

STATE OF GEORGIA

COUNTY OF HALL

RESOLUTION TO AMEND THE HALL COUNTY UNIFIED DEVELOPMENT CODE
WITH REGARD TO ARTICLE 7—USE PROVISIONS

WHEREAS, on November 14, 2024, the Hall County Board of Commissioners adopted the Hall County Unified Development Code ("UDC") to govern zoning, subdivision, stormwater management, and related land development regulations within the unincorporated areas of Hall County; and

WHEREAS, Article 7 of the UDC establishes the permitted, conditional, and special uses authorized within the County's zoning districts and provides use-specific development standards applicable to such uses; and

WHEREAS, the Hall County Department of Planning and Zoning has reviewed Article 7 and recommended revisions to improve, clarify, and update the County's use regulations; and

WHEREAS, during the development of the proposed amendments, Hall County received input from citizens and County staff regarding revisions to Article 7; and

WHEREAS, the proposed amendments revise Table 7.2, Section 7.3, and Section 7.6.2 of Article 7, including amendments to the Allowed Use Table and regulations governing the development and operation of Data Centers, as set forth in Exhibit "A" attached hereto; and

WHEREAS, following the public hearings required by law, the Board of Commissioners finds that the proposed amendments are in the best interests of the citizens of Hall County and promote the public health, safety, and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Hall County Board of Commissioners that the Hall County Unified Development Code is amended as follows:

1.

Article 7 of the Hall County Unified Development Code is hereby amended by deleting the existing provisions of Table 7.2, Section 7.3, and Section 7.6.2 and substituting in lieu thereof the provisions attached hereto as Exhibit "A," which are incorporated herein by reference, including, but not limited to:

- (a) amendments to the Allowed Use Table and related use provisions; and
- (b) regulations governing the location, approval, design, construction, and operation of data centers within Hall County.

2.

Except as expressly amended herein, all remaining provisions of the Hall County Unified Development Code shall remain in full force and effect.

3.

This Resolution shall take effect immediately upon its adoption.

SO RESOLVED, this the 27th day of August, 2026.

[SIGNATURES ON FOLLOWING PAGE]

HALL COUNTY BOARD OF COMMISSIONERS

By: _____
David Gibbs, Chairman

By: _____
Kathy L. Cooper, Commissioner District 1

By: _____
Billy Powell, Commissioner District 2

By: _____
Gregg Poole, Commissioner District 3

By: _____
Jeff Stowe, Commissioner District 4

ATTEST:

Jennifer Rivera, County Clerk

(SEAL)

APPROVED AS TO FORM:

Justin R. Lawhon, County Attorney

Article 7. Use Provisions

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FOR ADOPTION

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

			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-SF	R-TH	R-X	R-MF	MHP	O-I	S-S	H-B	M-U	I-1	I-2	Definition/ Standards
Specific Use																				
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	--	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	--	--	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	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	SU	SU	SU	--	--	--	--	--	--	--	Sec. 7.3.2.B	
Community Residence	P	P	P	P	P	P	P	P	P	P	SU	P	--	--	--	--	--	--	Sec. 7.3.2.C	
Group home	SU	SU	SU	SU	SU	--	SU	SU	SU	SU	SU	--	--	--	--	--	--	--	Sec. 7.3.2.D	
Institutional residential	SU	SU	SU	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	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	P	P	P	Sec. 7.4.1.C	

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Specific Use																			
Community center		SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	P	P	P	P	P	P	Sec. 7.4.1.D
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	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	P	P	Sec. 7.4.1.G
Museum, library, private		SU	SU	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	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	SU	SU	--	--	P	P	--	P	P	Sec. 7.4.2.B
Marina		SU	SU	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	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	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	SU	SU	Sec. 7.4.3
Major utilities, public		P	P	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	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	SU	SU	--	P	--	--	P	P	P	Sec. 7.5.2.B

		Key: P = Permitted Use CUP = Conditional Use Permit										SU = Special Use "--" = Not permitted							
		Rural				Residential						Mixed-Use & Business							
Use Category		AG-1	AR-1	V-C	R-1-L	R-1	R-TF	R-SF	R-TH	R-X	R-MF	MHP	O-I	S-S	H-B	M-U	I-1	I-2	Definition/ Standards
Specific Use																			
Day care centers		SU	SU	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	P	P	SU	--	--	P	--	--	Sec. 7.5.2.D
Group day care facility		SU	SU	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	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	--	--	--	--	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

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Use Category		AG-1	AR-1	V-C	R-1-L	R-1	R-TF	R-SF	R-TH	R-X	R-MF	MHP	O-I	S-S	H-B	M-U	I-1	I-2	Definition/ Standards
Specific Use																			
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
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	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

		Key: P = Permitted Use CUP = Conditional Use Permit										SU = Special Use "--" = Not permitted							
		Rural				Residential						Mixed-Use & Business							
Use Category		AG-1	AR-1	V-C	R-1-L	R-1	R-TF	R-SF	R-TH	R-X	R-MF	MHP	O-I	S-S	H-B	M-U	I-1	I-2	Definition/ Standards
Specific Use																			
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
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		--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	Sec. 7.6.4.A

			Key: P = Permitted Use CUP = Conditional Use Permit										SU = Special Use “--” = Not permitted							
			Rural				Residential						Mixed-Use & Business							
Use Category			AG-1	AR-1	V-C	R-1-L	R-1	R-TF	R-SF	R-TH	R-X	R-MF	MHP	O-I	S-S	H-B	M-U	I-1	I-2	Definition/ Standards
Specific Use																				
listed below																				
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
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	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

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		Rural				Residential						Mixed-Use & Business							
Use Category		AG-1	AR-1	V-C	R-1-L	R-1	R-TF	R-SF	R-TH	R-X	R-MF	MHP	O-I	S-S	H-B	M-U	I-1	I-2	Definition/ Standards
Specific Use																			
		Agricultural Uses																	
Agriculture, general		P	P	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
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	P	P	Sec. 7.1.5
Accessory structure		P	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	--	--	--	--	--	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	--	--	--	P	--	--	Sec. 7.8.6
Garden		P	P	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	--	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	P	--	--	--	P	--	--	Sec. 7.8.9.B
Home occupation		P	P	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	--	--	--	--	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	P	P	Sec. 7.8.10

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Use Category		AG-1	AR-1	V-C	R-1-L	R-1	R-TF	R-SF	R-TH	R-X	R-MF	MHP	O-I	S-S	H-B	M-U	I-1	I-2	Definition/ Standards
Specific Use																			
Keeping of livestock and poultry		P	P	P	P	P	P	P	P	P	P	P	--	--	--	--	--	P	Sec. 7.8.11
Modular offices/class-rooms		SU	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
Religious accessory uses		P	P	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	P	P	--	--	--	--	--	--	Sec. 7.8.17
Swimming pool, hot tub, spa		P	P	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	P	P	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	CUP	CUP	Sec. 7.9.4.B
Sales office, 12 months or less		--	--	P	P	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

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		Rural				Residential						Mixed-Use & Business							
Use Category		AG-1	AR-1	V-C	R-1-L	R-1	R-TF	R-SF	R-TH	R-X	R-MF	MHP	O-I	S-S	H-B	M-U	I-1	I-2	Definition/ Standards
Specific Use																			
Yard/garage sales		P	P	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	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	--	SU	--	--	SU	--	--	Article 9
Subdivision, non-residential		--	--	--	--	--	--	--	--	--	--	--	SU	SU	SU	SU	SU	SU	Article 9
Minor subdivision		P	P	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	--	--	--	--	--	--	--	Sec. 12.2

Sec. 7.3. Residential Uses

A. Relationship to Base Zoning Districts and Development Standards

1. Each residential housing type identified in this Article shall be associated with a base zoning district that establishes the minimum applicable dimensional standards, including but not limited to lot size, setbacks, density, and frontage.
2. Developments proposing a specific residential use shall comply with:
 - a. The use-specific standards of this Article;
 - b. The dimensional standards of the corresponding base zoning district;
 - c. And other applicable provisions including but not limited to Article 8 and Article 9.
3. Where a development includes a mix of residential product types, each product type shall comply with its respective use-specific standards and corresponding base zoning district requirements, unless otherwise modified through a zoning action approval.

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 (Detached)

1. Defined

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

2. Use Standards

- a. The base zoning district for this use shall be Residential Single-Family Detached (R-SF).
- b. Each dwelling unit shall be located on an individual lot and shall not share common walls with any other dwelling unit.

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.

2. Use Standards

- a. The base zoning district for this use shall be Residential Two-Family (R-TF).
- b. Each dwelling unit shall be located on an individual lot and shall share common walls with one other dwelling unit.
- c. For Major subdivisions, lots and yards within the interior of the development may be reduced to zero and developed as zero lot line development, provided that all applicable standards and building code requirements are met.
3. Accessory dwelling units (ADUs) are not permitted.
4. When incorporated into an R-X or M-U development, minimum lot size is 6,000 square feet per two family dwelling.

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. The base zoning district for this use shall be Residential Single-family attached (R-TH).

- b. Accessory dwelling units (ADUs) and accessory structures are not permitted.
- c. No individual building may contain more than 6 attached units.
- d. When more than one principal building is constructed on a lot, buildings must be separated by at least 10 feet.
- e. 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.
- f. Driveway access for individual units is not permitted when located along an existing public street and must be located to the rear of the dwelling. Access must be provided by an internal street, shared driveway or alley at least 20 feet in width.
- g. 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 two units.
- h. When subdivided fee simple, each townhouse lot must be at least 2,000 square feet in area.
- i. For Major subdivisions, lots and yards within the interior of the development may be reduced to zero and developed as zero lot line development, provided that all applicable standards and building code requirements are met.

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, located within one or more buildings, and not otherwise meeting the definition of townhouse.

2. Use Standards

- a. The base zoning district for this use shall be Residential Multi-Family (R-MF).
- b. Accessory dwelling units (ADU) are not permitted.
- c. Multi-family dwellings must be developed with adequate provisions for access and for adequate protection of the surrounding properties.
- d. 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.
- e. When more than one principal building is constructed on a lot, external areas must be lighted.
- f. When more than one principal building is constructed on a lot, buildings must be separated by at least 10 feet.
- g. 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.
- h. Areas not utilized for buildings, off-street parking, or off-street loading must be landscaped and maintained by the property owner.

- i. 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 7.6.2. – Data Center

A. Defined.

A Data Center is a facility or portion thereof primarily designed, constructed, and operated for the purpose of housing computer systems, servers, telecommunications equipment, or related infrastructure used for the processing, storage, management, or transmission of digital data and applications.

A data center may include accessory and supporting infrastructure necessary to its operation, including but not limited to:

1. Mechanical cooling systems and air handling equipment,
2. Backup power generation systems,
3. Electrical substations and related power distribution equipment,
4. Water cooling, storage, and treatment facilities,
5. Security, monitoring, and fire suppression systems.

Data centers may take various operational forms, including but not limited to enterprise, colocation, cloud, managed services, and hyperscale facilities. Server rooms, telecommunications rooms, or similar facilities located entirely within an otherwise permitted principal building and serving the principal use shall not be considered a data center.

B. Data Center Classification by Scale.

For the purposes of zoning, review, and regulation, data centers shall be classified according to the aggregate gross floor area devoted to data center operations on a site or campus, as follows:

1. Minor Data Center

A Minor Data Center is a data center facility containing less than 20,000 square feet of gross floor area. Minor data centers may include enterprise server facilities, colocation facilities, edge computing facilities, minor-cryptocurrency mining operations, or similar facilities operating at a scale below that of a Medium Data Center.

2. Medium Data Center

A Medium Data Center is a data center containing 20,000 square feet to less than 100,000 square feet of gross floor area. Medium data centers are generally intended to support moderate-scale operations and typically operate below thresholds requiring major electrical substations or high-voltage transmission infrastructure.

3. Major Data Center

A Major Data Center is a data center containing 100,000 square feet to less than 500,000 square feet of gross floor area. Major data centers have substantial land, electrical, water, and infrastructure demands.

4. Data Center Campus

A Data Center Campus is a unified development consisting of two or more data center buildings under common ownership or control, or developed pursuant to a master development plan. A data center campus contains an aggregate of 500,000 square feet of gross floor area or more devoted to data center operations.

5. Cryptocurrency Data Center / Mining Facility.

A Cryptocurrency Data Center or Cryptocurrency Mining Facility is a facility, or portion thereof, primarily devoted to the operation of data processing equipment used to verify cryptocurrency transactions and maintain distributed digital ledgers (commonly referred to as “blockchain”), including the generation or “mining” of cryptocurrency units.

This definition applies only to areas containing electronic data processing equipment and excludes space used for offices, storage, shipping and receiving, warehousing, or other non-processing activities.

C. Standards for Minor Data Centers

1. Sec.7.6.2.C is applicable to minor data centers only. Any data centers over 20,000 square feet should meet secs.7.6.2.D-N
2. Minor Data Centers shall be permitted through a special use approval within the I-1 or I-2 zoning districts.
 - a. Minor Data Centers shall comply with all development standards applicable to the underlying zoning district, including minimum lot area, setbacks, building height, lot coverage, parking, landscaping, and architectural standards.
 - b. Buffers
 - i. A minimum fifty (50) foot landscape buffer shall be provided along all property boundaries
 - ii. Where adjacent properties are zoned or used for industrial purposes, the required buffer may be reduced to thirty (30) feet.
 - iii. Required buffers shall comply with Article 8.
 - c. Cooling Systems
 - i. Open-loop cooling systems shall be prohibited.
 - ii. Air-cooled systems, closed-loop cooling systems, or equivalent water-conserving technologies shall be permitted.
 - d. Utility Capacity

- i. Prior to issuance of a land disturbance permit, the applicant shall provide written will-serve letters from the electric utility provider demonstrating adequate electrical capacity to serve the proposed facility.
 - ii. Any required utility upgrades necessary to serve the development shall be the responsibility of the applicant.
- e. Noise
 - i. Minor Data Centers shall comply with the noise standards established in Section 7.6.2.E.6.
- f. Studies and Analyses
 - i. The studies and analyses required under Section 7.6.2.E.7 shall not be required for Minor Data Centers unless determined necessary by the Planning and Zoning Director during development review due to the scale, operational characteristics, or potential impacts of the proposed facility.
 - ii. The applicant shall provide any additional studies determined necessary by the County.
 - iii. The applicant shall reimburse the County for costs associated with third-party professional review of required studies, analyses, or technical reports when such review is determined necessary by the County.

D. Zoning Authorization and Community Engagement Requirements.

- 1. Zoning Authorization
 - a. Data centers shall be permitted only by Special Use Permit within the Light Industrial (I-1) and Heavy Industrial (I-2) zoning districts.
 - b. Approval of a Special Use Permit for a data center shall be subject to review and final action by the Board of Commissioners, in accordance with the procedures and criteria set forth in this Ordinance.
- 2. Community Meeting
 - a. In addition to all required public hearings, the applicant shall conduct at least one (1) community meeting for the purpose of informing nearby property owners and residents about the proposed data center development.
 - b. The community meeting shall include, at a minimum, a presentation of the proposed project, including:
 - i. A conceptual site plan,
 - ii. Building elevations, and

- iii. A viewshed analysis from public rights-of-way.
- c. The community meeting shall comply with the following:
 - i. The meeting shall occur after the rezoning or special use petition has been filed and no less than thirty (30) days prior to the associated public hearing.
 - ii. The meeting shall be conducted within the geographic boundaries of Hall County, Georgia, between the hours of 5:00 p.m. and 8:00 p.m. Eastern Time.
 - iii. All notices and signage shall include the applicant's name and contact information, a brief description of the proposed data center, the parcel number(s), and the date, time, and location of the community meeting. All notice materials shall be subject to approval by the Planning and Zoning Director or their designee.
 - iv. Written notice shall be mailed to the owners of all real property located within one thousand (1,000) feet of the subject property boundaries at least fourteen (14) days prior to the community meeting.
 - v. Notice shall be advertised in a newspaper of general circulation serving Hall County residents at least seven (7) days prior to the community meeting. The advertisement shall:
 - a. Be prominently displayed,
 - b. Be a minimum of thirty (30) square inches in size, and
 - c. Not be placed within the legal advertisements section of the newspaper.
 - vi. At least fourteen (14) days prior to the community meeting, the applicant shall post signage on the subject property along all road frontages. Each sign shall:
 - a. Be a minimum of twenty (20) square feet in area,
 - b. Be legible from a distance of at least twenty-five (25) feet, and
 - c. Remain in place until the conclusion of the community meeting.
 - vii. An applicant representative with decision-making authority regarding the design and layout of the data center shall attend the community meeting in person.
- d. Failure to comply with the community meeting requirements set forth herein shall result in the application not being scheduled for, or being removed from, the Board of Commissioners' agenda until such requirements have been satisfied. Once compliance is achieved, the

application may proceed in accordance with all applicable public notice and hearing requirements.

- e. A community meeting report shall be provided to staff summarizing the meeting plan, discussion/minutes, and outreach efforts, along with supporting documents for the record, as part of the Special Use application.

E. Use Standards

1. General Development Standards

- a. Minimum Lot Area: Twenty (20) acres
- b. Maximum Height: Sixty (60) foot building height with up to an additional ten (10) feet for parapet and rooftop equipment, not to exceed seventy (70) feet total, subject to applicable Federal, State, and Local regulations
- c. Minimum lot width: Two hundred fifty (250) feet of frontage
- d. Minimum front yard setback: One hundred (100) feet
- e. Minimum side yard setback: One hundred (100) feet
- f. Minimum rear yard setback: One hundred (100) feet
- g. Minimum distance between buildings: One hundred (100) feet
- h. Maximum lot coverage: Eighty (80) percent

2. Infrastructure Requirements

- a. All data centers shall be served by public water. The use of private wells is prohibited.
- b. All data centers shall be served by public sanitary sewer.
- c. On-Site Power Generation
 - i. Data center facilities may propose on-site power generation systems intended to support facility operations or reduce reliance on regional electrical infrastructure.
 - ii. Any such systems shall be subject to review and approval by the County and must comply with all applicable federal, state, and local laws and regulations, including environmental permitting, safety standards, and utility coordination requirements.
 - iii. Diesel generators as primary on-site power generation is prohibited, except during bona fide utility grid failures or emergency conditions.
 - iv. On-site power generation facilities may include, but are not limited to:
 - a. Diesel generator systems, limited use
 - b. Renewable energy installations
 - c. Energy storage systems
 - d. Microgrid infrastructure

- e. Emerging technologies such as small modular reactors or similar systems subject to any applicable federal licensing and preemption limitations
- i. Approval of such systems shall require demonstration that the proposed technology meets all applicable regulatory approvals and does not create adverse impacts to public safety, infrastructure, or surrounding properties.
- d. Utility Coordination Prior to issuance of any land disturbance permit, written will-serve letters and approved plans shall be provided by all applicable utility providers, including water, sewer, and electric service providers.

3. Architectural Standards

- a. Data center buildings shall be designed to minimize adverse visual impacts on surrounding properties and public rights-of-way, as demonstrated through submitted architectural elevations, renderings, or viewshed analyses.
- b. For all building façades visible from a public street or right-of-way, exterior materials shall include a minimum of two (2) of the following:
 - i. Brick, stone, or architectural precast concrete panels
 - ii. Architectural metal panels with a non-reflective finish
 - iii. High-quality fiber cement panels
- c. Building façades visible from public rights-of-way shall be designed to avoid large, uninterrupted blank walls and shall incorporate architectural elements such as material variation, articulation, modulation, recesses, projections, or similar features to create visual interest and reduce perceived building mass.
- d. To reduce perceived building mass, façades visible from public rights-of-way shall incorporate at least two (2) of the following design elements:
 - i. Vertical or horizontal articulation at intervals not exceeding fifty (50) feet
 - ii. Variation in building height of at least ten percent (10%) or stepped rooflines
 - iii. Architectural projections or recesses with a minimum depth of two (2) feet
 - iv. Changes in façade materials or colors, utilizing at least two material types

4. Buffers

- a. Where a data center site abuts a residentially zoned or residentially used property, a minimum undisturbed buffer of five hundred (500) feet shall be

provided, measured from the property line. Buffers shall remain in a natural, forested condition except for approved fencing, access points, and utility crossings. Any disturbed or sparsely vegetated buffer areas shall be replanted in accordance with this UDC.

- b. Where a data center site abuts non-residential zoning and on road frontage side, the buffer may be reduced to one hundred (100) feet. These buffers may be disturbed and replanted in accordance with this UDC.

5. Fencing

- a. Perimeter fencing shall be required to enclose the data center facility.
- b. Decorative metal fencing with landscape strip is required along frontage.
- c. Anti-climb features including barbed wire, razor wire, concertina wire, or similar materials are prohibited on fencing visible from public rights-of-way.
- d. Where fencing is located along a property line and visible from adjacent properties or public rights-of-way, fencing shall be decorative metal, with a minimum height of eight (8) feet.
- e. Where fencing is located within required buffers and is not visible from adjacent properties or public streets, vinyl-coated chain-link fencing may be permitted and may include anti-climb features.

6. Noise and maintenance requirements

- a. Maximum sound levels shall not exceed:
 - i. Sixty (60) decibels (dBA) during daytime hours, between 7:00 a.m. and 10:00 P.M., as measured at any property line;
 - ii. Fifty-five (55) decibels (dBA) during nighttime hours, between 10:00 p.m. and 7:00 a.m., as measured at any property line.
- b. Backup Generators
 - i. All generators shall comply with U.S. Environmental Protection Agency (EPA) New Source Performance Standards (NSPS) and meet Tier 4 emission standards.
- c. Generator Testing and Operation:
 - i. Generator testing shall not exceed ten (10) hours per month.
 - ii. Testing shall be limited to Monday through Friday between 9:00 a.m. and 5:00 p.m., excluding weekends and federal holidays.
 - iii. Generators shall be enclosed or screened with sound attenuation measures to reduce noise and air pollution.
 - iv. Generator use exceeding permitted noise levels shall be allowed only during bona fide emergency utility outages.
- d. Monitoring and Reporting:

- i. Prior to issuance of a Certificate of Occupancy, the applicant shall submit a post-construction noise compliance report prepared by a qualified acoustical engineer.
- ii. A continuous sound monitoring system shall be installed and operated 24 hours per day, 365 days per year to verify compliance with permitted noise levels.
- iii. A noise report, generator testing and maintenance log shall be submitted annually to the Planning and Zoning Director as part of the required compliance report.

7. Required Studies & Analyses.

- a. The following studies shall be required as part of the data center review process at the zoning/special use application stage:
 - i. Noise Impact Assessment
 - ii. Environmental Impact Analysis
 - iii. Water Consumption and Sustainability Plan
 - iv. Energy Consumption and Sustainability Plan
 - v. Sewer Capacity and Demand Analysis
- b. In addition, required at development review/land disturbance permit
 - i. Lighting Plan
 - ii. Transmission Line Impact Assessment
 - iii. Tree Preservation and Reforestation Plan
 - iv. Stormwater Management Plan
 - v. Waste management plan
 - vi. Emergency action plan
- c. All mitigation measures identified within required studies shall be incorporated into the approved development plans.
- d. Annual compliance reports detailing noise levels, water usage, and energy consumption shall be submitted to the Planning and Zoning Director for review.
- e. The applicant shall reimburse the County for costs of third-party professional review of required studies, assessments, or analyses, where such review is determined necessary by the County to evaluate the proposed development. Such costs shall be directly related to the application and shall be limited to services provided by qualified professionals retained by the County.

8. Site Lighting

- a. All exterior lighting shall utilize full cutoff, fully shielded (zero uplight) fixtures designed to prevent light trespass and preserve night sky conditions.
- b. Light fixtures shall be located a minimum distance of four (4) times the mounting height from adjacent property lines.
- c. The maximum height of site lighting shall not exceed twenty (20) feet above finished grade.
- d. At any property line abutting a residential use, illumination shall not exceed 0.05 footcandles, measured at ground level or as otherwise approved by the Planning and Zoning Director, or their designee, based on photometric analysis.

9. Mechanical Equipment, Generator and Substations

- a. All mechanical equipment, generators, cooling equipment, and substations shall be fully screened from public rights-of-way and adjacent residential properties by an opaque wall, fence, or vegetated berm with a minimum height of 8 feet and located a minimum of 500 feet from residential properties.

10. Cooling and Ventilation Systems

- a. The Applicant shall specify the proposed cooling and ventilation equipment as part of the zoning petition. Open-loop cooling systems are prohibited. All liquid cooling shall utilize closed-loop or equivalent water-conserving technologies.

11. Emergency Response

- a. Annual training for emergency response personnel (Fire, EMA, 911) shall be coordinated by the operator. The applicant shall reimburse the County for associated costs related to specialized training or equipment needed for response to the facility, which are reasonably attributable to the proposed facility's unique operational characteristics.

- b. Security Plan Requirement

The applicant shall submit a comprehensive Security Plan, subject to review by the County. The plan shall include:

- i. Controlled access points and access control systems;
- ii. 24/7 security staffing or monitoring;
- iii. Video surveillance coverage of all access points, perimeter, and critical infrastructure;
- iv. Security lighting sufficient for law enforcement operations;
- v. Procedures for trespassing, protests, and civil disturbances;

- vi. Emergency contact information and coordination protocols with local law enforcement.
- c. Emergency Action Plan Enhancement
The required Emergency Action Plan shall include:
 - i. Active threat/active shooter response procedures;
 - ii. Bomb threat protocols;
 - iii. Evacuation and shelter-in-place plans;
 - iv. Coordination with local emergency services.
- d. Cryptocurrency Facilities Additional Standards
Cryptocurrency facilities shall provide enhanced security measures, including:
 - i. Increased surveillance;
 - ii. Defined staffing or monitoring requirements;
- e. Protest & Civil Disturbance Planning
Security or emergency plans shall include protocols for managing protests, including coordination with law enforcement and traffic control measures.
- f. Enforcement Authority
The County, including the Sheriff's Office and Code Enforcement, shall have authority to enforce all provisions of this ordinance.

F. Decommission, Abandonment, and Site Restoration

The purpose of this section is to ensure that data center facilities are responsibly decommissioned, and sites restored in the event of facility closure, abandonment, or change in operational use. These provisions are intended to protect public health, safety, welfare, and the environment, and to ensure that property may be safely returned to productive use without leaving abandoned infrastructure or environmental hazards.

- 1. Notice of Cessation of Operations
 - a. The owner or operator of a data center facility shall provide written notice to the Planning and Zoning Department of any intent to permanently cease operations of the facility.
 - b. Such notice shall be provided not less than six (6) months prior to the anticipated cessation of operations.
 - c. The notice shall include a general timeline for shutdown and the anticipated schedule for decommissioning activities.
- 2. Decommissioning Plan Required
 - a. Prior to the commencement of any decommissioning activities, the property owner or operator shall submit a Data Center Decommissioning Plan for review and approval by the County.

- b. The Decommissioning Plan shall be reviewed by the appropriate County departments and all applicable agencies.
- c. Decommissioning activities shall not commence until the Decommissioning Plan has been approved and all required permits have been issued.

3. Decommissioning Plan Contents

The Decommissioning Plan shall include, at a minimum, the following information:

- a. A detailed timeline describing the anticipated phases of facility shutdown, equipment removal, infrastructure dismantling, and site restoration.
- b. Procedures for the dismantling and removal of all data center related equipment and infrastructure including, but not limited to:
 - i. servers and computing equipment
 - ii. server racks and storage systems
 - iii. cooling and mechanical equipment
 - iv. backup generators
 - v. fuel storage tanks
 - vi. electrical substations and transformers
 - vii. telecommunications infrastructure
 - viii. ancillary mechanical or electrical systems associated with data center operations
- c. Identification and proper handling procedures for all hazardous materials located on the site including, but not limited to:
 - i. diesel fuel
 - ii. batteries and battery storage systems
 - iii. refrigerants
 - iv. oils and lubricants
 - v. cooling chemicals or fluids
 - vi. All hazardous materials shall be removed, transported, and disposed of in accordance with applicable federal, state, and local regulations.
- d. A site remediation plan addressing potential environmental impacts associated with data center operations, which may include:
 - i. soil testing
 - ii. groundwater testing, where applicable
 - iii. identification of contamination
 - iv. remediation measures if contamination is detected
 - v. monitoring and verification procedures
- e. Procedures for the safe disconnection and coordination with all applicable utility providers including:
 - i. electrical service

- ii. water service
 - iii. sanitary sewer service
 - iv. telecommunications infrastructure
 - v. natural gas service, if applicable
 - f. Measures to restore the site to a safe and stable condition suitable for redevelopment or continued permitted use. Site restoration may include:
 - i. removal of foundations or structures as required
 - ii. grading and stabilization
 - iii. erosion control measures
 - iv. revegetation or landscaping where applicable
4. Decommissioning Permit
- a. Decommissioning plans shall be submitted for review through the County's development review process.
 - b. Following approval of the Decommissioning Plan, the owner or operator shall obtain other applicable permits prior to commencement of decommissioning work.
 - c. Removal, abandonment, or transfer of ownership of electrical substations, transmission infrastructure, and related utility facilities shall be determined during the decommissioning review process in coordination with the applicable utility provider.
5. Financial Assurance
- a. Prior to the commencement of decommissioning activities requiring a Land Disturbance Permit or site restoration work, the County may require financial assurance in a form acceptable to the County Attorney.
 - b. Acceptable forms of financial assurance may include:
 - i. performance bond
 - ii. irrevocable letter of credit
 - iii. escrow agreement
 - iv. other financial instruments deemed acceptable by the County
 - c. The amount of financial assurance shall be based on the estimated cost of decommissioning and site restoration as determined by the County.
 - d. Financial assurance shall remain in effect until the County has verified that all decommissioning and restoration work has been completed in accordance with the approved plan.
6. Inspection and Compliance
- a. Decommissioning activities shall be subject to inspection by the County to ensure compliance with the approved Decommissioning Plan.

- b. Following cessation of operations and until final completion of decommissioning, the County may conduct periodic inspections of the property to verify compliance with the approved Decommissioning Plan.
- c. Upon completion of all required work, the County shall conduct a final inspection to verify that all equipment, hazardous materials, and infrastructure have been properly removed and the site has been restored.

7. Abandonment of Facility

- a. A data center facility may be deemed abandoned if the facility ceases operations for a period of twelve (12) consecutive months, excluding temporary shutdowns for maintenance, upgrades, or repairs.
- b. Upon determination of abandonment, the County may require the property owner to submit and implement a Decommissioning Plan in accordance with this section.
- c. Failure to comply may result in enforcement actions as authorized under this Ordinance.

8. Completion of Decommissioning

- a. Decommissioning activities shall commence within six (6) months following cessation of operations or determination of abandonment and shall be completed within twenty-four (24) months, unless an extension is granted by the Planning and Zoning Director, or their designee, for good cause.
- b. Upon satisfactory completion of all required work and final approval by the County, any posted financial assurance may be released.
- c. Upon completion of decommissioning, the Special Use Permit authorizing the data center use shall be considered terminated and void.
- d. Reestablishment of a data center use on the property shall require approval of a new Special Use Permit.

9. Conversion or Change of Use

- a. Existing structures may be repurposed for other uses permitted within the underlying zoning district, subject to compliance with applicable building codes and zoning regulations.
- b. Conversion of an existing data center facility to another high-intensity computing or digital processing use, including but not limited to:
 - i. cryptocurrency mining operations
 - ii. artificial intelligence computing facilities
 - iii. large-scale cloud computing or colocation centers not previously approved
 - iv. similar high-density computing operations

- v. shall require review and approval as a new Special Use Permit, unless determined by the Planning and Zoning Director, or their designee, to be substantially similar to the originally approved use.

FOR ADOPTION