as to the reference of bearings to magnetic, true north, or grid north.
- v. Location of tract (militia district, land district and land lot), giving the area of each individual lot.
- vi. Primary control point to which all dimensions, angles, bearings, and similar data on the plat may be referred.
- vii. Tract boundary lines, right-of-way lines of streets, easements and other right-of-way and property lines of all lots with accurate dimensions; bearings or deflection angles, radii arcs, and central angles of all curves.
- viii. Name of each street.
- ix. Minimum setback lines on all lots and other sites.
- x. Location and description of monuments.
- xi. Names of recorded owners of adjoining unplatted land.
- xii. Reference to recorded subdivision plats of adjoining platted land by record name, date, and number, when known.
- xiii. Certification by surveyor as to accuracy of the survey and plat.
- xiv. Lot lines with dimensions and lot area.
- xv. When the tract of land to be subdivided abuts on U.S. government property, then the final plat of the subdivided land must show a tie or ties of land lot lines conforming to U.S. government take line descriptions.
- xvi. When lots are located on a curve or when side lot lines are at angles other than 90 degrees, the lot width at the building line must be shown.
- xvii. Lots or sites numbered in numerical order and blocks lettered alphabetically. In general, all lots should be numbered in numerical sequence without using block letters.
- xviii. When the subdivided property abuts Buford Dam Reservoir property or easement, the 1,071-foot contour line must be shown and designated "Lake Sidney Lanier—Normal Lake Level" and the 1,085-foot contour line must be shown and designated "Lake Sidney Lanier—Maximum Lake Level".
- xix. Location, dimensions and purpose of entire drainage, sewerage, water and public

utilities systems and of any easements, including slope easements, if required, and public utility right-of-way lines, and any areas to be reserved, donated, or dedicated to public use of sites for other than residential use with notes stating their purpose and limitations, and of any areas to be reserved by deed covenant for common uses of all property owners.

- xx. Places for certificates and statements specified in this Sec. 11.2.
- g. **Conformity of final and preliminary plat.** The final plat must conform to the preliminary plat and it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at any one time, provided that such portion conforms to the staging established in preliminary plat procedure and to the requirements of these rules and regulations.
- h. **Preliminary Plat Certificates.** Each preliminary plat submitted to the county must carry the following certificates printed or stamped thereon substantially as follows:

- i. Preliminary engineering certificate.

"I hereby certify that this proposed Development Plat correctly represents construction plans completed by me on (date).

By (name), Registered P.E., Surveyor, or Landscape Architect

License Number (insert)

Date (insert)"

- ii. Certificate of preliminary plat approval.

"All requirements of the county subdivision regulations relative to the preparation and submittal of a Preliminary Plat having been fulfilled, approval of this plat is hereby granted, subject to further provisions of said regulations. This Certificate shall expire (date).

Name (insert), Chairman, Planning Commission, or designee

Date (insert)"

- iii. Development Plat—Not to be Recorded.
- i. **Final Plat Certificate.** Each final plat submitted to the Director of Planning and Zoning for approval must carry the following certificates printed or stamped thereon substantially as follows:

- i. Surveyors Certificate.

"It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property made by me or under my supervision; that all monuments shown hereon actually exist or are marked as "Future," and their location, size, type, and material are correctly shown; and that all relevant requirements of the Hall County Zoning and Subdivision Regulations have been met.

By (name), Registered Ga. Land Surveyor

License Number (insert)

Date (insert)”

Date (insert)

**4. Planned Development.**

- ii. Owners dedication certificate (when appropriate).

- a. The standards and requirements of this UDC may be modified in the case of a plan and program for a community or neighborhood unit or planned development which is not divided into customary lots, blocks and streets, which in the judgment of the Planning Commission provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, provided density standards for the entire tract are not exceeded, and which also provides such covenants or other legal procedures as will assure conformity to the achievement of the plan. Plans for such development must be submitted to and approved by the Planning Commission and Board of Commissioners whether or not such plat is to be recorded, and no building permit may be issued until such approval has been given.

“(State of Georgia) or (County of Hall)

The owner of the land shown on this plat and whose name is subscribed thereto, and in person or through a duly authorized agent, acknowledges that this plat was made from an actual survey and dedicates to the use of the public forever, all streets, parks, drains, easements, and public grounds thereon shown, which comprise a total of \_\_\_ acres, for the purposes therein expressed.

- b. Prior to processing such a planned development, the developer must indicate their willingness to increase the processing time specified. However, in no case may the Planning Commission authorize a use prohibited in the district in which the project is to be located, or a smaller lot area per dwelling unit than the minimum required in such district.

Owner (name)

Date (insert)”

- iii. Place for approval of Director of Engineering.
- iv. Place for approval of the county health department.
- v. Place of approval for the county Director of Planning and Zoning as follows:

“Pursuant to the Hall County Subdivision Regulations, this plat is given final approval by the Hall County Planning and Zoning Director. All of the conditions of approval having been completed, this document is hereby accepted and this approval granted under the authority of said Regulations.

**C. Appeals**

Name (insert), Director of Planning and Zoning

All appeals must be filed in accordance with Sec. 11.2.7.

## 11.2.6. Amendments

### A. General

All applications, requests and petitions for permits, certificates of zoning compliance, variances, conditional use permits, planned developments, classifications and reclassifications of property, notices of appeal, amendments to this UDC and other similar matters, together with all supporting documents required for such application, request or petition and fees therefor, must be filed with the Planning and Zoning Department in the appropriate form as specified this Sec. 11.2. All data, drawings, narratives and other supporting documentation required by this UDC must be provided for in an application to be officially received for staff review and scheduling of consideration by the Planning Commission in accordance with the scheduling provisions established herein.

### B. Minimum Tract Size and Frontage for Zoning Change

Except in an application for rezoning to a nonresidential zoning district, no tract of land may be considered for rezoning which has an area less than one acre unless such tract abuts a nonresidential zoning district within county or municipal jurisdiction. Application for rezoning may also be considered when a lot of record meets the minimum area and road frontage required by the zoning district in which the rezoning is sought.

### C. Initiation of Proposed Amendments

These zoning regulations of the county, including the official zoning map, may be amended from time to time by the Board of Commissioners of the county. Official zoning map amendments may be proposed by the Board of Commissioners of the county, or by the county Planning

Commission, or an administrative official, or by any individual, firm, or organization or their duly appointed agent or attorney; provided, however, no amendment may become effective unless it has been proposed by or submitted to the county Planning Commission for review and recommendation. Application for uses subject to the approval of the county Board of Commissioners must have first been submitted to the county Planning Commission for review and recommendation before consideration by the County Commission. Text amendments to the zoning ordinances may be proposed only by the Board of Commissioners of the county, or the county Planning Commission, or the appropriate administrative official.

### D. Filing of Proposed Amendments

All proposed amendments, whether an amendment to the text or modification in the district boundaries on the official zoning map, and uses subject to approval of the County Commission, must be submitted to the Planning and Zoning Department of Hall County at least 30 working days in advance of the next regular meeting of the Planning Commission. The Director of Planning and Zoning must arrange a suitable date for a hearing before the Planning Commission.

### E. Submission Requirements

1. Any person or persons requesting a change in the official zoning map or use subject to approval of the County Commission must file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in this Sec. 11.2. to cover administrative and advertising costs, in the Planning and Zoning Department office. Such person or persons or their authorized agent must appear in person at the public



hearing held to consider the district change.

2. All applications for a change of zoning classification or use subject to approval of the County Commission must include:

a. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in this Sec. 11.2.

b. A site plan drawn to scale designating the area covered by the application and identifying existing and proposed buildings and uses, adjacent existing land uses, zoning on contiguous parcels, including those across an abutting public right-of-way, and any other significant site improvements proposed to accommodate the proposed use or buffer adjacent uses, etc., or a plat of the subject property where no specific land use is proposed. In cases where only a plat or map is provided and no land use is proposed, the Planning Commission and County Commission may evaluate the application based on the most intense possible land use permitted in the proposed district.

c. For any application for a slow rate land treatment system as defined in 7.6.9.D.1, the following additional requirements apply:

Prior to consideration by the county Planning Commission for their recommendation to the County Commission, the county Engineering Department must have completed a review of the proposal for site acceptability relative to topography, soil classifications, public or private access, proposed effluent treatment levels and natural,

undisturbed buffer zones for surface waters, floodplains, wetlands, wells, residential and other protected areas in addition to other criteria deemed appropriate by the Planning Commission or County Commission. The following information must be submitted to the County Engineer for review of a zoning application and subsequent submittal of a report to the Planning Commission for consideration of the zoning of any land for a wastewater land application system.

i. The design development report submitted to the Environmental Protection Division certified by a professional engineer experienced in the design of land application systems and registered to practice in the State of Georgia.

ii. A plan for the disposal of excess biological solids.

iii. Certification from a professional geologist, registered to practice in the State of Georgia, certifying that the land application site is not located within two miles of a significant groundwater recharge area as defined by the Environmental Protection Division.

iv. A detailed history of all the owner's previous activities, within the State of Georgia in the field of land application, including every other facility it has operated and including a detailed account of all past violations of federal, state, or county laws or regulations,

and all past and pending litigation, favorable or unfavorable.

- d. For any application proposing the development of 100 or more residential dwelling units, a traffic impact study must be submitted prior to consideration of the application by the County Commission. At the applicant's expense, the traffic impact study must be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The Engineering Department must review the traffic impact study and forward any comments to the County Commission.

**F. Planning Commission and Hall County Commission Consideration and Decision**

- 1. The Planning Commission must hold a public meeting on all zoning applications or applications for a use subject to approval of the County Commission. The Planning Commission must hold the required public meeting not less than 30 days, nor more than 60 days, from the date of the filing of a complete application.
- 2. After hearing testimony from all interested parties, the Planning Commission will have 30 days within which to make its decision to grant or deny the application or make a recommendation to the Board of Commissioners. If the Planning Commission fails to make a decision within the specified period, it may be deemed to have carried a recommendation of approval of the application.
- 3. The Planning Commission must study the need and justification for the change based on a determination of the facts applicable to the particular

case, and the following general lines of inquiry must be considered:

- a. Whether the zoning proposal will permit a use that is suitable in view of the use, development and zoning of adjacent and nearby property.
- b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
- c. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
- d. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities or emergency medical service.
- e. Whether the zoning proposal is in conformity with the policy and intent of the future land use plan for the physical development of the area.
- f. The extent to which property values are diminished by the existing zoning restrictions.
- g. The extent to which the destruction of the subject property's value under the existing zoning promotes the health, safety, morals or general welfare of the public.
- h. The relative gain to the public as compared to the hardship imposed upon the individual property owner.
- i. The length of time the property has been vacant as zoned considered in the context of land

- development in the area in the vicinity of the property.
- j. Whether there are other existing or changing conditions affecting the use or development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
  - k. Whether the change would create an isolated district unrelated to the surrounding districts.
  - l. Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area.
  - m. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood.
  - n. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned.
  - o. Whether the need for rezoning could be handled instead by a variance request to the Planning Commission.
  - p. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted.
  - q. Whether there is reasonable evidence based upon existing and anticipated land use that would indicate a mistake was made in the original zoning of the property.
4. When the application is for site-built houses, modular homes and mobile homes more than seven years old being moved into Hall County for the purpose of permanent or temporary occupancy, in addition to the items listed above, the Planning Commission must also consider the compatibility of the proposed residential unit with the existing housing in the area surrounding the proposed location of that residence in terms of the type of housing, the style of housing, the age of housing and the condition of housing.
  5. When the application is for pre-owned site built houses, industrialized homes or manufactured homes to be moved into Hall County for the purpose of permanent or temporary occupancy, in addition to the items listed in subsection "3" above, the Planning Commission must consider the compatibility of the proposed residential unit with the existing housing in the area surrounding the proposed location of that residence in terms of the type of housing, the style of housing, and the condition of such housing. Such residential unit must meet the minimal standards of all applicable building and construction codes adopted as a part of the Official Code of Hall County. The Planning Commission must first consider an application for such dwelling unit and make its recommendations to the Hall County Commission. The Hall County Commission, in making its decision, may approve the application, deny the application, or approve the application with conditions.
  6. Any manufactured home proposed to be moved into the County into a registered or approved mobile home park, or a manufactured home proposed to be moved into the County for the purpose of upgrading an approved, permitted existing manufactured home, may be exempt from the provisions of review by the Planning Commission or County Commission noted in subsection 5 above. All applicable review and inspection required by Chapter 15 of the Official Code of Hall County,

Georgia, will remain in effect for all manufactured homes to be moved into the county which may include a site inspection by the Hall County Building Inspection Department.

**G. Public Hearing Required**

1. The Planning Commission and Board of Commissioners, when taking final action on all applications, must provide for public hearings on the proposed actions. Public meetings related to recommendations made by the Planning Commission to the Board of Commissioners do not require notice provided herein. A notice of public hearings must be published at least 30 days but not more than 45 days prior to said public hearings in a newspaper of general circulation within the territorial boundaries of the county.
2. The county will follow the additional notice and hearing requirements found in O.C.G.A. § 36-66-1 whenever so required by State law, including any of the following instances when required by State law:
  - a. County-initiated rezoning or text amendments to revise a zoning classification related to single-family residential uses of property so as to authorize multi-family uses on property pursuant to such classifications or definitions, or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning district;
  - b. Halfway houses, drug rehabilitation centers, or other facilities for the treatment of drug dependency; or
  - c. Annexations.

**H. Public Notice of Hearing**

1. Contents of Notice. If an application is being considered for a change of zoning for a specifically described tract or parcel of land (amendment to the zoning map), the public notice must, in addition to the requirements of this Sec. 11.2.6., include the following information:
  - a. The location of the property; and
  - b. The present zoning classification; and
  - c. The proposed zoning classification of the property.
2. Posting and Mailing of Notice
  - a. Posted Notice. All zoning map amendments initiated by a party other than the county Planning Commission or the county Board of Commissioners, and applications for uses subject to approval of the County Commission, require a sign placed in a conspicuous location on the property which is the subject matter of the zoning application.
  - b. Mailed Notice. Mailed notice must be made via U.S. Postal Service mail a least 30 days but not more than 45 days before the date of the public hearing to the following parties:
    - i. Property owner notice. Mailed notice must be made to the property owner(s) of record. The applicant must provide the mailing address for property owner(s) with the filing of the zoning petition.
    - ii. Applicant.
    - iii. Appellant for any filed appeal must also receive mailed notice if not one of the parties already

identified as requiring notice.

3. Sign Posting Information. The public notice sign must contain the same information described in Sec. 11.2.6.H.1.
4. Sign Posting Date. The required public notice sign must be posted not less than 15 prior to the date of the hearing.

**I. Public Notice of Hearing for Applications Initiated by the County**

When an application is brought by or initiated by the Board of Commissioners of the county, or by an administrative official of the county, the only public notice required by these zoning regulations is newspaper advertisement as set forth in O.C.G.A. § 36-66-1 et. Seq. and Sec. 11.2.6.G. and 11.2.6.H.

**J. Action by Board of Commissioners**

1. The Board of Commissioners must consider applications for uses subject to approval of the County Commission and all zoning recommendations of the Planning Commission, including conditions of approval and any additional evidence that applicant wishes to present at a public hearing on the date advertised, at which time all interested parties and citizens will have an opportunity to be heard and present evidence regarding the proposed amendment or use subject to approval of the County Commission, or the appeal of the conditional use permit or use subject to approval of the Planning Commission, or other zoning decisions.
2. The Board of Commissioners may place any reasonable conditions or stipulations upon any application for a use subject to approval of the County Commission, a proposed amendment or the appeal of a conditional use permit or use subject to approval of

the Planning Commission, or other zoning decisions as deemed necessary to further insure the orderly operation of proposed uses and their compatibility with the surrounding properties.

3. The Board of Commissioners, in making its decision on the proposed amendment, the use subject to approval of the County Commission, or the appeal of a conditional use permit, or the use subject to approval of the Planning Commission, or other zoning decisions, must consider the general lines of inquiry established under Sec. 11.2.6.F and any other relevant factor submitted by the applicant.
4. The applicant/appellant must have the burden of proof, which must include the presentation of evidence and the burden of persuasion of each factor necessary to receive approval of the Board of Commissioners. Failure of the applicant/appellant to meet this burden may result in a denial of the proposed amendment, the use subject to the approval of the County Commission, or the appeal of a conditional use permit or the use subject to approval of the Planning Commission, or other zoning decisions.
5. The Board of Commissioners public hearing is to be held as follows (or the Planning Commission, where authorized by this UDC as the final decision-making body):
  - a. The public hearing is to be held in conjunction with regular meetings of the Board of Commissioners or Planning Commission, as applicable, with published notice of time and place.
  - b. The hearing is conducted by the county attorney or other hearing officer designated by the Board of Commissioners.

- c. The hearing officer introduces the proposed zoning amendments before the Board of Commissioners or Planning Commission, as applicable. Proposals are considered in the order listed in the published notice. The hearing officer describes each proposed zoning amendment and the party initiating the proposal. Staff is then called upon to report on the Planning Commission's recommendation and summarize its written report.
- d. Persons both favoring and opposing the proposed amendment are provided an opportunity to address the Board of Commissioners. During this period:
  - i. Each speaker must first state his name and address.
  - ii. Comments are accepted first from the party proposing the action and any other proponents of the action, followed by opponents of the action. The party proposing the action may then offer rebuttal.
  - iii. The hearing officer may place reasonable limits on the number of persons who may speak for or against the proposal, on the time allowed for each speaker, and on the total time allowed for comment. No less than ten minutes may be permitted for all of those speaking in support of an amendment and no less than ten minutes may be permitted for all those speaking against, unless such proponents or opponents take less time than the minimum allowed.
- iv. Comments must pertain only to the merits of the proposed action and must be directed to the Board of Commissioners. Comments are not allowed that may be construed as personal attacks on any other speaker or are irrelevant to the proposed action. Violators will be first cautioned and then prevented from making further comment.
- v. Petitions, studies, letters, and other material should be submitted prior to the hearing, allowing ample time for study by the Board of Commissioners. Materials submitted at the hearing may or may not be accepted by the board, and if presented orally are subject to time limitations.
- e. The Board of Commissioners may, if necessary, call on previous speakers for clarification, or may call for additional views, studies or information from any source considered necessary to making a sound decision. The Board of Commissioners may continue the hearing to a later date.
- f. The decision rendered by the Board of Commissioners regarding the proposed amendment, the use subject to approval of the County Commission, or the appeal of a conditional use permit or the use subject to approval of the Planning Commission, or other zoning decisions, will be considered the final action on the application.
- g. No approval or denial of an amendment, use subject to

approval of the County Commission, appeal of an administrative official or decision-making body, approval or denial of a use subject to approval of the Planning Commission, or other zoning or quasi-judicial decision by the Board of Commissioners will become effective unless said approval or denial is determined after a public hearing.

**K. County Approval for Withdrawal of Applications**

An application for any request considered by the Planning Commission may be withdrawn by the applicant at any time prior to the notification by public advertisement of the adjoining property owners. The application may be withdrawn after said public notice is given and before the Planning Commission takes a vote on said application only with the consent of a majority of the members of the Planning Commission. For applications requiring a recommendation from the Planning Commission for final action by the county Board of Commissioners, after the Planning Commission has taken a vote on the application, the application may only be withdrawn with the consent of a majority of the Board of Commissioners voting to allow the applicant's request to withdraw the application. For appeals to the Board of Commissioners or Planning Commission decisions, the application may only be withdrawn with the consent of a majority of the Board of Commissioners voting to allow the applicant's request to withdraw the appeal. Fees are to be refunded as described in Sec. 11.2.1.

**L. Successive Applications**

If a use subject to approval of the County Commission or Planning Commission or a rezoning is denied, or if an appeal from the

decision of an administrative official or the Planning Commission is affirmed by the Board of Commissioners, then the same property may not again be considered for any zoning application, (rezoning, conditional use, variance, etc.) and no such application may be filed, until the expiration of at least six months immediately following the date of the denial of the use or rezoning or the denial of the appeal. The same property may not be considered for an application of the same type, and no such application of the same type may be filed, until the expiration of at least twelve months immediately following the date of the denial of the use or rezoning or the denial of the appeal.

**M. Appeals of Board of Commissioners Actions**

1. Any person with adequate standing to do so under Georgia law may seek review in the Superior Court of Hall County in accordance with the applicable procedures established by the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-5.1.
2. The Director of Community Development and Infrastructure is authorized, without additional board or agency action, to approve or issue any form or certificate necessary to perfect any appeal petition for review of lower judicatory bodies, and is authorized, without additional board or agency action, to accept service or be served in behalf of any lower judicatory board or agency, during normal business hours, at the regular offices of the county.
3. Service of an appeal of any quasi-judicial decision rendered pursuant to this section may be effected or accepted on behalf of the local governing authority, during normal business hours, at the regular offices of the county, by the county attorney

when so allowed by the county's service of process resolution, otherwise said service may be effected or accepted on behalf of the local governing authority according to the requirements of O.C.G.A. § 9-11-4(e).

**N. Georgia Zoning Procedures Law**

The review and approval procedures of this zoning ordinance are intended to comply with the provisions of the Georgia Zoning Procedures Law (O.C.G.A. § 36-66-1 et seq.), which is incorporated by reference in its entirety. If any provision of this zoning ordinance is in conflict with any provision of the zoning procedures law or if this zoning ordinance fails to incorporate a provision required for the implementation of the zoning procedures law, the Zoning Procedures Law (O.C.G.A. § 36-66-1 et seq.) controls.

**O. Amendments to Subdivision Regulations**

The Planning Commission, upon referral from the Board of Commissioners, may from time to time recommend amendments to the subdivision regulations of this UDC. Any amendment must be heard by the Planning Commission, who must make a recommendation to the Board of Commissioners regarding approval or denial. Prior to acting on any proposed amendment, the Board of Commissioners must hold a public hearing on the amendment, having first published a notice of the time and place of the hearing in a newspaper of general circulation in the county at least 15 days prior to the hearing.

**11.2.7. Appeals**

**A. Right to Appeal**

1. Any person aggrieved by the final decision rendered on any proposed amendment, any conditional use

permit, or use subject to the approval of the Planning Commission, or any other zoning or quasi-judicial decision by any county official, department, board, or agency affected by any final order, requirement, or decision authorized in this UDC shall have the right to an appeal of the decision. Appeals of administrative officials will be heard by the Planning Commission, and appeals of any decision-making body will be heard by the Board of Commissioners.

2. A person is considered aggrieved for purposes of this section only if the person or their property was the subject of the action appealed from, or the person has a substantial interest in the action being appealed that is in danger of suffering special damage or injury not common to all property owners similarly situated.

**B. Filing of Appeal**

In order to file an appeal, the appellant must submit a written notice of appeal within 30 calendar days of the decision to the Planning Commission office. The appellant must submit justification and reasons for the appeal. Such justification should make specific reference to such relevant analysis as listed in Sec. 11.2.6.F. The appeal fee must be paid at the time of filing said written notice of appeal. The Director of Planning and Zoning, upon receipt of the written notice of appeal and fee, shall notify the county administrator of the appeal and submit the notice and record of the application to the county administrator.

**C. Hearing and Decision**

1. The appropriate hearing body (either the Planning Commission or the Board of Commissioners) must hold a public hearing to consider all appeals of decisions by administrative officials



and decision-making bodies. The only active participants are the appellant, the original applicant (if other than the appellant), and the zoning official or other administrative official whose decision is being appealed. Participants in the meeting may present testimony, produce documentary evidence, and may cross-examine witnesses provided by another participant. The Board of Commissioners or Planning Commission may ask questions or seek clarification from any participant in the hearing, and may limit the time for the hearing as it deems necessary and appropriate provided that all participants are afforded equal time to present evidence.

2. Following the close of the hearing and following its consideration of all testimony, documentary evidence, and matters of record presented, the Board of Commissioners or Planning Commission must render its decision. The decision must be made within a reasonable period of time, but in no event more than 30 days from the date of the close of the hearing.
3. In exercising its powers, the Board of Commissioners or Planning Commission may reverse or affirm the decision in whole or in part, or may modify the order, requirement, decision, or determination appealed from. To that end, the hearing body has all the powers of the administrative official or decision-making body from whom or from which the appeal was taken, and it may issue or direct the issuance of a permit or other approval, provided that all requirements imposed by all other applicable laws and ordinances are met. In no case may the powers of the hearing body be construed to include authority to reclassify use zones. An appeal may be reversed or the decision modified only

upon an expressed finding by the hearing body that the action was based on an erroneous finding of a material fact, or that said action was arbitrary.

**D. Required Public Notice**

Notice to members of the public must be provided in accordance with the provisions of this UDC and O.C.G.A. § 36-66-1 et seq.

**E. Date of Public Hearing**

The county administrator or other appropriate county official must place an appeal on the agenda of the first public meeting of the appropriate hearing body of the county arising after the relevant notice provisions of Sec. 11.2.6.H. have been complied with.

**F. Payment of Costs of Appeal**

The appellant will bear the costs of preparing the necessary documents as required by the county to properly appeal the matter before the hearing body, in addition to the appeal fee.

**G. Decision of Appeal**

1. An appeal may be sustained (i.e.: where the decision is reversed) only upon a finding by the hearing body that the action subject to the appeal was based on an erroneous finding of a material fact or that the administrative official or decision-making body acted in an arbitrary manner.
2. Appeals of administrative officials will be heard by the Planning Commission.
3. Appeals of any decision-making body will be heard by the Board of Commissioners.
4. Appeals of the Board of Commissioners must be appealed to the Hall County Superior Court

accordance with the Zoning  
Procedures Law, O.C.G.A. § 36-66-5.1.

## Sec. 11.3. Nonconforming Uses and Structures

### 11.3.1. Purpose

- A. Within the districts established by this UDC, or amendments thereto that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before this UDC was passed or amended, but which would be prohibited under the terms of this UDC or any future amendment.
- B. To avoid undue hardship, nothing in this UDC may be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun before the effective date of adoption or amendment of this UDC and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner, and demolition, elimination and removal of an existing structure in connection with such construction, provided that actual construction work must be diligently carried on until the completion of the building involved.

### 11.3.2. Continuation of Nonconforming Use or Structure

- A. Any structure or use of land existing at the time of enactment or subsequent amendment of the resolution codified in this UDC, but not in conformity with its use regulations and provisions, may be continued with the following limitations. It may not be:
  1. Changed to another nonconforming use.
  2. Re-established after discontinuance of that use for a period of one year.

3. Enlarged beyond its size at the time the use or structure became nonconforming. This includes, but is not limited to, the size of the building, the number of employees, operation during other hours of the day or night, the use of additional land beyond the original lot or parcel, and additional or more powerful equipment.
  4. Rebuilt, altered, repaired or replaced after damage exceeding 75 percent of the fair sale value of the structure immediately prior to damage. A nonconforming mobile home may not be replaced after it is removed from the property.
- B. Any building containing a nonconforming use is considered a principal structure.
  - C. Any replacement of a preexisting manufactured home or mobile home with a manufactured or mobile home may be permitted in accordance with O.C.G.A. § 36-66-7 et seq.

### 11.3.3. Continuation of Nonconforming Use or Structure Due to Hardship

- A. The Planning Commission may grant, with the exception of slow rate land treatment systems which require County Commission approval as a use subject to approval of the County Commission, the change, re-establishment or enlargement of a nonconforming use or the enlargement, rebuilding, alteration, repair or replacement of a nonconforming structure upon the following findings:
  1. The change, re-establishment, enlargement, rebuilding, alteration, repair or replacement would be no more detrimental to the surrounding area than the existing or previous use.

2. The structure cannot economically be modified to be suitable for uses permitted in the district.
3. The structure would have to be removed to permit development of the property for conforming uses.
4. The structure has such value that removal to permit development of conforming uses would cause economic hardship to the owner.
5. The proposed change, re-establishment, enlargement, rebuilding, alteration, repair or replacement would not cause substantial detriment to the public good or impair the purposes and intent of this UDC.
6. The requirements of this UDC for rezoning would prevent the current zoning from being changed to a classification that would allow the proposed change, re-establishment, enlargement, rebuilding, alteration, repair or replacement.

#### **11.3.4. Information Required for Continuation of Nonconforming Use or Structure**

- A. Applications submitted to the Planning Commission requesting a change, re-establishment, enlargement, rebuilding, alteration, repair or replacement of a nonconforming use or structure must include the following information:
  1. The applicant will bear the burden of providing conclusive evidence to the Planning Commission that the use or structure is legally nonconforming. This evidence may include, but is not limited to, business licenses, tax receipts, or utility bills.
  2. The applicant must submit a plat or an accurate site plan, drawn to scale,

showing the dimensions of the lot, size and location of all structures and their distance from all property lines, the names of all streets upon which the property is located, and parking areas and spaces.

3. If the request is for a commercial use or structure, a written description must be submitted to describe the existing business and any proposed changes in the use. This description must include hours of operation, number of employees, equipment used, products made and/or sold, type of signs, and/or other information as needed for the board to reach a decision.
4. The applicant must provide evidence to the Planning Commission of how the proposed change, re-establishment, enlargement, rebuilding, alteration, repair or replacement will comply with the current zoning, health and building requirements.

#### **11.3.5. Additional Conditions Placed on Continuation of Nonconforming Use or Structure**

If the requested change, re-establishment of use, enlargement of the use, rebuilding, alteration, repair or replacement is approved, the Planning Commission may place conditions on the approval to insure protection of the surrounding area. The applicant is responsible for conformance with these conditions.

#### **11.3.6. Appeals**

Any decision of the Planning Commission may be appealed to the Board of Commissioners of the county, in accordance with Sec. 11.2.7.

## Sec. 11.4. Enforcement

### 11.4.1. General

This section applies in addition to the specific enforcement provisions otherwise provided in this UDC.

### 11.4.2. Enforcement

#### A. Enforcement Officials

It is the duty of the Director of Planning and Zoning, Director of Engineering, and Building Official to enforce these regulations, as applicable, and to bring to the attention of the county attorney any violations or lack of compliance herewith.

#### B. Subdivision Violation and Enforcement

1. Unlawful Transfer of Title. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision may transfer title to any such parcel before a plat of such subdivision has been approved by the Planning Commission, in accordance with the provisions of this UDC, and filed with the clerk of superior court.
2. Denial of Building Permit. No building permit may be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations.

#### C. Inspection and Right of Entry

Work for which a permit is required by this UDC is subject to inspection by authorized County representatives or employees upon presentation of County identification to the owner, owner's agent, operator, or occupants during all reasonable hours, or outside reasonable hours in the event of any emergency threatening life or property. Where it is necessary to make an inspection to enforce the provision of this UDO and the

Director of Planning and Zoning or authorized employee has reasonable cause to believe that there exists upon a premises or property a condition which is contrary to the UDO and has been refused access to the property or premises, the Director or authorized County representative or employee may seek an inspection warrant from a court of competent jurisdiction as in accordance with Georgia law.

### 11.4.3. Remedies for Violation

In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of any provision of this UDC, the Building Official, county attorney or other appropriate authority of the county may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use to correct or abate such violation, or to prevent the occupancy of such building, structure or land. Where a violation of these regulations exists with respect to a structure or land, the county Building Official may, in addition to other remedies, notify all public utilities and county service departments of such violation and request that service be withheld therefrom until such time as the structure or premises are no longer in violation of these regulations.

### 11.4.4. Penalty

Any person, firm, corporation, association or partnership violating any provision of this UDC as the same exists or as it may hereinafter be amended, or failing to do anything required by this UDC as the same exists or as it may

hereafter be amended, may be guilty of a misdemeanor, amenable to the process of the Magistrate or State Court of Hall County, and upon conviction, be punished as provided in the Official Code of Hall County, Georgia, Section 1.50.020 for each violation in the discretion of the court. Every day that such violation exists may be deemed a separate offense.

# Article 12. Definitions

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## Sec. 12.1. General

### 12.1.1. Rules of Interpretation

- A. For the purposes of this Zoning Ordinance, certain words or terms are defined as follows. All other words not defined in this article or other sections of this ordinance containing definitions have their customary dictionary meanings.
- B. All words used in the present tense include the future tense. All words in the singular number include the plural number and words in the plural number include the singular number, unless the obvious construction of the wording indicates otherwise.
- C. The word "building" includes the term "structure."; the word "person" includes an individual, limited liability company, partnership, association, public or private authority, trust, corporation, or other entity or organization; the word "lot" includes the terms "plot," "parcel," or "tract"; the word "used" includes "designed," "intended," or "arranged to be used"; the term "erected" includes "constructed," "reconstructed," "altered," "placed," or "moved."; the terms "land use" and "use of land" include "building use" and "use of building."; the word "adjacent" means "nearby" and not necessarily "contiguous."
- D. The word "county" means Hall County, Georgia; the terms "County Commission," "Board of Commissioners," "Planning Commission," "building official," "county engineer," "Director of Planning and Zoning" or "Director," and "health officer" mean the respective boards, commissions, and officers of said county within their jurisdictions, unless stated otherwise.



## Sec. 12.2. Defined Terms

**Accessory Dwelling Unit.** See Sec. 7.8.3.

**Airfield.** See Sec. 7.6.3.A.2.

**Airport.** See Sec. 7.6.3.A.1

**Airport approach zone.** The area so designated on an officially approved airport plan for the use of aircraft approaching the airport runway for landing purposes.

**Alley.** A private or public thoroughfare which affords only a secondary means of access to a building or property and is not intended for general traffic circulation.

**Animal, dangerous.** Any domestic, native or exotic mammal, reptile, fish, fowl, insect, spider or other creature that is considered inherently dangerous to human beings. This includes all such animals so identified by the Georgia Department of Natural Resources.

**Animal, exotic.** Any animal not native to the United States or any large native animal not customarily kept in captivity outside zoological gardens. This would include but not be limited to large reptiles, predatory birds, toothless mammals, wild hoofed animals, elephants, wild cats, wild dogs, bears, musk bearing carnivores, marsupials, fowl, primates, hippopotamuses and rhinoceroses.

**Animal, farm.** Any domestic fowl or hoofed mammals normally raised for some type of consumption, to include but not be limited to food, eggs, hide or fur. Farm animals include livestock and fowl raised for gain or profit on a farm.

**Bank.** A business establishment in which money is accepted for deposit from the public and is invested or supplied for loans, e.g., a commercial bank, savings institution, or credit union.

**Basement, cellar.** That portion of a building below the first floor joists, the floor of which is

more than one-half the clear ceiling height below the adjacent ground.

**Block.** A parcel of land entirely surrounded by public highways or streets (including private streets built to public standards), railroads, rivers, streams, or U.S. government property, regardless of size or shape of such land or the number of lots thereon.

**Buffer, natural.** An undisturbed vegetation strip adjacent to the lot line, in the buffer area, consisting of the existing natural vegetation. The natural buffer strip shall be used to form a hardy screen dense enough to interrupt vision and noise. No removal of the vegetation is permitted other than as necessary due to natural causes or disease.

**Buffer, landscaped.** A landscape strip, typically ten feet in depth, planted along a lot line in the setback area and consisting of evergreen trees and/or shrubs intended to shield the property from public view of the surrounding properties and, in some cases, the public right-of-way, to protect the surrounding properties from impacts produced by the use. The buffer may include existing vegetation if that vegetation fits the requirements described above.

**Building.** Any structure, either temporary or permanent, above or below ground, having a roof or other covering and designed, built or used as a shelter or enclosure for persons, animals, or property of any kind, including tents or awnings used for purposes of a building.

**Building line.** A line beyond which the foundation wall or any roofed porch, vestibule or other such portion of a building shall not project.

**Building Official.** The official or other designated authority charged by the county Board of Commissioners with the administration and enforcement of this UDC, or their duly appointed representative.

**Building, principal.** A building in which is conducted the principal use of the lot on which the structure is situated.

**Caretaker’s residence.** See Sec. 7.8.4.

**Class A Dwelling Unit.** All single-family and two-family dwellings, including industrialized dwelling units, and manufactured homes that meet or exceed the standards for single-family and two-family dwellings under this Code.

**Class B Dwelling Unit.** All single-family and two-family dwellings including industrialized dwelling units and manufactured homes that do not meet the standards for single-family and two-family dwellings under this Code.

**Conditional use permit.** A use, subject to review and approval of the Planning Commission, which may be lawfully established only upon evidence of conformance with the standards for such use as established in Article 7.

**Condominium.** A building or complex of multiple-unit dwellings in which a tenant holds full title to his unit and joint ownership in the common grounds.

**Cottage Court.** See Sec. 7.3.1.I.

**Cross-access drive.** A drive created for the purpose of providing vehicular or pedestrian access between properties.

**Cross access easement.** A private covenant or easement between owners of abutting properties that allows driveways for public access by vehicles and pedestrians connecting two or more properties having different owners.

**Cul-de-sac.** A local street with only one outlet, closed and terminated by a vehicular turnaround.

**DBH (diameter-at-breast-height).** Tree trunk diameter measured in inches at a height of four and one-half feet above the ground. If a tree splits into multiple trunks below four and

one half feet, each trunk must be measured as a separate tree.

**Density.** See Sec. 2.1.1.

**Dwelling unit.** One or more rooms which are arranged, designed, or used as living quarters for a family or for a community residence as a single housekeeping unit. A dwelling unit includes bathroom and kitchen facilities in addition to sleeping and living areas.

**Dwelling, attached.** One of two or more dwelling units having a common or party wall separating units.

**Dwelling, multi-family.** See Sec. 7.3.1.G.

**Dwelling, single-family.** See Sec. 7.3.1.B.

**Dwelling, two-family.** See Sec. 7.3.1.E.

**Easement.** A grant to a person or to the public by a property owner of a strip of land for road right-of-way or other specified purposes.

**Facade.** The exterior side of a building that faces, and is most nearly parallel to, a public street. The facade includes the entire area of a building, extending from the roof or parapet to the ground, and from one corner of the building to another. Buildings generally have one facade for each street frontage.

**Family.** One or more persons permanently occupying a single dwelling unit, provided that unless all members are related by blood or marriage no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises or in an accessory building.

**Fence.** An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or demarcate areas of land.

**Floor area.** See Sec. 2.1.5.

**Food truck.** See Sec. 7.9.2.

**Fraternal organization.** A non-profit membership organization based primarily on social affinity (as distinguished from a civic, economic, occupational, political, religious, or other basis for association).

**Frontage.** See Sec. 2.1.2.

**Guest house.** See Sec. 7.8.8.

**Hardship mobile home.** A mobile home which has been approved by the Planning Commission and placed on an occupied residential lot in compliance with Sec. 7.8.8.

**Height, building.** See Sec. 2.1.6.

**Industrialized dwelling unit.** A dwelling or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation-site without disassembly, damage to, or destruction thereof and which bear the insignia of approval issued by the Commissioner of the Georgia Department of Community Affairs.

**Inventory items.** Items not designed or intended to function outdoors or independently, including but not limited to washing machines, clothes dryers, refrigerators, water heaters and other appliances and parts of automobiles, boats and other vehicles.

**Laboratory.** An establishment or premises where scientific services are provided, including testing or analysis of medical, chemical, physical, mechanical, electric or electronic nature or the calibration of instruments.

**Lot.** See Sec. 0.

**Lot of record.** A lot or plat which has been legally recorded with the county clerk or superior court prior to August 28, 1978 and

which actually exists as so shown or described. In addition, lots legally recorded after August 28, 1978, that met zoning standards in place at the time of recordation, but may not meet standards currently in place, are also considered lots of record.

**Manufactured home.** See Sec. 7.3.1.D.

**Manufactured home park.** A parcel of land containing not less than five acres under single ownership which has been planned and improved for the placement of two or more manufactured homes or mobile homes for non-transient uses. Excepted from this definition are those parcels of land on which two or more manufactured homes or mobile homes existed prior to August 28, 1978, and are identified on public records maintained by Hall County Planning and Development.

**Mobile home.** See Sec. 7.3.1.C.

**Modular home.** A detached single-family dwelling which is fabricated entirely or in part at some location other than its permanent site and which may be a complete unit or closed segments thereof.

**Modulation.** The rhythmic variation in the massing and architectural treatments of a building that divides its roofline and facade into small harmonious components that create visual interest, as distinct from the appearance of a large building with a featureless facade built on a single plane with a single roof line. Modulations of a facade should break the vertical plane with variations that are at least two feet in depth, measured from the forward plane of the facade.

**Nonconforming use.** See Sec. 11.3.

**Nonconforming structure.** See Sec. 11.3.

**Occupy.** To use land or buildings for any length of time for a purpose for which the land or a building or part thereof is used or is intended to be used. Any variation of the term "occupy" shall be encompassed by this definition.

**Occupancy, permanent.** Occupancy or use by an owner, or by a tenant for periods of 30 consecutive days or more. Such occupancy is characteristic of single-family, two-family and multiple-family dwelling units, including mobile homes, industrialized homes, manufactured homes, town homes and condominiums. The county commission may allow for transient occupancy of units permitted for permanent occupancy in the event of natural disasters or large community events that put a special burden on the local transient housing market.

**Occupancy, transient.** Occupancy or use by a paying guest or tenant for a period of less than 30 consecutive days or by the offering or advertising of a residence as being available in whole or in part to be used for such occupancy. Such occupancy is characteristic of hotels, motels, boardinghouses and rooming houses.

**Open space.** See Sec. 8.5.1.

**Overlay district.** A zoning district that encompasses one or more underlying traditional use districts or zones and that imposes additional requirements and/or allows additional permitted uses above those required or allowed by the underlying zone[s]. An overlay district can be coterminous with existing zoning districts or contain only parts of one or more such districts. Where an overlay district's principal purpose is to impose additional requirements on otherwise permitted land uses, it is customary for such a district to be created at the instance of the county. By contrast, where the principal purpose of an overlay district is to allow an additional use that would not otherwise be permitted in the underlying zone(s), then it will customarily be a private applicant who will institute the necessary map amendment process.

**Planned unit development.** The development of a tract of land ten acres or more by which clustered housing and/or commercial, office

or industrial development may be permitted without the customary subdivision of lots. A comprehensive development plan for such a project shall be submitted to the planning commission for their review and approval.

**Plat.** A sketch, map or survey of a lot, tract or parcel of land, including lot lines, street rights-of-way and easements, with the dimensions of these features inscribed thereon.

**Plat, preliminary.** A preliminary design which shows the proposed layout of a subdivision in sufficient detail to indicate its workability and conformation to the design requirements of the subdivision regulations in all aspects, but which is not in final form for recording and on which the details may be subject to change.

**Plat, final.** A finished drawing of a subdivision showing completely and accurately all legal and engineering information and certification necessary for recording. The final plat of a subdivision must be approved by the county and the streets shown on the plat must be approved and accepted by the Board of Commissioners prior to recording.

**Public way.** A street or road which has been dedicated for public use by deed, plat and/or prescription.

**Resubdivision.** A legal subdivision which has been altered by changing of a line, bearing or other measurement which either reduces or enlarges the number of lots or size of lots originally created and which is subsequently platted and recorded in a legal manner.

**Right-of-way.** Access over or across particularly described property for a specific purpose or purposes.

**Scrap materials.** Any items normally considered as salvage, scrap, junk, or as useless or worthless materials. This includes, but is not limited to, pieces, fragments, and parts of items no longer usable as originally intended, materials left over from fabricating, leftover bits of food and empty containers.

**Setback.** See 2.1.4.A.6.

**Shopping center.** A group of commercial establishments planned, developed and owned or managed as a unit with on-site parking and similar architectural characteristics.

**Short term rental.** See Sec. 7.8.17.

**Sign.** A surface (or series of surfaces connected to a common supporting structure) on which is displayed an announcement, name, illustration, symbol or insignia used to inform the public or to identify, advertise or promote the interest of any person. See Sec. 8.6.2. for additional definitions related to signs.

**Site built single-family detached dwelling unit.** A single-family detached dwelling constructed on the building site from basic materials delivered to the site, and which is constructed in accordance with all requirements of the Building Code as adopted by Hall County. Includes industrialized buildings as required by state law.

**Site built two-family detached dwelling unit.** A two-family dwelling constructed on the building site from basic materials delivered to the site and which is constructed in accordance with all requirements of the building codes as adopted by Hall County.

**Special exception.** The term special exception, when used in this UDC, will refer to a variance and is defined in the same manner as the term “variance”.

**Special use.** A use which is not automatically permitted inherently but which may be permitted within a zoning district subject to review and approval by the County Board of Commissioners.

**Storefront.** The elevation of a commercial building having a single tenant or that portion of the elevation of a multi-tenant building that is occupied by a single establishment which

contains the principal public entry to the establishment.

**Street.** A public or dedicated thoroughfare or a private right-of-way or easement shown on a recorded plat and which has been approved by the Board of Commissioners.

**Street right-of-way.** A line defining the outer edges of a street boundary and separating the street from abutting property or lots or a proposed street line shown on any plan approved by the Planning Commission.

**Street, arterial.** A major street, highway or state route with intersections at grade and direct access to abutting property, and on which geometric design and traffic control measures are used to expedite the safe movement of through traffic between major traffic generators.

**Street, collector.** Any street designed and located to collect traffic from intersecting minor streets while still giving access to abutting property, and to conduct such traffic to and from a variety of destinations outside a single subdivision, neighborhood or business district. See also "street, residential collector."

**Street, connector.** A street supplementary to the major state and U.S. highway systems running throughout the country and primarily a means of intercommunication between this system and smaller areas.

**Street, local.** A street intended solely to provide access to immediately adjacent land; in residential areas, a residential access or residential subcollector street. See also "street, residential access."

**Street, marginal access.** A special-purpose street provided parallel and adjacent to a collector or higher order street for safety, by providing access to abutting properties and separation from through traffic on the higher order street.

**Street, minor.** A local street.

**Street, residential access.** The lowest order street in the hierarchy of streets; a street having the sole purpose of providing frontage for service and access to private lots. These streets carry only traffic having either destination or origin on the street itself. The elimination of through traffic and the geometric design of the street are means to promote safety and to create a desirable residential neighborhood. This street is designed to carry average daily traffic (ADT) of no more than 200 for each outlet to another street (e.g., a cul-de-sac or other single-access street will carry 200; a loop street will carry 200 per outlet, or 400). See also "street, local."

**Street, residential collector.** The next level above a residential subcollector street in the hierarchy of streets; a street which conducts and distributes traffic between other residential streets of lower order in the streets hierarchy and either higher order streets or major activity centers. This is the highest order of street appropriate to a residential neighborhood, and residential frontage along it is normally prohibited or severely restricted. This street is designed to carry average daily traffic (ADT) of no more than 3,000 at any point.

**Street, residential subcollector.** The next level above a residential access street in the hierarchy of streets; an access street which provides frontage for residential lots and may carry a small amount of residential through traffic collected only from tributary residential access streets. This street is designed to carry average daily traffic (ADT) of no more than 500 for each outlet to another street (e.g., a cul-de-sac or other single-access street will carry 500; a loop street will carry 500 per outlet, or 1,000).

**Structure.** Anything constructed or erected the use of which requires permanent or semipermanent location on the ground, or

which is attached to something having permanent location on the ground.

**Stub-out.** A shortened street, either public or private, which is intended to provide connectivity at a future point.

**Subdivision.** The division of a tract or parcel of land into seven or more lots, building sites or other divisions for the purposes of sale, legacy, a new street, or a change in existing streets, and includes resubdivision. Where appropriate to the context, subdivision also relates to the process of subdividing or to the land or area subdivided. The term shall also include the opening of a new street or road. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots meet the standards of the county subdivision regulations in Article 9 is not included within this definition.

**Subdivision, minor.** The subdivision of land into a total of no more than six conforming lots, parcels, tracts, or building sites during a 12-month period. The resultant lots must meet all the requirements (lot size, frontage, access, etc.) of the zoning district in which they are classified and the requirements of the county subdivision regulations in Article 9. Minor subdivisions which conform to the aforementioned standards may be created on any lot, tract, or parcel which was recorded with the county clerk of superior court prior to January 1 of each calendar year, provided the subject lot and all resultant lots comply with the standards of the county zoning and subdivision regulations in this UDC. Once any lot, tract, or parcel meeting the aforementioned standards has been subdivided into a total of no more than six lots, tracts, parcels, or building sites, no further subdivision of the lots is permitted for the 12-month period after the land was subdivided. Any additional subdivision beyond six lots per 12-month period shall require consideration

by the county Planning Commission as a use subject to Planning Commission approval.

**Townhouse.** See Sec. 7.3.1.F.

**Travel trailer.** A vehicular portable structure not over eight feet by 35 feet and designed as a temporary dwelling for travel, recreational and vacation uses, which may or may not have kitchen equipment, toilet, lavatory and bathing facilities, but, if such facilities are included, a sewage holding tank for sanitary waste is required. Includes the terms “recreational vehicle” (RV) and “camper”. Any vehicle designed or converted to a design with plumbing connections for attachment to outside sewage systems shall not be included in this definition.

**Truck, heavy.** Trucks, including truck tractors, semi-trailers, or similar vehicles, designed and used to carry goods or property.

**Turnaround.** The circular paved area intended to facilitate turning around of vehicles at the end of a cul-de-sac.

**Use, accessory.** See Sec. 7.1.2.

**Use, permitted.** Those uses specifically listed in this UDC as uses permitted inherently, not to include uses herein defined as “nonconforming use.”

**Use, principal.** The principal purpose for which a lot or building is designed, arranged, intended, occupied or maintained.

**Use, temporary.** See Sec. 7.1.3.

**Vacation home.** Any residential structure used for transient occupancy including but not limited to cabins, single-family dwellings and other such residential structures.

**Variance.** A modification of the strict terms of zoning regulations granted by the Planning Commission where such modification will not be contrary to the public interest, and where, owing to conditions unique to the individual property on which the variance is sought and

not as a result of any action on the part of the property owner, a literal enforcement of this UDC would result in unnecessary and undue hardship; provided, however, that no variance may be granted which would authorize a land use not otherwise permitted in a particular district.

**Vehicle.** Any device or contrivance for carrying or conveying persons or objects, said device being designed to be self-propelled by its own motor or power.

**Wall.** See “fence”.

**Water system.** A potable water supply and treatment system other than individual or community water systems, owned by a unit of government.

**Water system, community.** A potable water supply and treatment system other than an individual or public water system serving more than one building, residence or other facility designed or used for human occupancy or congregation. The system is one which is owned by a person or legal unit other than a unit of government.

**Water system, individual.** A potable water system other than a community or public water system serving a single building, residence or other facility designed or used for human occupancy or congregation.

**Yard.** See Sec. 2.1.4..