



Hall County Government
COMMUNITY DEVELOPMENT & INFRASTRUCTURE
BUILDING INSPECTIONS DIVISION

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

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DEVELOPMENT SERVICES
DIRECTOR
Kristie Turner

CHIEF BUILDING OFFICIAL
Robert Gutowski

To: John Gentry, Assistant County Administrator

From: Kristie Turner, Development Services Director
Rober Gutowski, Chief Building Official
Katie Ahmed, Planning and Zoning Administrator
Captain Tucker, Deputy Fire Marshal

Date: January 26, 2026

Subject: Executive Summary on 4337 Mountain View Road

The purpose of this memo is to provide clarification of how the International Residential Code (IRC), International Building Code (IBC), and the County's Zoning Ordinance apply to the residential structures at 4337 Mountain View Road which are proposed to house non-transient residents in a recovery residence setting. The larger dwelling contains 5 bedrooms, and the second dwelling contains 2 bedrooms.

The two subject structures were constructed and are regulated as single-family dwellings under the International Residential Code (IRC). The IRC applies to one- and two-family dwellings used for permanent residential purposes and governs structural integrity, life-safety systems, means of egress, smoke alarms, and minimum room standards.

Under the IRC:

- A one-family dwelling is defined as a single dwelling unit providing complete independent living facilities.
- The IRC does not define "family."
- The IRC does not impose a numerical limit on unrelated occupants.

Accordingly, from a construction standpoint, the structures remain within IRC scope so long as they each continue to function as one dwelling unit (one kitchen, shared living areas, no creation of separate independent units).

However, the proposed use as a women's group home changes the operational characteristics causing the buildings to function as either a lodging house or congregate living facility, these occupancy classifications must be evaluated under the International Building Code (IBC). Congregate Living Facility is defined as, a building or part thereof that contains sleeping units where residents share bathroom or kitchen facilities, or both. A Lodging House is

defined as a one-family dwelling where one or more occupants are primarily permanent in nature and rent is paid for guestrooms.

Under the IBC:

- Lodging houses with five or fewer guestrooms and 10 or fewer total occupants are classified as Group R-3. 310.4.2.1.
- Non-transient congregate living facilities with more than sixteen occupants are classified as Group R-2. 310.3.
- Residential occupancies at or below sixteen non-transient occupants fall within Group R-3. 310.4.

These thresholds originate in the IBC and determine when commercial-level building and fire code requirements apply. These thresholds are not limitations contained within the IRC.

The proposed use of a women's group home would align as a non-transient congregate living facility with no custodial care provided. If occupancy remains below the sixteen-person threshold it would align with Group R-3 under the IBC framework.

Separate from building code analysis, land use is governed by the County's Zoning Ordinance. Zoning regulates how property may be used within a particular district and often defines residential occupancy. Per the Hall County Unified Development Code 7.2.3.C, Community Residence occupancy is limited to no more than five unrelated individuals. Group Home, Section 7.2.3.D, would permit occupancy for more than five people to reside, including operators, supervisors, and individuals under care provided a Special Use is approved by the Hall County Board of Commissioners.

While the structure may comply with IRC construction standards and fall below IBC occupancy thresholds, the proposed occupancy of 20+ unrelated individuals exceeds the unrelated-person limitation established in the zoning ordinance. This presents a land use issue distinct from building and fire compliance.

As the current use and occupancy of the property do not meet the standards of the International Building Code and the Unified Development Code requirements, Building and Fire Services cannot issue approval for more than five occupants to reside in each dwelling.

Please find attached supplemental memos from Hall County Fire dated February 26, 2026 and Planning and Zoning Dated February 26, 2026.



Hall County Government

FIRE RESCUE



To: County Administration

On February 20th, 2026, personnel from the Fire Marshal's Office met with Mr. and Mrs. Rutherford from Made for More Ministries at 4347 Mountain View Road Oakwood, GA. The address listed is a residence with two separate structures, the main house and a guest house. During the meeting, the Rutherford's gave personnel a tour of the premises and explained their purpose and goals. It was discovered that there were more than twenty plus unrelated women living between the two structures on the property. The women stay in the program for approximately twelve months. They do not provide care for the residents, only boarding accommodations. Currently they do not have a business license that declares an occupancy classification. Without this information and plans with a Life Safety page from a licensed architect, the Fire Marshal's Office is not able to verify if the structure meets life safety codes and International Fire Codes.

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FIRE CHIEF
Jerry Smith

Captain Tucker, #892

Deputy Fire Marshal

Fire Investigator IAAI CFI

Bureau of Fire Prevention

Hall County Fire Rescue

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Hall County Government

PLANNING AND ZONING

To: John Gentry, Assistant County Administrator
From: Katie Ahmed, Planning & Zoning Administrator
Date: February 26, 2025
Subject: **4337 Mountain View Road, Oakwood, GA**

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

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The subject property is zoned Agricultural Residential 1 (AR-1) and is developed with two single-family residences. According to tax records, the primary dwelling, measuring 4,963 square feet, was constructed in 2000. The second dwelling, measuring 1,520 square feet, was converted from a “building” to a guest house. The building permit for the guest house was issued 9/01/2002 and finalized 10/29/2015.

“Guest house” is defined as: *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.*

Group living categories within the 2024 Unified Development Code include the following:

- Boardinghouse
- Community Residence
- Group Home
- Institutional Residential
- Emergency Shelter

The only group living category permitted by right in the AR-1 zoning district is “community residence” which is defined as follows:

“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.”

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

A “community residence” is limited to 5 persons as provided in the definition of “family” per Section 12.1.1.

“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.

All other group living categories require Special Use approval by the Board of Commissioners.

Attachments:

UDC Land Use Table – Residential Uses

UDC Section 7.3.2 – Group Living

Sec. 7.2. Allowed Use Table

Key: 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
Residential Uses																
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
Public/Institutional Uses																
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

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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
Commercial Uses																
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

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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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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
Industrial Uses																
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
Agricultural Uses																
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
Accessory Uses																
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

Key: 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
Specific Use																
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
Temporary Uses																
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
Other																
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

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.