HALL COUNTY
PLANNING COMMISSION MEETING AGENDA

Hall County Government Center 2nd Floor
2875 Browns Bridge Road
Gainesville, GA, 30504
Streamed Live on Hall County Government's Website - www.hallcounty.org
Monday, November 02, 2026 - 05:15 PM

Call to Order

Agenda Review

Other Business

1 Training: Meeting Procedure and Motions. Staff to conduct additional training review of adopted procedures and practice making motions prior to hearing further business.

2 Election of Planning Commission Chairperson

3 Election of Planning Commission Vice Chairperson

4 Appointment of Planning Commission Member to Serve as Secretary for Preliminary and Final Subdivision Plat Review

5 Appointment of Planning Commission Secretary

6 Adoption of Hall County Planning Commission Rules of Procedure

7 Adoption of the 2026 Planning Commission Meeting Schedule

New Business

8 **Public Hearing to consider amendments to the Code of Ordinances of Hall County with regard to Title 12, specifically, Chapter 12.40. and Appendix A: Unified Development Code (UDC), specifically Articles 1, 6, 7, 8, 11 | ** | Hall County Planning Staff, applicant**

Adjourn

**The Planning Commission's decision will be the final action taken unless appealed to the Board of Commissioners. To do so, file an application with the Planning Department within 30 days of the Planning Commission's decision. The Hall County Board of Commissioners will hear appeals at a public hearing at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.*

***The Planning Commission's recommendation will be forwarded to the Board of Commissioners for final action at a public hearing.*

Hall County Government welcomes people with disabilities and their trained service animals. For questions about accessibility or to request reasonable accommodation please contact Maria Tuck, Compliance Specialist at 770-531-6712 48 hours prior to the event or as soon as possible.

AGENDA ITEM

Other Business

REPORT TO: **Planning Commission Meeting (11/02/26)**

ITEM NO: 723/2026

SUBJECT: Training: Meeting Procedure and Motions. Staff to conduct additional training review of adopted procedures and practice making motions prior to hearing further business.

Meetings:

Voting Meeting Date: 11/02/26

Executive Summary:

Presenter: KA

Recommendation:
Conduct Training

Purpose of Request:
The purpose of this training is to go over example motions and possible scenarios in a meeting.

History:

Facts and Issues:

Options:

Approvals:

Submit	Review
KE	KA

Attachments:

Meeting Procedure and Motions Training

HALL COUNTY

Hall County Planning Commission Procedures and Motion Training

Katie Ahmed, Director of Planning and Zoning

Components of a Motion

The Action Statement

- A clear motion that states all conditions if needed

Second

- Acknowledging the motion needs to be discussed and does not mean you are in favor of the motion

Chairperson restatement

- Repeats the motion to ensure understanding

Discussion

- Add conditions or state reasons for support or opposition

Vote

- Chairperson will ask for all those in favor and then all those opposed

Result Announcement

- Chairperson will state result and follow up information relating to the application

Motion to Amend the Agenda

Used when a Commissioner wants to change the order of items or add/remove an item from the agenda.

"I make a motion to move Item 5 to before Item 1"

"I move to add an additional item, item 7 to discuss proposed Unified Development Code updates"

Motion to Amend the Minutes

"I move to amend the November 2, 2026 minutes to reflect that I did not second item 7. That was Commissioner Castleberry"

Multiple Applications for the Same Address

Director must read both items for the record.

"These items can be heard together but decided separately"

- Staff presents both at the same time
- Applicant presents both at the same time
- 1 public hearing
- Multiple separate votes

Old Business

When an item was tabled at a previous meeting.

There must be a motion, second, and vote to remove an item from the table.

"I move to remove item 1 from the table"

"Second"

"If there is no discussion, all in favor?"

"This item is removed from the table"

HALL COUNTY

Example Application

Agenda Item

6752 Shoal Creek Road | Rezone | from Planned Commercial Farm District (PCFD) to Agricultural 1 (AG-1) | on a 16.913± acre tract located on the east side of Shoal Creek Road approximately 0.25 miles northeast from its intersection with Eubanks Creek Drive | Zoned PCFD; Tax parcel 12060 000006 | **Proposed use: Second dwelling** | Commission District 3 | **Lori Lynn Monty, applicant**

The Chair will give the Director the floor to state the item on the agenda.

"Item 1 is at 6752 Shoal Creek Road to Rezone from Planned Commercial Farm District to Agricultural 1. This is on a 16.913± acre tract located on the east side of Shoal Creek Road approximately 0.25 miles northeast from its intersection with Eubanks Creek Drive. It is currently zoned PCFD and is Tax parcel 12060 000006. The Proposed use is a Second dwelling. It is located in Commission District 3 and Lori Lynn Monty is the applicant"

The Chair will recognize staff to present.

The Chair will recognize the applicant to present for up to 10 minutes with reservation of time to rebut.

The Chair will open the public hearing and ask for anyone who wishes to speak in favor. 7 may speak at 3 minutes each.

The Chair will then ask for those who wish to speak in opposition. 7 may speak at 3 minutes each.

The Chair will then close the public hearing and ask the applicant to come to the podium. Any time the Applicant did not use to speak or answer questions may be used as rebuttal.

The Planning Commission may ask the applicant, staff, or those who spoke during the public hearing clarifying questions.

Motions Available

I move to withdraw the application

I move to deny the application

I move to table the application to the Month, Day, Year meeting.

I move to approve the application with the following conditions

I move to approve the application

What follows next?

"Second"
"There has been a motion and a second. Is there any discussion?"
"We discussed limiting the property to one driveway, can we add that as a condition?"
"I amend my motion to approve with all the conditions previously stated and add condition 7 to add only one driveway be allowed on this property"
"Second"
"There has been a motion and a second is there any discussion? Seeing none, all in favor?"

Ties - When Recommending to the Board

- In the case not all 5 members are available to vote there can be a tie.
- **IF** the item is going to the Board of Commissioners there can be a tie which means that the Planning Commission gives *No Recommendation* because of the tie.
- Example: A motion to deny was made by PC 1 and seconded by PC 2.

  Vote:

  PC 1 Aye
  PC 2 Aye
  PC 3 Nay
  PC 4 Nay

Ties - When HCPC is the Deciding Body

- In the case not all 5 members are available to vote there can be a tie.
- A failed motion **is not** a final decision
- The Planning Commission must then:
  - Consider alternative motions
  - Table the item to a future meeting
  - Work to a final decision that allows the applicant to pursue any available appeal to the Board of Commissioners or further review under the UDC

HALL COUNTY

QUESTIONS/FURTHER DISCUSSION

AGENDA ITEM

Other Business

REPORT TO: **Planning Commission Meeting (11/02/26)**

ITEM NO: 715/2026

SUBJECT: Election of Planning Commission Chairperson

Meetings:

Voting Meeting Date: 11/02/26

Executive Summary:

Presenter: KA

Recommendation:
Vote to elect a Planning Commission Chairperson

Purpose of Request:
The Chairperson's role is to call the meeting to order, preside over the proceedings, announce the items on the agenda, recognize speakers, enforce the rules of procedure, put motions to a vote, and adjourn the meeting. The Chairperson shall serve a one year term with eligibility for re-election

History:

Facts and Issues:

Options:

Approvals:

Submit	Review
KE	KA

Attachments:

AGENDA ITEM

Other Business

REPORT TO: **Planning Commission Meeting (11/02/26)**

ITEM NO: 716/2026

SUBJECT: Election of Planning Commission Vice Chairperson

Meetings:

Voting Meeting Date: 11/02/26

Executive Summary:

Presenter: KA

Recommendation:
Vote to elect a Planning Commission Vice Chairperson

Purpose of Request:
The Vice Chairperson's role is to act as the Chair if the Chair is ever unable to preside over a meeting. The Vice Chairperson shall serve a one year term with eligibility for re-election.

History:

Facts and Issues:

Options:

Approvals:

Submit	Review
KE	KA

Attachments:

HALL COUNTY
GEORGIA We have it all in Hall

AGENDA ITEM

Other Business

REPORT TO: **Planning Commission Meeting (11/02/26)**

ITEM NO: 718/2026

SUBJECT: Appointment of Planning Commission Member to Serve as Secretary for Preliminary and Final Subdivision Plat Review

Meetings:

Voting Meeting Date: 11/02/26

Executive Summary:

Presenter: KA

Recommendation:
Appoint a Planning Commissioner to serve as secretary

Purpose of Request:
The Hall County Unified Development Code states in 11.1.1.D " To review preliminary subdivision plats and grant development approval for same when required by this UDC. The Planning Commission may appoint a secretary from their membership to oversee preliminary plat review. The secretary may delegate this duty to the Department of Planning and Zoning as they see fit. To review final subdivision plats and grant recording and approval permits for subdivision when required by this UDC. The Planning Commission may appoint a secretary from their membership to oversee final plat review. The secretary may delegate this duty to the Department of Planning and Zoning as they see fit."

History:

Facts and Issues:

Options:

Approvals:

Submit	Review
KE	KA

Attachments:

AGENDA ITEM

Other Business

REPORT TO: **Planning Commission Meeting (11/02/26)**

ITEM NO: 719/2026

SUBJECT: Appointment of Planning Commission Secretary

Meetings:

Voting Meeting Date: 11/02/26

Executive Summary:

Presenter: KA

Recommendation:
Appoint Planning Commission Clerk, Kaitlyn Elliott.

Purpose of Request:
The Hall County Unified Development Code states in 11.1.1.C "The Planning Commission shall appoint a secretary, who may be an officer or employee of Hall County."

History:

Facts and Issues:

Options:

Approvals:

Submit	Review
KE	KA

Attachments:

AGENDA ITEM

Other Business

REPORT TO: **Planning Commission Meeting (11/02/26)**

ITEM NO: 717/2026

SUBJECT: Adoption of Hall County Planning Commission Rules of Procedure

Meetings:

Voting Meeting Date: 11/02/26

Executive Summary:

Presenter: KA

Recommendation:
Adopt.

Purpose of Request:
The Hall County Unified Development Code 11.1.1.C states "The Planning
Commission shall adopt rules of procedure governing the conduct of its meetings and proceedings and shall establish the time and place of its regular meetings." These Rules of Procedure provide the structure, authority, and process that the Planning Commission must follow to do its job legally, fairly, and consistently.

History:

Facts and Issues:

Options:

Approvals:

Submit	Review
KE	KA

Attachments:

Rules of Procedure

Hall County Planning Commission Rules of Procedure

I. PURPOSE AND AUTHORITY

The Planning Commission's purpose, authority, and duties are outlined in Section 11.1.1 of Hall County's Unified Development Code.

II. MEMBERSHIP

A. The Hall County Planning Commission (the "Commission") shall consist of five (5) members, individually appointed by members of the Board of Commissioners. All Commission members must be residents of Hall County. Each member of the Hall County Board of Commissioners shall appoint one member to serve on the Commission for a two-year term with members' terms to be staggered as provided under Section 11.1.1(B)(2). Each two-year term will begin February 1, and expire January 31, or continue until a qualified successor is appointed.

B. Any vacancy in membership must be filled for the unexpired term by the County Commissioner authorized to appoint the member occupying the position.

C. Commission members shall serve at the pleasure of the Board of Commissioners. The Board of Commissioners may remove any member at any time, with or without cause. Prior to removal, the Board shall provide the member with written notice of the proposed removal and an opportunity to be heard at a public meeting of the Board of Commissioners.

D. The unexcused absence of a Commission member from three consecutive regularly scheduled meetings without prior notice to the chairperson of the Commission or the Planning and Zoning Department staff may be grounds for termination of said member's appointment in accordance with Section 11.1.1(B)(5).

E. Members of the Commission may be reimbursed or compensated for their services pursuant to direction and approval of the Hall County Board of Commissioners.

III. ELECTION OF OFFICERS

A. The officers of the Commission shall consist of a chairperson and vice chairperson. The elected officers shall serve for a period of one year with eligibility for re-election.

The election of officers by members of the Commission shall take place at the first regular meeting in February of each calendar year. The term of each officer shall run until the subsequent election. If, for any reason, Commission officers are not elected at the first February meeting, the existing officers shall continue to serve until an election is held.

IV. OFFICERS

A. Chairperson

a) The chairperson shall be a voting member of the Commission and shall:

i. Preside over all meetings of the Commission;
ii. Act as spokesperson for the Commission;

iii. Sign documents for the Commission
iv. Declare the meeting in session and adjourned

b) The Chairperson has broad authority over all matters regarding the conduct of meetings. He or she shall exercise this authority to promote the fullest possible presentation of information and discussion of matters before the Commission while permitting the orderly and timely completion of business.

B. Vice Chairperson

The vice chairperson shall, in the absence of the chairperson, perform all duties incumbent upon the chairperson. If the chairperson and vice chairperson are both absent, the members present may elect a temporary chairperson who shall have full powers of the chairperson during the absence of the chairperson and vice chairperson.

V. SECRETARY

A. The Commission shall appoint a secretary, who may be an officer or employee of the County.
B. The secretary shall record and preserve minutes of all meetings. These records shall remain the property of the Commission and be retained for public record in the Planning Department.
C. The secretary shall prepare minutes of each meeting for approval by the Commission at the next regular meeting.
D. The secretary shall assist in the preparation of recommendations to be forwarded to the Board of Commissioners.

VI. PLANNING DEPARTMENT

A. The Planning Department will accept applications and prepare staff reports for the Commission and make recommendations consistent with the County's adopted plans, ordinances, and standards with accepted planning theory and practice.
B. The Planning Department provides research assistance to the Commission to help its members in reaching a decision.
C. The Planning Department prepares and forwards recommendations from the Commission to the Board of Commissioners**.**

VII. MEETINGS

A. The Commission shall hold its regular meetings on the first and third Mondays of each month at 5:15 p.m. at a place designated by the Commission. Notice of meetings shall be provided through the Planning Department as required under the Open Meetings Act.
B. When a meeting day falls on a legal holiday as designated by Hall County, GA and/or any County-established furlough day, the meeting shall be held on the following day, unless otherwise designated by the Commission.
C. All Commission meetings shall be governed by these Rules of Procedure. The Commission may refer to the current edition of *Robert's Rules of Order* for guidance for items not addressed by these Rules of Procedure.

D. The meetings of the Commission are open to the public. However, the Commission may hold closed meetings as permitted by law. No person shall address the Commission without first obtaining recognition from the chairperson.

VIII. QUORUM

To conduct official business of the Commission, a quorum must be present. A majority of the membership of the Commission, being not less than three (3) in number, shall constitute a quorum for the transaction of business. The affirmative vote of at least three (3) members shall be required for any official action or decision of the Commission.

IX. TELECONFERENCE

So long as a quorum is present in person, a member may participate by teleconference if necessary, due to reasons of health or absence from the jurisdiction, provided that the other Open Meetings Act requirements are met. In the absence of emergency conditions or a written opinion from a physician or other health professional stating that reasons of health prevent a member's physical presence, no member shall participate by teleconference under this subsection more than twice in one calendar year.

X. ABSENCE OF MEMBERS

Members unable to attend a regularly scheduled meeting of the Commission shall notify the chairperson or the Planning Department staff. Three consecutive unexcused absences may be grounds for termination of the member's appointment in accordance with Section 11.1.1(B)(5) of the Unified Development Code.

XI. ORDER OF BUSINESS

The chairperson, or acting vice chairperson, may, with the approval of at least two (2) other Commission members, change the order of business. Generally, the Commission meeting's order of business is as follows:

1. Call to Order
2. Announcements
3. Approval of minutes
4. Old Business
5. New Business
6. Other Business
7. Adjournment

XII. POWERS AND DUTIES

The Planning Commissioners shall exercise their powers and perform their duties in accordance with the authorities and responsibilities established in the Hall County Unified Development Code.

XIII. PUBLIC HEARING PROCEDURES

A. The chairperson will call the meeting to order.

B. The Commission will review and amend or approve the minutes of the previous meeting.

C. The chairperson will address any old business.

D. The chairperson will address new business.

E. The chairperson, or their designee, will make a brief statement identifying the application to be heard.

a) The applicant will give their presentation for no more than ten (10) minutes with the ability to reserve time for rebuttal.

b) The Commission may ask questions of the applicant and/or staff.

c) The chairperson will open the floor to the public, those in favor to speak first and then those in opposition.

i. Speakers wishing to address the Commission shall clearly state their name and address and turn in their comment card.

ii. Up to seven (7) speakers in favor or in opposition shall be allowed to speak for no more than three (3) minutes, unless a different time limit is established by the chairperson and announced prior to the commencement of the public hearing. The chairperson or a person designated by the chairperson shall be responsible for enforcing the time limit.

iii. Comments must pertain only to the merits of the proposed application and must be directed to the chairperson. The chairperson may caution any speaker whose comments are irrelevant, repetitious, disruptive, or consist of personal attacks and may prevent further comment if the speaker fails to comply with the chairperson's direction.

d) The applicant shall be afforded an opportunity for rebuttal following public comments. The applicant may reserve a portion of the allotted presentation time for rebuttal, and the Chairperson may allow additional rebuttal time when appropriate.

e) Any correspondence received in favor of or opposition to the application shall be made part of the record of the public hearing. The chairperson may publicly read any correspondence so received.

f) The chairperson will close the public hearing to further public comment.

g) The chairperson will open the floor for discussion by the Commission.

i. The Commission will decide whether to take a vote, postpone a decision or take other legal action in accordance with the Unified Development Code.

ii. The Commission may, if necessary, call on previous speakers for clarification, continue the hearing to another date or call for additional views, studies, or information.

h) The chairperson will ask if there is any other business to discuss.

i) The chairperson may entertain a motion to adjourn.

XIV. MOTIONS ENDING IN A TIE

A. When Making Recommendations to the Board of Commissioners

a) If the Planning Commission is unable to achieve a majority vote on a motion, the Commission may consider an alternative motion in an effort to reach agreement on an official recommendation.

b) The Commission may table the item to allow staff additional time to evaluate and propose conditions that may address concerns raised by members who voted against the prior motion.

c) If at least three members cannot agree on any recommendation, the minutes shall reflect that no official recommendation was adopted. A failed motion or tie vote shall not be recorded or treated as a recommendation of denial.

d) In such cases, the application shall be forwarded to the Board of Commissioners for final consideration without a formal recommendation.

B. When the Planning Commission Has Final Decision-Making Authority

a) The same procedures outlined above apply when the Commission is the final decision-making body.

b) The Commission should attempt additional motions or, if necessary, continue the item to a future meeting in order to reach a final decision.

c) If the Commission is unable to obtain the three affirmative votes necessary for a final decision, the Commission may consider alternative motions, including motions to approve the application with additional or modified conditions. If the Commission remains deadlocked, members may reconsider their positions and agree to an affirmative vote to deny the application so that a final decision may be rendered and the applicant may pursue any available appeal to the Board of Commissioners or other review permitted under the Unified Development Code. A failed motion or tie vote shall not, by itself, constitute approval or denial of the application.

XV. ADOPTION AND AMENDMENT

A. These Rules of Procedure, or any part thereof, may be amended at any regular meeting of the Commission by the affirmative vote of at least three (3) members.

B. Any bylaws or Rules of Procedure of the Commission in existence previous to the date of this adoption are hereby revoked entirely.

C. If any part or parts of these Rules of Procedure are found to be invalid, that part or parts will not invalidate the remainder of the rules.

D. These Rules of Procedure were adopted by the affirmative vote of at least three (3) members of the Commission at a regular public meeting on _____.

_____

_____, Chairperson

_____

Kaitlyn Elliott, Secretary

AGENDA ITEM

Other Business

REPORT TO: **Planning Commission Meeting (11/02/26)**

ITEM NO: 706/2026

SUBJECT: Adoption of the 2026 Planning Commission Meeting Schedule

Meetings:

Voting Meeting Date: 11/02/26

Executive Summary:

Presenter: KA

Recommendation:
Approve

Purpose of Request:
Vote to Adopt the 2026 Planning Commission Meeting Schedule

History:

Facts and Issues:

Options:

Approvals:

Submit	Review
KE	KA

Attachments:

Proposed Schedule

HALL COUNTY
GEORGIA We have it all in Hall

HALL COUNTY PLANNING COMMISSION
Proposed 2026 Commission Meeting Schedule
Hall County Government Center 2nd Floor
2875 Browns Bridge Road, Gainesville, GA 30504

Tentative Schedule – subject to Planning Commission's vote at first meeting along with the Board of Commissioner's vote for their 2027 schedule

DEADLINE FOR APPLICATIONS - 5pm	PLANNING COMMISSION MEETING	COUNTY COMMISSION MEETING
Friday, September 4, 2026	Monday, November 2, 2026	Thursday, December 10, 2026
Friday, September 18, 2026	Monday, November 16, 2026	Thursday, December 10, 2026
Friday, October 9, 2026	*Tuesday, December 8, 2026*	Tentatively Thursday, January 14, 2027
Friday October 23, 2026	Monday, December 21, 2026	Tentatively Thursday, January 28, 2027
Friday, November 6, 2026	Monday, January 4, 2027	Tentatively Thursday, February 1, 2027
Friday, November 20, 2026	*Tuesday, January 19, 2027*	Tentatively Thursday, February 25, 2027
Friday, December 4, 2026	Monday, February 1, 2027	Tentatively Thursday, March 11, 2027
Friday, December 18, 2026	Monday, February 15, 2027	Tentatively Thursday, March 25, 2027

Planning Commission – Meetings are held on the 1st and 3rd Monday of the month at 5:15pm
County Commission – Meetings are held on the 2nd and 4th Thursday of the month at 6:00pm
Dates listed in *italic font* have been moved due to holiday/scheduling conflict

All meetings are scheduled to be held at the Hall County Government Center (2875 Browns Bridge Road, Gainesville, Georgia) on the 2nd floor.

The Planning staff will set the dates for each application. The Planning Department has 15 days after the deadline date to review all applications submitted for sufficiency. If the application is found insufficient, an agenda date will not be set until the required information is submitted.

AGENDA ITEM

New Business

REPORT TO: **Planning Commission Meeting (11/02/26)**

ITEM NO: 720/2026

SUBJECT: **Public Hearing to consider amendments to the Code of Ordinances of Hall County with regard to Title 12, specifically, Chapter 12.40. and Appendix A: Unified Development Code (UDC), specifically Articles 1, 6, 7, 8, 11 | ** | Hall County Planning Staff, applicant**

Meetings:

Voting Meeting Date: 11/02/26

Executive Summary:

Presenter: MP

Recommendation:
Approve.

Purpose of Request:
Public Hearing to consider amendments to the Code of Ordinances of Hall County with regard to Title 12, specifically, Chapter 12.40. and Appendix A: Unified Development Code (UDC), specifically Articles 1, 6, 7, 8, 11 | ** | Hall County Planning Staff, applicant

History:

Facts and Issues:

Options:

Approvals:

Submit	Review
KE	KA

Attachments:
Article 1
Article 6
Article 7
Article 8
Article 11
Chapter 12

Table of Contents

Article 1. Introductory Provisions 1-1
Sec. 1.1. Legal Requirements 1-2
Sec. 1.2. Official Zoning Map 1-4
Sec. 1.3. Zoning Districts 1-6

Article 2. Rules Common to All Districts 2-1
Sec. 2.1. Measurements and Exceptions 2-2
Sec. 2.2. Design Standards 2-8

Article 3. Agricultural Districts 3-1
Sec. 3.1. Agricultural (AG-1) 3-2
Sec. 3.2. Agricultural Residential 1 (AR-1) 3-3
Table 3.3.1. Dimensional Standards for All Agricultural Districts 3-5

Article 4. Residential Districts 4-1
Sec. 4.1. Vacation Cottage (V-C) 4-3 4-2
Sec. 4.2. Residential 1 Low Density (R-1-L) 4-4 4-3
Sec. 4.3. Residential 1 (R-1) 4-6 4-5
Sec. 4.4. Residential Two-Family (R-TF) 4-7 4-6
Sec. 4.5. Residential Single-Family Detached 4-8 4-7
Sec. 4.6. Residential Single-Family Attached (R-TH) 4-9 4-8
Sec. 4.7. Residential Mixed (R-X) 4-10 4-9
Sec. 4.8. Residential Multi-Family (R-MF) 4-12 4-11
Sec. 4.9. Manufactured Home Park (MHP) 4-13 4-12
Sec. 4.10. Conservation Subdivision (CS) 4-15 4-14
Table 4.9.1. Dimensional Standards for All Residential Districts 4-1

Article 5. Mixed-Use and Business Districts 5-2
Sec. 5.1. Office and Institutional (O-I) 5-1
Sec. 5.2. Suburban Shopping (S-S) 5-2
Sec. 5.3. Highway Business (H-B) 5-3
Sec. 5.4. Mixed-Use (M-U) 5-4
Sec. 5.5. Light Industrial (I-1) 5-6
Sec. 5.6. Heavy Industrial (I-2) 5-7
Table 5.7.1. Dimensional Standards for All Mixed-use and Business Districts 5-8

Article 6. Special and Overlay Districts 6-1
Sec. 6.1. Planned Development Districts (PD) 6-3
Sec. 6.2. Planned Industrial Park (PIP) 6-8
Sec. 6.3. Gateway Corridor Overlay District (GCOD) 6-17
Sec. 6.4. Black and Cooley Drive Overlay (BCOD) 6-31
Sec. 6.5. Airport Overlay (AO) 6-34
Sec. 6.6. Protected Water Supply Watershed Overlay 6-41

Article 7. Use Provisions 7-1
Sec. 7.1. Use Classification 7-3
Sec. 7.2. Allowed Use Table 7-6
Sec. 7.3. Residential Uses 7-14
Sec. 7.4. Public/Institutional Uses 7-23
Sec. 7.5. Commercial Uses 7-51
Sec. 7.6. Industrial Uses 7-63
Sec. 7.7. Agricultural Uses 7-82
Sec. 7.8. Accessory Uses 7-85
Sec. 7.9. Temporary Uses 7-94

Article 8. Site Development 8-1
Sec. 8.1. Parking and Loading 8-3
Sec. 8.2. Fencing and Buffers 8-10
Sec. 8.3. Tree Protection 8-16
Sec. 8.4. Sidewalks 8-24
Sec. 8.5. Open Space 8-26
Sec. 8.6. Signs 8-28
Sec. 8.7. Architectural Standards. 8-47
Sec. 8.8. Amenities 8-50
Sec. 8.9. Outdoor Lighting 8-52
Sec. 8.10. Cluster Mailbox Units (CBU) 8-53
Sec. 8.11. Access 8-55
Sec. 8.12. Applicability 8-59

Article 9. Subdivisions 9-1
Sec. 9.1. General Land Development Standards 9-3

Sec. 9.2. General Design Requirements 9-5
Sec. 9.3. Streets and Other Rights-of-Way .9-7
Sec. 9.4. Street Construction Requirements 9-17
Sec. 9.5. Water and Sanitary Sewer System Requirements.....9-26
Sec. 9.6. Street Lighting 9-28
Sec. 9.7. Required Improvements 9-34
Sec. 9.8. Construction Schedule.....9-38
Sec. 9.9. Custom Support Signage 9-39
Sec. 9.10. Modification of Standards.....9-42

Article 10. Environmental Protection 10-1
Sec. 10.1. Erosion, Sedimentation, and Sedimentation Control 10-3
Sec. 10.2. Flood Protection.....10-30
Sec. 10.3. Illicit Discharge and Illegal Connection.....10-52
Sec. 10.4. Stream Buffer Protection Ordinance.....10-60
Sec. 10.5. Post-Construction Stormwater Management 10-70

Article 11. Administration 11-1
Sec. 11.1. Review Bodies 11-2
Sec. 11.2. Review Process and Procedures 11-7
Sec. 11.3. Nonconforming Uses and Structures 11-40
Sec. 11.4. Enforcement..... 11-43

Article 12. Definitions..... 12-1
Sec. 12.1. General 12-2
Sec. 12.2. Defined Terms 12-3

Sec. 1.3. Zoning Districts

1.3.1. Establishment of Districts

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

1.3.2. Transition from Previous Districts

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

1.3.3. Prior Approvals

A. The adoption of this UDC and its Official Zoning Map will not repeal the conditions of use, operation, or site development accompanying zoning approval(s) or special uses, variances, or permits issued under previous ordinances or resolutions.

B. The adoption of this UDC and its Official Zoning Map will not repeal any special use permits, conditional use permits, variances, exceptions, modifications, or waivers previously granted by the Director of Planning and Zoning, Planning Commission, or Board of Commissioners.

Table 1.1. Zoning Districts

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

Table Notes:
* No additional land may be zoned into these districts.

Formatted Table

Formatted Table

Formatted Table

Formatted Table

Article 6. Special and Overlay Districts

Table of Contents

Sec. 6.1. Planned Development Districts (PD).6-3
6.1.1. Intent 6-3
6.1.2. Eligibility 6-3
6.1.3. Required Superiority of Design and Public Benefit 6-3
6.1.4. Findings of Fact 6-4
6.1.5. Establishment of Standards and Relationship to Base Zoning....6-4
6.1.6. Application and Review Procedures.6-5
6.1.7. Amendments, Modifications, and Phasing....6-6
6.1.8. Development Standards 6-6
6.1.9. Legacy Planned Development Districts 6-7

Sec. 6.2. Planned Industrial Park (PIP) 6-8
6.2.1. Intent 6-8
6.2.2. Applicability....6-8
6.2.3. Established Restrictions....6-8
6.2.4. Concept Plan Requirements 6-9
6.2.5. Development Standards 6-9
6.2.6. Industrial Intensity Areas 6-11
6.2.7. Permitted Uses 6-11
6.2.8. High-Impact Industrial Uses 6-12
6.2.9. Location and site Design PIP-C 6-12
6.2.10. Existing Vegetation....6-13
6.2.11. Truck Circulation and Loading 6-13
6.2.12. Outdoor Storage....6-13
6.2.13. Building and Site Design 6-13
6.2.14. Lighting....6-14
6.2.15. Noise, Odor, Vibration and Other Imapcts....6-14
6.2.16. Stormwater Management 6-14
6.2.17. Infrastructure Capacity 6-15
6.2.18. Phasing 6-15
6.2.19. Development Incentives 6-15
6.2.20. Concept Plan Amendments 6-16

Sec. 6.3. Gateway Corridor Overlay District (GCOD) 6-17
6.3.1. Intent 6-17
6.3.2. Boundaries 6-17
6.3.3. Applicability of Overlay Provisions. 6-18
6.3.4. Uses 6-19
6.3.5. Site Development Standards 6-19
6.3.6. Architectural Standards....6-25
6.3.7. Signs 6-26
6.3.8. Property Maintenance Standards ..6-26
6.3.9. Other Standards....6-30

Sec. 6.4. Black and Cooley Drive Overlay (BCOD) 6-31
6.4.1. Intent 6-31
6.4.2. Boundaries 6-31
6.4.3. Applicability of Overlay Provisions. 6-31
6.4.4. Uses 6-32
6.4.5. Site Development Standards 6-32
6.4.6. Architectural Standards....6-32
6.4.7. Accessory Structures 6-32
6.4.8. Building Placement....6-33
6.4.9. Lot of Record Standards 6-33
6.4.10. Other Standards....6-33

Sec. 6.5. Airport Overlay (AO) 6-34
6.5.1. Intent 6-34
6.5.2. Definitions 6-34
6.5.3. Airport Zones....6-35
6.5.4. Height Limitations 6-38
6.5.5. Uses 6-39
6.5.6. Nonconforming Structures, Objects or Uses....6-39
6.5.7. Permits 6-39
6.5.8. Other Standards....6-40

Sec. 6.6. Protected Water Supply Watershed Overlay 6-41
6.6.1. Intent 6-41
6.6.2. Definitions 6-41

6.6.3. District Classifications.....6-43
6.6.4. North Oconee Water Supply Watershed District Standards 6-43
6.6.5. Protected Groundwater Recharge Area District Standards 6-45
6.6.6. Wetland Protection District Standards 6-47
6.6.7. Other Standards.....6-48

6.6.3. District Classifications 6-43
6.6.4. North Oconee Water Supply Watershed District Standards.....6-43
6.6.5. Protected Groundwater Recharge Area District Standards.....6-45
6.6.6. Wetland Protection District Standards 6-47
6.6.7. Other Standards.....6-48

Sec. 6.2. Planned Industrial Park (PIP)

6.2.1. Intent

A. The Planned Industrial Park (PIP) District is established to provide for comprehensively planned industrial parks containing a coordinated mixture of light and heavy industrial uses.

1. Provide locations for employment generating industrial development;
2. Allow a range of industrial uses within a coordinated development framework;
3. Encourage the efficient use of existing and planned transportation, utility, and public infrastructure;
4. Provide appropriate separation and transition between industrial uses and surrounding residential, agricultural, commercial, and other non-industrial uses;
5. Minimize adverse impacts associated with industrial development, including noise, vibration, odor, dust and lighting, truck traffic, outdoor storage, and other potentially incompatible activities;
6. Provide flexibility in the location and intensity of industrial uses while maintaining appropriate standards to protect surrounding properties.

6.2.2. Applicability

A. The PIP District shall be established through rezoning of property to the PIP zoning district.

B. Development within the PIP District shall be governed by an approved Concept Plan, narrative, and associated zoning conditions, as approved by the Board of Commissioners in connection with the rezoning, and any subsequent modification shall comply with the amendment procedures established in this Section..

C. A PIP development may contain one or more lots, buildings, tenants, or industrial uses, provided that all development complies with the approved governing documents and this Section.

D. Where the provisions of this Section conflict with another provision of this UDC, the more restrictive provision shall apply unless otherwise specifically provided.

6.2.3. Established Restrictions

A. Each Planned Industrial Park (PIP) District shall be governed by a declaration of restrictions establishing shared standards for the development, use, appearance, and maintenance of the property. The applicant shall submit the proposed restrictions with the PIP Concept Plan for County review. The restrictions shall be consistent with the UDC, zoning conditions, and approved Concept Plan. The declaration of restrictions shall be recorded in the Hall County real property records, in a form consistent with the approved Concept Plan and associated zoning conditions, prior to approval of the first final subdivision plat or issuance of the first development permit, whichever occurs first.

B. The restrictions shall address, as applicable, permitted site and building standards; common lots and shared access; parking and loading; exterior appearance; screening and landscaping; signage and lighting; utilities and drainage; construction impacts; restoration; and the ownership, maintenance, repair, and

Formatted: List ABC

Formatted: Number of columns: 2

Formatted: List ABC

Formatted: List ABC

replacement of common areas and improvements.

C. Any amendment that affects required access, common improvements, buffers, design standards, or maintenance obligations shall be handled as provided in the restrictions and applicable UDC procedures. County approval of a PIP or Concept Plan does not replace required permits or approvals.

D. Restrictions may establish standards that are more specific than the UDC where lawful, but shall not waive or conflict with the UDC unless the UDC expressly authorizes a PIP-specific standard or deviation approved through the required process. Private restrictions/covenants do not transfer County maintenance responsibilities or create County enforcement duties unless expressly accepted by the County.

6.2.4. Concept Plan Requirements

A. Prior to approval of any development within the PIP District, the applicant shall submit a Planned Industrial Park concept plan.

B. The Concept Plan shall identify, at a minimum;

1. Property boundaries;
2. Proposed lot configuration;
3. Proposed land uses;
4. Industrial intensity areas;
5. Internal streets and access points;
6. Truck circulation routes;
7. Buffers and landscaping;
8. Open space;
9. Stormwater Management facilities
10. Existing and proposed utilities
11. Emergency access;
12. Proposed phasing;
13. Significant natural resources and areas proposed for preservation;
14. Any proposed deviations from the standards of this Section.

6.2.5. Development Standards

A. Purpose and Intent.

1. The Planned Industrial Park (PIP) District is intended to promote high-quality, comprehensively planned industrial development that establishes a unified architectural character, attractive public-facing site design, and a professionally maintained development environment. Development shall be designed to attract high-quality industrial employers and investment while protecting property values and compatibility with surrounding uses.

B. Architectural Standards.

1. Buildings shall incorporate coordinated architectural design, durable exterior materials, consistent design elements, and appropriate façade articulation. Buildings visible from public roadways shall provide enhanced architectural treatment. Unfinished or visibly deteriorated exterior materials, excessive blank wall areas, and unscreened service or mechanical equipment shall be prohibited where inconsistent with the approved design standards.
2. Exterior Facades shall be regulated by the following standards:
   a. The exterior construction of all buildings shall be either brick, brick

Formatted: List123

Formatted: List ABC

Formatted: List123

Formatted: List123, Outline numbered + Level: 6 + Numbering Style: a, b, c, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

and glass, pre-cast or tilt-wall concrete panels, stone, stucco and/or painted/stained concrete, excluding expansion walls, windows, door trim, canopies, and architectural accents.

b. Except as specifically provided herein, the exterior facade and appearance of any expansion or addition to any existing building shall be consistent with the color, texture, and materials of the original building.

c. There shall be no "expansion walls" in the front yard of any Lot. Otherwise, expansion walls shall (i) be constructed of concrete block and painted to match any surrounding brick, (ii) consist of pre-cast or tilt-wall concrete panels matching any surrounding permanent walls, or (iii) consist of insulated metal wall panels or pre-finished metal panel cladding, so long as such panels and walls are complementary or similar color to the color of the exterior walls of the building.

d. If any wall exceeds one hundred (100) feet in length or twenty (20) feet in height, the pattern of the brick or concrete construction shall be varied to provide visual relief.

e. All down-spouts and gravel stops shall be pre-finished metal and shall be painted a color complementary to the wall color.

f. No building shall have any appendages (i.e. exhaust fans, vents, etc.) visible from front yard

C. Site Design and Appearance.

1. Parking, loading docks, truck courts, mechanical equipment, dumpsters, utility facilities, and outdoor storage shall be located and screened to minimize their visibility from public roadways and adjacent properties. Buildings and site improvements shall be arranged to create an orderly, cohesive development. Landscaping, entrance features, signage, lighting, and other site improvements shall be coordinated throughout the industrial park.

D. Landscaping and Common Areas.

1. The Concept Plan shall identify required perimeter landscaping, internal landscaping, open space, entry features, pedestrian areas where appropriate, and common areas. Common areas and shared improvements shall be maintained in a clean, safe, and orderly condition. Required landscaping shall be maintained and replaced when dead, diseased, damaged, or removed.

E. Development Review and Exterior Changes.

1. No building or site improvement shall be constructed, and no substantial exterior alteration shall be made, except in accordance with the approved Concept Plan and applicable County requirements. Minor modifications may be approved administratively when consistent with the approved plan and when they do not materially reduce design quality, landscaping, screening, or compatibility with surrounding properties.

F. Property Maintenance.

1. All lots, buildings, parking areas, landscaped areas, and outdoor storage areas shall be maintained in a manner that preserves the appearance and operational quality of the industrial

Formatted: List123

Formatted: List123

Formatted: List123

Formatted: List123

park. Accumulation of debris, neglected landscaping, deteriorated screening, and the unapproved storage of materials outside designated areas shall be prohibited.

G. Owners Association and Private Covenants.

1. The developer shall establish, or provide for the establishment of, a property owners association or equivalent legally enforceable private maintenance mechanism responsible for common areas and shared improvements, where applicable. Recorded covenants may establish additional architectural, maintenance, and property-use restrictions; however, such covenants shall not replace compliance with this UDC, the approved Concept Plan, or other applicable County requirements.

H. Continuing Compliance.

1. All subsequent development, subdivision, and site improvements within the PIP District shall comply with the approved Concept Plan and the standards of this Section. Amendments that materially alter the approved development character, building placement, screening, or common areas shall be reviewed in accordance with the applicable Concept Plan amendment procedures.

6.2.6. Industrial Intensity Areas

A PIP development may contain one or more of the following Industrial Intensity Areas as identified on the approved Concept Plan:

A. PIP-A. Limited Industrial

1. These areas are intended for lower-impact industrial and employment uses and should generally be located adjacent to public roads, commercial development, residential areas, or other non-industrial uses.

B. PIP-B. General Industrial

1. These areas are intended for general industrial, manufacturing, warehousing, distribution, and similar uses having moderate operational impacts.

C. PIP-C. Intensive Industrial

1. These areas are intended for higher-intensity industrial uses and shall generally be located within the interior portion of the industrial park and separated from residential and other sensitive uses.

6.2.7. Permitted Uses

A. PIP-A Uses

1. All Craft manufacturing; All Research and Development; All Warehouse and Distribution; All Wholesale; Light Manufacturing; Minor Data Center; Other uses as determined by the Director of Planning and Zoning; Storage Lots may be permitted as accessory use, as determined by the Director of Planning and Zoning, when Complimentary to the principal use.

B. PIP-B Uses

1. All Craft manufacturing; All Research and Development; All Warehouse and Distribution; All Wholesale; Light Manufacturing; Medium Data Centers; Minor Data Center; Other uses substantially similar in character and intensity to the uses permitted in PIP-B, as determined by the Director of Planning and Zoning; Storage Lots may be permitted as accessory use, as determined by the Director of Planning and Zoning, when Complimentary to the principal use.

Formatted: List123

Formatted: List ABC

Formatted: List123, Indent: Left: 0"

Formatted: List ABC

Formatted: List ABC

C. PIP-C Uses

1. All Craft manufacturing; All Research and Development; All Warehouse and Distribution; All Wholesale; Assembly; Brewery, winery, distillery; Cryptocurrency Data Center/Mining Facility; Data Center Campus; Food Processing (no protein); Laboratory; Light Manufacturing; Major Data Center; Micro-brewery; Micro-distillery; Minor Data Center; Storage Lots may be permitted as accessory use, as determined by the Director of Planning and Zoning, when Complimentary to the principal use.

6.2.8. High-Impact Industrial Uses

A. A use identified as a High-Impact Industrial Use shall be permitted only within a PIP-C area.

B. High-impact industrial uses shall be located so that the use is separated from residentially zoned property by a minimum distance of 300 feet, measured from the industrial use to the closest property line of the residentially zoned property.

C. Loading docks, truck courts, outdoor storage, and similar high-activity areas associated with a High-Impact Industrial Use shall be located away from adjacent residential property and screened from public view.

6.2.9. Location and site Design PIP-C

A. Interior Locations:

1. Data Centers located within a PIP-C area shall be located toward the interior of the Planned Industrial Park and shall not be located directly along a public roadway where a non-data center use can reasonably be located between the data center and the roadway.

B. Non-Data Center Use

1. Non-data center uses shall be located between data center facilities and roadways, property zoned for residential use, and property zoned for agricultural use. The non-data center uses shall be arranged and located to provide continuous screening and separation between the data center facility and the applicable roadway or adjoining residential or agricultural property.
2. The required non-data center uses shall substantially extend along the full width of the data center facility frontage or interface with the roadway, residential property or agricultural property. A limited or isolated non-data center structure shall not satisfy this requirement where substantial portions of the data center facility would remain directly visible from or adjacent to the roadway, residential property, or agricultural property.
3. The Director may require the arrangement, size, and extent of non-data center uses necessary to ensure that the intent of this provision is met based on the scale and configuration of the proposed data center facility.

Formatted: List ABC

Formatted: List ABC

6.2.10. Existing Vegetation

A. Existing mature vegetation within required buffers shall be preserved to the maximum extent possible.

6.2.11. Truck Circulation and Loading

A. All PIP developments shall provide an approved Truck Circulation Plan.

B. Truck circulation shall occur on internal private streets or approved public streets designed to accommodate anticipated truck traffic.

C. Truck loading and unloading areas shall be located internal to the development and shall be screened from adjacent residential and agricultural properties.

D. Truck queuing or staging within a public right-of-way is prohibited.

E. Where practicable, truck access shall be separated from employee and visitor access.

6.2.12. Outdoor Storage

A. Outdoor storage areas shall:

1. Be screened from public rights-of-way and adjacent residential property;
2. Not be located within required buffers;
3. Be located on an approved surface designed to prevent adverse impacts from stormwater runoff; and
4. Comply with all applicable environmental and stormwater requirements.

6.2.13. Building and Site Design

A. Buildings exceeding 100,000 square feet shall provide architectural articulation

Table 6.2.1.PIP Dimensional Standards

Overall Development Acreage	
PIP-A	20 acres min.
PIP-B	175 acres min.
PIP-C	250 acres min.
Open Space	20% min.
Site Coverage	70% max.
Lots	
Lot area:	2 acres min.
Yards	
Front yard:	50 ft. min.
Side yard:	30 ft. min.
Rear yard:	30 ft. min.
Building Height	
PIP-A	65 ft. max.
PIP-B	65 ft. max.
PIP-C	65 ft. max.
Perimeter Buffers	
PIP-A	50 ft. min.
PIP-B	75 ft. min.
PIP-C	100 ft. min.

Table Notes:

1. The minimum district area shall be determined by the highest Industrial Intensity Area included within the PIP development and shall apply to the total acreage of the PIP District, and not to each individual Industrial Intensity Area.

Formatted: List ABC

Formatted: List ABC

Formatted: Heading 3

Table 6.2.2.Data Center Building Setbacks

	Adjacent To R-O-W & Agricultural Zoning Districts	Adjacent to all other zoning
PIP-A	300 ft. min.	150 ft. min.
PIP-B	400 ft. min.	200 ft. min.
PIP-C	500 ft. min.	300 ft. min.

B. along elevations visible from a public right-of-way.

C. Loading docks, mechanical equipment, dumpsters, and similar service areas shall be screened from public rights-of-way and adjacent residential property.

D. Buildings located along a major thoroughfare shall provide enhanced landscaping and architectural treatment.

E. Large uninterrupted building elevations shall be broken through changes in building plane, façade materials, roofline, landscaping, or other architectural features.

6.2.14. Lighting

A. Exterior lighting shall be designed to minimize glare and light trespass onto adjacent properties.

B. Lighting shall be directed downward and away from residential property.

C. High-mast lighting shall be permitted only where specifically identified on the approved Concept Plan.

D. Photometric Plan shall be submitted for approval prior to installation. Photometric Plan shall meet the county UDC requirements at the time of submittal.

E. The maximum illumination at any lot line adjacent to any residentially zoned property, or property with residential use, is 0.2 foot-candles.

F. The maximum illumination at any lot line adjacent to a street or non-residentially zoned property is 5.0 foot-candles.

6.2.15. Noise, Odor, Vibration and Other Imapcts

A. All uses within the PIP District shall be operated so that noise, vibration, odor, dust, smoke, fumes, glare, and other impacts do not create a substantial adverse impact on surrounding properties.

B. Uses that produce substantial off-site impacts may be required to provide additional setbacks, buffers, screening, operational restrictions, or other mitigation as a condition of approval.

6.2.16. Stormwater Management

A. Stormwater management shall be designed for the PIP development as a coordinated system rather than solely on an individual-lot basis where determined appropriate by the County.

B. Stormwater facilities shall be located and designed to minimize impacts to adjoining properties.

C. Shared or regional stormwater facilities shall be permitted.

Formatted Table

Formatted: List ABC

Formatted: Heading 3

Formatted: List ABC

D. All development shall comply with the County's applicable stormwater management, floodplain, erosion and sedimentation control, and environmental requirements.

6.2.17. Infrastructure Capacity

A. Prior to approval of each development phase, the applicant shall demonstrate adequate:

1. Roadway capacity;
2. Water supply;
3. Sanitary sewer capacity;
4. Fire flow;
5. Emergency access; and
6. Other public infrastructure necessary to adequately serve the proposed development

6.2.18. Phasing

A. A PIP development may be constructed in phases.

B. Each phase shall be consistent with the approved Concept Plan.

C. Required roadway improvements, utilities, buffers, stormwater facilities, and emergency access necessary to serve each phase shall be constructed or bonded prior to issuance of certificates of occupancy for development within that phase.

6.2.19. Development Incentives

A. Enhanced Buffer Option

1. A development providing buffers exceeding the minimum required by this Section by at least 25 feet may qualify for:
   a. Increased building height up to 15 feet; or
   2. Increased site coverage up to 5 percent.

B. Enhanced Open Space Option

1. A development providing more than 30 percent open space may qualify for:
   a. Increased building height up to 15 feet; or
   2. Increased site coverage up to 5 percent.

C. Transportation Improvement Option

1. Where the applicant constructs improvements beyond the minimum required, the County may approve:
   a. Increased building height;
   b. Increased site coverage; or
   c. Reduced internal setbacks.

D. Environmental Design Option

1. A development providing enhanced stormwater management, substantial tree preservation, green infrastructure, or other approved environmental improvements may qualify for:
   a. Increased site coverage up to 5 percent; or
   b. Alternative landscaping requirements.

E. Consolidated Industrial Park Option

1. Where multiple parcels are developed under one approved Concept Plan, the Director may permit shared:
   a. Parking;
   b. Stormwater facilities;
   c. Internal access;
   d. Open space;
   e. Landscaping;
   f. Loading facilities; and
   g. Utility infrastructure, provided that the overall development satisfies

Formatted: List123

Formatted: List123

Formatted: List123, Outline numbered + Level: 6 + Numbering Style: a, b, c, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: List123

Formatted: List123

Formatted: List123

Formatted: List123, Outline numbered + Level: 6 + Numbering Style: a, b, c, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: List123

Formatted: List123, Outline numbered + Level: 6 + Numbering Style: a, b, c, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: List123

Formatted: List123, Outline numbered + Level: 6 + Numbering Style: a, b, c, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: List123

Formatted: List123, Outline numbered + Level: 6 + Numbering Style: a, b, c, … + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

the applicable requirements of this UDC.

6.2.20. Concept Plan Amendments

A. Minor modifications to an approved PIP Concept Plan may be approved administratively where such modifications:

1. Do not increase the approved intensity of an industrial use;
2. Do not reduce required buffers or open space;
3. Do not substantially alter external access;
4. Do not increase impacts to surrounding properties; and
5. Remain consistent with the purpose and intent of the PIP District.

B. Major modifications shall require approval in accordance with the procedures established in Sec. 11.2.

Formatted: List123

Formatted: Normal, No page break before

~~Sec. 6.2.~~Sec. 6.3. Gateway Corridor Overlay District (GCOD)

~~6.2.1.~~6.3.1. Intent

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

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

~~6.2.2.~~6.3.2. Boundaries

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

1. S.R. 211 from S.R. 53 (Winder Highway), south to Thompson Mill Road.
2. U.S. 129 (Athens Highway) from the Gainesville City limits, south to Gillsville Highway.
3. S.R. 53 (Winder Highway) from S.R. 13 (Falcon Parkway), east to the Jackson County line.
4. S.R. 13 (Atlanta Highway and Falcon Parkway) from the Flowery Branch City limits, north to S.R. 53 (Winder Highway).
5. McEver Road from the Buford City limits, north to the northernmost intersection with Radford Road.
6. Martin Road from S.R. 53 (Winder Highway) to S.R. 13, to continue along a proposed extension of Martin Road to Thurmond Tanner Pkwy pursuant to final alignment approved by GDOT.
7. Spout Springs Road from the Flowery Branch City limits, south to Friendship Road.
8. Friendship Road from Bogan Road, east to Thompson Mill Road.
9. Realigned Thompson Mill Road from Spout Springs Road east to S.R. 211 (Old Winder Highway), pursuant to final alignment approved by GDOT.
10. All state controlled rights-of-way within the jurisdiction of Hall County.

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

C. Upon written application, the Director may grant exemptions from the requirements of this section for parcels or portions of a

parcel that would otherwise be included in the GCOD, based on one or more of the following findings:

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

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

~~6.2.3.~~6.3.3. Applicability of Overlay Provisions

A. This Overlay District is supplemental to the underlying zoning district classifications established within this UDC. The provisions of this section are overlaid upon and imposed in addition to said underlying zoning regulations and other Hall County ordinances.

B. In any case where the standards and requirements of the GCOD conflict with those of the underlying zoning district or subdivision regulations, the standards and requirements of the GCOD govern.

C. The provisions of this Sec. 6.2. do not apply to the following:

1. Completion of work subject to preliminary plats, site development plans, construction plans, building permits, or interior finish permits approved prior to March 22, 2007.
2. Reconstruction, rehabilitation, restoration, repair or addition of an existing non-residential structure, interior renovations or interior finishes within an existing structure, or addition to an existing non-residential structure that was permitted prior to March 22, 2007, provided that such construction is on a lot of record and does not result in addition or change to more than 75 percent of the floor area of the existing permitted structure.
3. Rezonings and planned developments that were approved by the Board of Commissioners prior to March 22, 2007, except for those approvals with specific reference to the GCOD.

D. The following requirements apply to reconstruction, replacement or addition to a legally permitted and existing non-residential structure when such change consists of more than 75 percent of the floor area of the existing structure:

1. The portion of the project that is reconstructed, replaced or added must meet the Architectural Standards of 6.3.6~~6.2.6~~.
2. If the reconstruction, replacement or addition includes the addition of 50 parking spaces or more, the newly constructed parking spaces must meet the parking lot design requirements of Sec. 6.3.5.C~~6.2.5.C~~.
3. If the reconstruction, replacement or addition decreases the distance between the subject building and abutting property that is used for single-family residential purposes, the

property line where the distance abutting residential property has been decreased must provide a transitional buffer as required in Sec. 6.3.5.A~~6.2.5.A~~.

4. If the reconstruction, replacement or addition includes the reconstruction or addition of loading and service areas adjacent to property that is used for single-family residential purposes, such loading and service areas must be screened as required in section Sec. 8.1.5.
5. Any new signs must meet the requirements of Sec. 8.6.

E. Building plan application.

1. All building plans submitted pursuant to an application for a building permit should clearly indicate compliance with the proposed landscaping, architectural design, building materials, access management, and signage requirements of this Sec. 6.2.
2. The plans must clearly show the location and calculate the amount or percentages of all building materials per building face as indicated in Sec. 6.3.6.B~~6.2.6.B~~.
3. Groups of buildings on the same parcel of land may be reviewed and permitted as a single project rather than individual buildings.

~~6.2.4.~~6.3.4. Uses

A. Uses are permitted in accordance with the underlying zoning, except as set forth below. See Sec. 7.2. (Allowed Use Table).

B. The following uses are not allowed in the GCOD:

1. Adult entertainment establishments.
2. Billboards.
3. Junk or salvage yards.
4. Mobile home.
5. Manufactured home.

C. The following uses are allowed only with approval of a Special Use by the Board of Commissioners:

1. Car wash.
2. Outdoor storage.
3. Outdoor recreation.
4. Self-storage warehouse.
5. Truck stop.
6. Truck terminal.
7. Truck yard.
8. Vehicle repair, minor or major.
9. Vehicle sales, new or used.

~~6.2.5.~~6.3.5. Site Development Standards

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

A. Transitional Buffers.

1. Applicability.
   a. Transitional buffers required in this section must provide an effective visual screen between dissimilar uses or activities unless permitted as a single project per Sec. 6.3.3.E.3~~6.2.3.E.3~~.
   b. A transitional buffer is required along and inside the property line of a nonresidential property abutting a residential use or residentially zoned property.
   c. Transitional buffers are required along and inside the property line at the perimeter of a planned development district that abuts

single-family residential zoning or uses, in accordance with the requirements of this subsection, but no transitional buffers are required between dissimilar uses within the planned development district.

2. Width of transitional buffer.
   a. Where a commercial zoning district abuts property zoned for single-family residential, multi-family residential or agricultural use, the width must be at least 25 feet.
   b. Where an industrial zoning district abuts property zoned for residential or agricultural use, the width must be at least 50 feet.
   c. Public and institutional uses must comply with the standards in this section that apply to commercial zoning districts.
3. Transitional buffers that are at least 25 feet in width or greater must meet at least two of the three following criteria:
   a. Be planted with a staggered double row of evergreen trees at least six feet in height, or
   b. A single row of deciduous shade trees at least two inches caliper DBH with a minimum height of 30 feet at maturity and two staggered rows of evergreen shrubs at least three feet in height, planted a maximum of four feet on center, or
   c. Other arrangements which provide a similar visual screen, as approved by the Director.
4. Adjustments to buffer width.
   a. If a 6 foot high solid wood fence or masonry wall is incorporated into the design of a transitional buffer, the width of the buffer may be reduced by no more than 10 feet. The fence or wall must be located on the inside of the vegetation required in section 6.3.5.A.3~~6.2.5.A.3~~., with the finished side facing the adjacent property.
   b. Walls or fences required to screen loading and service areas, outdoor storage, and accessory equipment required in section 6.3.5.B~~6.2.5.B~~. may not be used to reduce the width of a transitional buffer required in section 6.3.5.A~~6.2.5.A~~.

Article 7. Use Provisions

Table of Contents

Sec. 7.1. Use Classification 7-37-5
7.1.1. Principal Uses 7-37-5
7.1.2. Accessory Uses 7-37-5
7.1.3. Temporary Uses 7-37-5
7.1.4. Principal Uses Not Listed 7-37-5
7.1.5. Accessory Uses Not Listed 7-47-6
7.1.6. Legacy Uses 7-47-6
7.1.7. Use Table Key 7-57-7

Sec. 7.2. Allowed Use Table 7-67-8
7.2.1. Allowed Use Table 7-67-8

Sec. 7.3. Residential Uses 7-147-16
7.3.2. Household Living 7-147-16
7.3.3. Group Living 7-187-20
7.3.4. Large Lot Subdivision 7-217-23

Sec. 7.4. Public/Institutional Uses 7-237-25
7.4.1. Civic 7-237-25
7.4.2. Parks and Open Space 7-247-26
7.4.3. Major Utilities 7-257-27
7.4.4. Small Wireless Facilities and Antennas 7-267-28
7.4.5. Telecommunications Antennas and Towers 7-367-38

Sec. 7.5. Commercial Uses 7-517-53
7.5.1. Adult Establishment 7-517-53
7.5.2. Day Care 7-517-53
7.5.3. Event Facility 7-527-54
7.5.4. Indoor Recreation 7-527-54
7.5.5. Lodging 7-537-55
7.5.6. Medical 7-547-56
7.5.7. Office 7-547-56
7.5.8. Personal Service 7-557-57
7.5.9. Outdoor Recreation 7-577-59
7.5.10. Eating and Drinking Establishment .. 7-587-60
7.5.11. Retail Sales 7-587-60
7.5.12. Vehicular 7-607-62

Sec. 7.6. Industrial Uses 7-637-65
7.6.1. Craft Manufacturing 7-637-65
7.6.2. Data Center 7-637-65
7.6.3. Heavy Industrial 7-757-77
7.6.4. Light Industrial 7-757-77
7.6.5. Research and Development 7-777-79
7.6.6. Storage Lot 7-777-79
7.6.7. Self-Service Storage 7-787-80
7.6.8. Warehouse and Distribution 7-787-80
7.6.9. Waste Related Services 7-787-80
7.6.10. Wholesale 7-807-82

Sec. 7.7. Agricultural Uses 7-827-84
7.7.1. Agriculture, General 7-827-84
7.7.2. Equestrian Center 7-827-84
7.7.3. Agri-entertainment Events 7-827-84
7.7.4. Farm Winery 7-847-86
7.7.5. Sawmill 7-847-86

Sec. 7.8. Accessory Uses 7-857-87
7.8.1. General 7-857-87
7.8.2. Accessory Structure 7-857-87
7.8.3. Accessory Dwelling Unit (ADU) 7-857-87
7.8.4. Caretaker's Residence 7-867-88
7.8.5. Drive-Thru Facility 7-867-88
7.8.6. Garage, Private 7-867-88
7.8.7. Garden 7-867-88
7.8.8. Guest House 7-867-88
7.8.9. Home-Based Business 7-877-89
7.8.10. Institutional Accessory Uses .. 7-917-93
7.8.11. Keeping of Livestock and Poultry 7-917-93
7.8.12. Modular Offices/Classrooms . 7-917-93
7.8.13. On-Site Parking 7-917-93
7.8.14. Outdoor Storage, Minor 7-917-93
7.8.15. Outdoor Storage, Major 7-927-94
7.8.16. Religious Accessory Uses 7-937-95
7.8.17. Short Term Rental 7-937-95

7.8.18. Swimming Pool, Hot tub, and Spa....7-937-95

Sec. 7.9. Temporary Uses.....7-947-96
7.9.1. Farmers' Market 7-947-96
7.9.2. Mobile Food Establishment 7-947-96
7.9.3. Garden Market.....7-947-96
7.9.4. Temporary Buildings.....7-947-96
7.9.5. Temporary Events 7-967-98
7.9.6. Yard/Garage Sales 7-977-99

7.8.18. Swimming Pool, Hot tub, and Spa ... 7-937-95

Sec. 7.9. Temporary Uses.....7-947-96
7.9.1. Farmers' Market.....7-947-96
7.9.2. Mobile Food Establishment.....7-947-96
7.9.3. Garden Market.....7-947-96
7.9.4. Temporary Buildings 7-947-96
7.9.5. Temporary Events.....7-967-98
7.9.6. Yard/Garage Sales.....7-977-99

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 Permit (SUP)

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 SUP = Special Use Permit
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-SF**	**R-TH**	**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. 7.3.2.A~~7.3.1.A~~
Single-family detached dwelling	P	P	P	P	P	P	P	--	P	--	P	CUP	--	--	P	--	--	Sec. 7.3.2.B~~7.3.1.B~~
Mobile home	P	P	--	P	--	--	--	--	--	--	P	--	--	--	--	--	--	Sec. 7.3.2.C~~7.3.1.C~~
Manufactured home	P	P	--	P	--	--	--	--	--	--	P	--	--	--	--	--	--	Sec. 7.3.2.D~~7.3.1.D~~
Two-family dwelling	--	--	--	--	--	P	--	--	P	--	--	CUP	--	--	P	--	--	Sec. 7.3.2.E~~7.3.1.E~~
Townhouse	--	--	--	--	--	--	--	P	P	--	--	CUP	--	--	P	--	--	Sec. 7.3.2.F~~7.3.1.F~~
Multi-family dwellings	--	--	--	--	--	--	--	--	P	P	--	CUP	--	--	P	--	--	Sec. 7.3.2.G~~7.3.1.G~~
Live-Work	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	CUP	--	--	CUP	--	--	Sec. 7.3.2.H~~7.3.1.H~~
Cottage Court	--	--	--	--	--	--	--	--	CUP	--	--	--	--	--	CUP	--	--	Sec. 7.3.2.I~~7.3.1.I~~
All group living, as listed below:																		Sec. 7.3.3~~7.3.2~~
Boardinghouse	SUP	SUP	SUP	SUP	SUP	--	SUP	SUP	SUP	SUP	--	--	--	--	--	--	--	Sec. 7.3.3.B~~7.3.2.B~~
Community Residence	P	P	P	P	P	P	P	P	P	SUP	P	--	--	--	--	--	--	Sec. 7.3.3.C~~7.3.2.C~~
Group home	SUP	SUP	SUP	SUP	SUP	--	SUP	SUP	SUP	SUP	--	--	--	--	--	--	--	Sec. 7.3.3.D~~7.3.2.D~~
Institutional residential	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	--	P	--	--	--	--	--	Sec. 7.3.3.E~~7.3.2.E~~
Emergency Shelter	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	--	--	Sec. 7.3.3.F~~7.3.2.F~~
Large Lot Subdivision	P	P	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 7.3.4
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

Key: P = Permitted Use SUP = Special Use Permit
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-SF	R-TH	R-X	R-MF	MHP	O-I	S-S	H-B	M-U	I-1	I-2	Definition/ Standards
Place of worship	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 7.4.1.C
Community center	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	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	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	P	P	P	P	P	--	Sec. 7.4.1.H
School, private	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	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	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	--	--	P	P	--	P	P	Sec. 7.4.2.B
Marina	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	--	--	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	--	--	--	--	--	--	--	--	--	--	--	SUP	SUP	SUP	SUP	--	--	Sec. 7.4.2.E
Open space, private	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	--	Sec. 7.4.2.F
Major utilities, private	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	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
Telecommuni-cations antennas and towers	SUP	SUP	--	--	--	--	--	--	--	--	--	--	SUP	SUP	--	SUP	SUP	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	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	--	P	--	--	P	P	P	Sec. 7.5.2.B
Day care centers	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	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	SUP	--	--	P	--	--	Sec. 7.5.2.D

Key: P = Permitted Use SUP = Special Use Permit
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-SF	R-TH	R-X	R-MF	MHP	O-I	S-S	H-B	M-U	I-1	I-2	Definition/ Standards
Group day care facility	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	--	P	P	P	P	P	--	Sec. 7.5.2.E
Nursery, kindergarten	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	P	P	P	P	P	--	Sec. 7.5.2.F
All event facilities	~~--SU~~	~~--SU~~	~~--SU~~	--	--	--	--	--	--	--	--	~~PSU~~	~~PSU~~	~~PSU~~	~~PSU~~	~~PSU~~	~~P--~~	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	--	--	--	--	--	--	--	--	--	--	--	SUP	--	SUP	--	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	--	--	--	--	--	--	--	--	--	--	--	SUP	--	SUP	--	SUP	--	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
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

Key: P = Permitted Use SUP = Special Use Permit
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-SF	R-TH	R-X	R-MF	MHP	O-I	S-S	H-B	M-U	I-1	I-2	**Definition/ Standards**
Laundry and Dry Cleaning	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	P	P	Sec. 7.5.8.H
Psychic, fortune teller	--	--	--	--	--	--	--	--	--	--	--	--	--	SUP	--	P	P	Sec. 7.5.8.L
Tattoo parlor or body piercing	--	--	--	--	--	--	--	--	--	--	--	--	SUP	SUP	--	SUP	SUP	Sec. 7.5.8.N
Outdoor recreation, except as listed below:	--	--	--	--	--	--	--	--	--	--	--	SUP	SUP	SUP	SUP	SUP	SUP	Sec. 7.5.9
Outdoor shooting range	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	SUP	SUP	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:	--	--	--	--	--	--	--	--	--	--	--	SUP	P	P	P	--	--	Sec. 7.5.10.A
Brewpub	--	--	--	--	--	--	--	--	--	--	--	--	SUP	SUP	SUP	SUP	--	Sec. 7.5.10.B
Drive-in restaurant	--	--	--	--	--	--	--	--	--	--	--	--	P	P	SUP	--	--	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	--	--	--	--	--	--	--	--	--	--	--	--	SUP	SUP	SUP	P	P	Sec. 7.5.11.D
Smoke or vape shop	--	--	--	--	--	--	--	--	--	--	--	--	SUP	SUP	SUP	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	SUP	P	P	Sec. 7.5.12.B
Car wash	--	--	--	--	--	--	--	--	--	--	--	--	P	P	SUP	P	P	Sec. 7.5.12.C
Fuel sales	--	--	--	--	--	--	--	--	--	--	--	--	SUP	SUP	SUP	P	P	Sec. 7.5.12.D
Service Station	--	--	--	--	--	--	--	--	--	--	--	--	SUP	SUP	SUP	P	P	Sec. 7.5.12.E
Truck stop	--	--	--	--	--	--	--	--	--	--	--	--	--	SUP	--	P	P	Sec. 7.5.12.F
Vehicle sales, rental, or auction	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	P	P	Sec. 7.5.12.F
Vehicle repair, minor	--	--	--	--	--	--	--	--	--	--	--	--	SUP	P	--	P	P	Sec. 7.5.12.H

Key: P = Permitted Use SUP = Special Use Permit
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-SF	R-TH	R-X	R-MF	MHP	O-I	S-S	H-B	M-U	I-1	I-2	**Definition/ Standards**
Vehicle repair, major	--	--	--	--	--	--	--	--	--	--	--	--	--	SUP	--	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	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	SUP	SUP	Sec. 7.6.2
All heavy industrial, except as listed below	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	Sec. 7.6.3
Asphalt emulsion	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	SUP	SUP	Sec. 7.6.3.B
Airport	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	SUP	Sec. 7.6.3.A.1
Airfield, private	SUP	SUP	--	--	--	--	--	--	--	--	--	--	--	--	--	--	SUP	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	--	--	--	--	--	--	--	--	--	--	--	--	--	SUP	SUP	P	P	Sec. 7.6.4.D
Micro-distillery	--	--	--	--	--	--	--	--	--	--	--	--	--	SUP	SUP	P	P	Sec. 7.6.4.E
All research and development	SUP	--	--	--	--	--	--	--	--	--	--	SUP	--	--	--	P	P	Sec. 7.6.5
All storage lots, except as listed below:	--	--	--	--	--	--	--	--	--	--	--	--	--	SUP	--	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	--	--	--	--	--	--	--	--	--	--	--	--	--	SUP	--	P	P	Sec. 7.6.6.D
Truck yard	--	--	--	--	--	--	--	--	--	--	--	--	--	SUP	--	P	P	Sec. 7.6.6.E
All self-service storage	--	--	--	--	--	--	--	--	--	--	--	--	SUP	SUP	--	P	P	Sec. 7.6.7
All warehouse and distribution	--	--	--	--	--	--	--	--	--	--	--	--	--	SUP	--	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	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	SUP	Sec. 7.6.9.C
Slow rate land treatment system	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	Sec. 7.6.9.D

Key: P = Permitted Use SUP = Special Use Permit
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-SF	R-TH	R-X	R-MF	MHP	O-I	S-S	H-B	M-U	I-1	I-2	**Definition/ Standards**
Waste-related energy recovery or production	SUP	--	--	--	--	--	--	--	--	--	--	--	--	--	--	SUP	SUP	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	P	P	--	--	--	--	--	--	Sec. 7.7.1
Equestrian center	SUP	SUP	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 7.7.2
Agri-entertainment events	SUP	SUP	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 7.7.3
Farm winery	SUP	SUP	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 7.7.4
Sawmill	SUP	SUP	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	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	SUP	SUP	--	--	--	--	--	--	--	--	--	SUP	--	SUP	--	SUP	SUP	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

Key: P = Permitted Use SUP = Special Use Permit
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-SF	R-TH	R-X	R-MF	MHP	O-I	S-S	H-B	M-U	I-1	I-2	Definition/ Standards
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	SUP	SUP	SUP	SUP	SUP	SUP	SUP	--	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	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	--	--	--	--	--	--	--	--	--	--	--	SUP	SUP	SUP	SUP	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	--	--	--	--	--	--	--	--	--	SUP	SUP	SUP	SUP	SUP	SUP	Sec. 7.9.1
Mobile food establishment	CUP	CUP	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	Sec. 7.9.2
Garden market	P	P	--	--	--	--	--	--	--	--	--	SUP	SUP	SUP	SUP	SUP	SUP	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
Yard/garage sales	P	P	P	P	P	P	P	P	P	P	P	--	--	--	--	--	--	Sec. 7.9.6
Other																		
Conservation Subdivision	--	--	SU	--	SU	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 4.10
Subdivision, residential	SU	SU	~~SUCU~~P	~~SUCU~~P	~~SUCU~~P	~~SUCU~~P	~~CUSU~~P	~~CUS~~UP	~~CUSU~~P	~~CUSU~~P	--	SUP	--	--	SUP	--	--	Article 9

Key: P = Permitted Use SUP = Special Use Permit
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-SF	R-TH	R-X	R-MF	MHP	O-I	S-S	H-B	M-U	I-1	I-2	**Definition/ Standards**
Subdivision, non-residential	--	--	--	--	--	--	--	--	--	--	--	SUP	SUP	SUP	SUP	SUP	SUP	Article 9
Minor subdivision	P	P	~~C~~SUP	~~C~~SUP	~~C~~SUP	~~C~~SUP	~~C~~SUP	~~C~~SUP	~~C~~SUP	~~C~~SUP	--	--	--	--	--	--	--	Sec. 12.2

7.3.4. Large Lot Subdivision

A. Purpose

The purpose of this section is to encourage the development and preservation of larger residential lots in appropriate areas of Hall County in order to maintain rural character, preserve open land, reduced development fragmentation, and provide land-use benefits that may support more efficient patterns of residential growth elsewhere in the County.

B. Permitted Districts

1. Residential 1 Low Density (R-1-L)
2. Agricultural Residential 1 (AR-1)
3. Agricultural (AG-1)

C. Minimum Lot Side: 1 acre

D. Maximum Lots: A large lot subdivision shall contain no more than six (6) lots.

1. Lots created pursuant to this section shall not be further subdivided unless the resulting subdivision complies with all applicable requirements of the UDC in effect at the time of such subdivision and does not rely upon the Large Lot Development incentive.

E. Access

1. The overall parent tract for the proposed large lot subdivision shall meet the minimum road frontage standard as required by the Hall County UDC . All existing lots of record may be considered for this use given that all other applicable standards of this code section are met.
2. A Large Lot Development Subdivision containing six (6) lots or fewer may utilize a single Shared Access Driveway to provide access to the lots, subject to the requirements of Hall County Code of Ordinance, Chapter 12.40, Common Access Driveways, as modified by this section.
3. The Shared Access Driveway shall be permitted to serve all lots within the Large Lot Development Subdivision, notwithstanding any limitation on the number of lots or parcels served by a common access driveway otherwise established in Chapter 12.40.
4. Interior lots served by an approved Shared Access Driveway shall not be required to have individual frontage on a public road.
5. All required easements and access rights shall be established and recorded prior to any approval of the final plat.
6. Large lot Development Subdivisions shall be exempt from section 9.2.4. and 9.7.6.A.1,

F. Fire Access

1. All access serving a Large Lot Development Subdivision shall be reviewed and approved by the Hall County Fire Marshal and shall comply with applicable fire access requirements of the International Fire Code, State of Georgia requirements, and Hall County regulations.

G. Access and Maintenance Agreement

1. A recorded access and maintenance agreement shall be required for any Shared Access Driveway. The agreement shall establish responsibility for the construction, maintenance, repair, and replacement of the Shared Access Driveway and associated drainage improvements. The Access and Maintenance Agreement will be required before the final plat of the subdivision.

Formatted: Indent: Left: 0"

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: List123, Indent: Left: 0"

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Bold

Formatted: Font: Not Bold

Formatted: Outline numbered + Level: 5 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: Not Bold

Formatted: Font: Bold

H. Lots

1. Each lot shall permit one (1) principal dwelling unless otherwise permitted by the underlying zoning district.
2. Connection to sewer shall not be required.
3. Internal sidewalks shall not be required.

I. Open Space and Natural Resources Projection

1. Open space shall prioritize preservation of Steep slopes; Mature Forest; Agricultural land and pasture; Wildlife corridors; and other significant natural or scenic resources. In addition to the required stream and stream buffer, floodplain and wetlands preservation.

J. Stormwater

1. If the subdivision is creating over 5,000 square feet for a shared access driveway, the stormwater detention regulations of UDC 10.5 Post-Construction Stormwater Management will be required.

K. Shared Access Driveways

1. The homeowners of the subdivision will be responsible for the maintenance of the Shared Access Driveway. This responsibly will be a plat note on all subdivision plans.
2. The Shared Access Driveway will follow the construction standards of Hall County Code of Ordinance 12.40.220. Common Access Driveways.
3. All lots must have direct access to either a public/private roadway or a Shared Access Drive

L. Environmental

1. All UDC requirements for Environment Project including but not limited to Erosion, Sedimentation, Flood Protection, Steam Buffer Protection and Stormwater management will be required.

M. Contiguous Development

1. No large lot subdivision may be within 100-foot radius of another larger lot subdivision.

N. Bridges and Elevated Surfaces

1. Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO HB-17. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges where required by the fire code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces that are not designed for such use, approved barriers, approved signs or both shall be installed and maintained where required by the fire code official.

Formatted: Font: Bold
Formatted: List ABC
Formatted: Font: Bold
Formatted: List ABC
Formatted: Font: Bold
Formatted: List ABC
Formatted: Font: Bold
Formatted: List ABC
Formatted: Font: Bold
Formatted: List ABC
Formatted: Font: Bold
Formatted: List ABC
Formatted: Left, Indent: Left: 0", Space After: 8 pt, Don't keep lines together
Formatted: Left, Indent: Left: 0", Space After: 8 pt, Don't keep lines together

supervision and care for not less than seven or more than 18 children under 18 years of age, for less than 24 hours and without transfer of legal custody.

F. Nursery, Kindergarten

1. **Defined**

   Any facility licensed or registered with the State of Georgia to provide early childhood education for children ages three through six.

2. **Use Standards**

   a. A minimum of 100 square feet of outdoor play area must be provided for each child.

   b. Play areas must be enclosed by a fence at least 42 inches in height.

7.5.3. Event Facility

A. Defined

A building, portion of a building, or designated outdoor area principally used and made available for rent or lease as a venue for organized public or private gatherings, including weddings, receptions, corporate meetings, celebrations, and similar events. The use may include accessory areas and facilities, such as dressing rooms, preparation rooms, green rooms, lounges, and similar spaces that support the hosting of events. This use does not include a dwelling or short-term rental property where the hosting of gatherings is incidental to its use for residential occupancy or lodging, provided that the property is not separately advertised, rented, leased, or otherwise operated as a venue for organized gatherings or events.

~~A facility available for lease by private parties or special events, such as weddings.~~

7.5.4. Indoor Recreation

A. Defined

A commercial or non-profit facility providing daily or regularly scheduled recreation-oriented activities in an indoor setting. Indoor recreation includes the following:

1. Commercial amusement, indoor.
2. Concert Hall, auditorium.
3. Health spa, gym.
4. Indoor shooting range.
5. School of the arts.
6. Theaters.

B. Commercial Amusement, Indoor

1. **Defined**

   A place where recreational activity such as arcades, billiards, game rooms, bowling alleys, skating rinks, sporting activities and other recreational amusements are conducted within a building.

C. Concert Hall, Auditorium

1. **Defined**

   A place of assembly that customarily charges an entrance fee to the public for concerts, plays or other similar live entertainment within a building or portion of a building.

D. Health Spa, Gym

1. **Defined**

An establishment that for-profit or gain provides as one of its primary purposes services or facilities which are purported to assist patrons to improve their physical condition or appearance. Not included within this definition are facilities operated by nonprofit organizations, facilities wholly

Article 8. Site Development

Table of Contents

Sec. 8.1. Parking and Loading..... 8-38-4
8.1.1. General 8-38-4
8.1.2. Off-Street Parking Requirements 8-38-4 8.1.3. Parking Lot Construction and Design Standards 8-58-6
8.1.4. Additional Vehicle Parking Provisions 8-88-9
8.1.5. Off-Street Loading Requirements. 8-98-10

Sec. 8.2. Fencing and Buffers 8-108-11
8.2.1. General 8-108-11
8.2.2. Fences and Walls 8-108-11
8.2.3. Required Buffer Areas 8-108-11
8.2.4. Buffer Types and Standards 8-118-12
8.2.5. Frontage Landscape Strips 8-148-15

Sec. 8.3. Tree Protection 8-168-17
8.3.1. General 8-168-17
8.3.2. Definitions 8-168-17
8.3.3. Applicability.....8-178-18
8.3.4. Removal of Trees.....8-188-19
8.3.5. Protection of Existing Trees 8-188-19
8.3.6. Tree Replacement 8-198-20
8.3.7. Tree Measurements.....8-208-21
8.3.8. Tree Protection Plan 8-208-21
8.3.9.Requirements for Commercial, Industrial or Multi-family Residential Developments 8-228-23
8.3.10. Requirements for Single-family Residential Developments.....8-228-23

Sec. 8.4. Sidewalks 8-248-25
8.4.1. General 8-248-25
8.4.2. Applicability.....8-248-25
8.4.3. Standards for Design and Construction 8-248-25
8.4.4. Additional Requirements for Residential Subdivisions.....8-248-25
8.4.5. Exemptions and Waivers.....8-248-25
8.4.6. Sidewalk Repair and Maintenance..... 8-258-26

Sec. 8.5. Open Space.....8-268-27
8.5.1. General 8-268-27
8.5.2. Applicability 8-268-27
8.5.3. Open Space Standards 8-268-27

Sec. 8.6. Signs.....8-288-29
8.6.1. General 8-288-29
8.6.2. Definitions 8-298-30
8.6.3. Prohibited Signs.....8-308-31
8.6.4. Signs Not Requiring a Permit...8-318-32
8.6.5. Temporary Signs 8-328-33
8.6.6. Sign Permits 8-338-34
8.6.7. Signs Requiring a Sign Permit .8-348-35
8.6.8. Awning Signs 8-358-36
8.6.9. Canopy Signs.....8-368-37
8.6.10. Wall Signs 8-378-38
8.6.11. Entrance Signs 8-388-39
8.6.12. Monument Signs 8-398-40
8.6.13. Projecting Signs 8-408-41
8.6.14. AG-1, AR-1, R-1-L, R-1, R-TF, R-X and PRD Zoning Districts 8-418-42
8.6.15. R-MF and MHP Zoning Districts . 8-418-42
8.6.16. O-I, S-S, H-B, M-U, I-1, and I-2 Zoning Districts 8-418-42
8.6.17. Standards for Fuel Sales 8-428-43
8.6.18. Gateway Corridors Overlay....8-428-43
8.6.19. Standards for Billboards.....8-428-43
8.6.20. Nonconformities 8-458-46

Sec. 8.7. Architectural Standards. 8-478-48
8.7.1. Applicability 8-478-48
8.7.2. Residential.....8-478-48
8.7.3. Non-residential and Multi-family 8-488-49

Sec. 8.8. Amenities 8-508-51
8.8.1. Purpose 8-508-51

8.8.2. Applicability.....8-508-51
8.8.3. General Standards.....8-508-51
8.8.4. Location and Compatibility Standards 8-508-51
8.8.5. Maintenance.....8-508-51

Sec. 8.9. Outdoor Lighting 8-528-53
8.9.1. Purpose.....8-528-53
8.9.2. Applicability.....8-528-53
8.9.3. General Standards.....8-528-53
8.9.4. Streetlights. 8-528-53

Sec. 8.10. Cluster Mailbox Units (CBU) .8-538-54
8.10.1. Purpose.....8-538-54
8.10.2. Applicability.....8-538-54
8.10.3. General Requirements 8-538-54
8.10.4. Location Standards.....8-538-54
8.10.5. Parking Requirements 8-538-54
8.10.6. Design and Screening.....8-548-55
8.10.7. Maintenance.....8-548-55

Sec. 8.11. Access.....8-558-56
8.11.1. Purpose.....8-558-56
8.11.2. Applicability.....8-558-56
8.11.3. Vehicular Access and Entrances 8-558-56
8.11.4. Interparcel and Cross Access .8-558-56 8.11.5. Pedestrian Access and Circulation ...8-568-57
8.11.6. Trails and Multi-Use Paths 8-568-57
8.11.7. Coordination with Title 12, Article 9 and Engineering/Public works department. 8-578-58

Sec. 8.12. Applicability 8-598-60
8.12.1. General Applicability.....8-598-60

Sec. 8.2. Fencing and Buffers

8.2.1. General

Buffers are required between incompatible land uses and zoning districts, around particular visually objectionable structures, and between certain land uses located along certain streets in order to provide separation and privacy and to reduce the impact of noise, debris, and undesirable lighting to adjacent properties.

8.2.2. Fences and Walls

Fences and walls are permitted in all districts. When erected in compliance with the standards of this section fences and walls do not require a building permit.

A. Fence and Wall Standards

1. Fences may be no more than 7 feet in height in side and rear yards for all uses, unless otherwise permitted by this UDC.
2. Fences in yards adjacent to a street may be no more than 6 feet in height.
3. Walls may be no more than 4 feet in height for all uses, unless otherwise permitted by this UDC.
4. Design standards.
    a. Residential: Fences and walls in residential districts must be constructed of wood, brick, stone, decorative metal or aluminum, chain link and split rail. Barbed wire may only be used for permitted agricultural purposes.
    b. Nonresidential: Fences and walls in nonresidential districts must be ornamental or decorative and must be constructed of wood, brick, stone, metal, or split rail. The use of ~~chain link fencing,~~ barbed wire, and metal mesh is not permitted.
    c. In all districts the use of discarded or scrap materials such as tires, scrap metal, scrap fabric, plastics, or fiberglass is prohibited.
5. No fence or wall may be erected in the county right of way.
6. See Sec. 8.2.4.F. for additional standards for fences and walls adjacent to street intersections.

8.2.3. Required Buffer Areas

Except as noted in Sec. 8.2.4.B.4., a vegetated buffer area with a minimum width as specified in Table 8.2.1. must be planted parallel with the lot line when a non-residential use or district abuts property zoned AR-1, V-C, R-1-L, R-1, R-TF, R-SF, R-TH, R-X, and R-MF.

All major subdivisions and mixed-use developments shall provide a buffer at least 50 feet in width which must be established along the perimeter of all property boundaries to ensure that the developments are appropriately screened. Buffers must meet the standards of Sec. 8.2.4. When a commercial use abuts a frontage, a 20-foot landscape strip may be proposed on the frontage side in place of the required 50-foot buffer.

Within mixed-use developments, where residential and industrial uses are located within the same development, a minimum 50-foot buffer shall be provided between such uses.

Sec. 8.7. Architectural Standards.

8.7.1. Applicability

A. The standards of this Section shall apply in accordance with Sec. 8.12 (Applicability).

B. Existing structures shall be exempt from these standards unless the structure is expanded, renovated, or reconstructed by more than 75 percent of its assessed value or gross floor area, at which point the provisions of this Section shall apply.

8.7.2. Residential

The following standards shall apply to all residential districts.

A. Building materials

1. All facades of residential structures, including any permitted non-residential structures within residential districts, shall be constructed of the following materials:
   a. Brick
   b. Stone
   c. Stucco
   d. Wood siding or wood shake
   e. Cementitious or vinyl siding
2. The front facade shall incorporate variation in building materials, texture, or color to avoid a uniform appearance.
~~2.~~3. All brick facades are permitted for residential development.
~~3. The materials to be utilized or the architectural style proposed for the structures will be compatible and harmonious with existing dwellings in the vicinity~~
4. The accessory structures must be constructed of materials similar in appearance to the primary residence.

B. Garages

1. Garages for single-family detached and two-family dwellings on lots less than one (1) acre shall comply with one of the following:
   a. Flush. Garage doors may be aligned with the front wall plane of the residence and shall not exceed 55 percent of the total width of the front facade.
   b. Semi-Flush. Garage doors may project or recess up to 10 feet from the front wall plane and shall not exceed 55 percent of the total width of the front facade.
   c. Recessed. Garage doors shall be located a minimum of 10 feet behind the front wall plane of the residence and shall not exceed 55 percent of the total width of the front facade.
   d. Side-Loaded. Garage doors shall be oriented perpendicular to the front facade. The garage structure shall be set back a minimum of 3 feet from the front wall plane of the residence.
   e. Carriage Court. Garage doors shall be oriented perpendicular to the front facade and may be located forward of the primary structure.
   f. Detached. Garages shall be located entirely to the rear of the principal structure.
2. Garages for townhomes
   a. Townhomes fronting an arterial or collector street shall utilize rear-loaded garages.

b. Townhomes fronting local streets may utilize rear-loaded or front-loaded garages.

c. Garages if provided should be attached only.

d. Rear-Loaded Garages

i. Shall be located entirely to the rear of the structure

ii. Should be attached

iii. Shall access a rear alley, right-of-way, or access easement

e. Front-Loaded Garages

i. A minimum of 20 feet shall be provided between the garage and the back of sidewalk.

8.7.3. Non-residential and Multi-family

The following standards shall apply to multi-family residential, office, commercial, industrial, institutional, and public purposes.

A. General Architectural Requirements

1. Principal building entrances shall face a public street, unless the building is located on an internal lot without direct street frontage.
2. Any nonresidential building located within 150 feet of residential or agricultural use shall not exceed 40 feet in height, as defined in Sec. 2.1.
3. Buildings along U.S. 129 shall not exceed 30 feet in height.
4. Buildings along State Route 365 shall not exceed 50 feet in height.

B. Building materials

1. A consistent palette of building materials shall be used on all four sides of the building.
2. Facades greater than 100 feet in length shall incorporate variation in materials, texture, and/or depth to reduce visual monotony.
3. Outparcel and accessory structures shall utilize materials compatible with the principal building.
4. Permitted materials
   a. Brick
   b. Natural stone (granite, limestone, marble, or similar)
   c. Cast stone or terra cotta
   d. Glass and glass block
   e. Fiber cement siding
   f. Architectural metal panels (nonresidential only)
   g. Split-face CMU (maximum 50% per facade for nonresidential only)
   h. Stucco (maximum 50% per facade)
   i. Precast or prestressed concrete
5. Prohibited materials
   ~~a. Vinyl Siding~~
   ~~b.~~a. Exposed or Painted Concrete block
   ~~c.~~b. Split-face CMU on multi-family residential buildings
   ~~d.~~c. Painted natural stone
6. Material percentages shall be calculated based on the total wall area of each facade, including openings.

C. Rood Materials

1. Pitched roofs shall be constructed of:
   a. Architectural composition shingles

Sec. 8.12. Applicability

8.12.1. General Applicability

A. The standards of this Article shall apply to all development within Hall County unless otherwise expressly exempted or modified herein.

B. Applicability by Development Type

1. These standards shall be applicable to the following zoning districts:

   a. Residential Districts: R-1-L (for major subdivisions only); V-C (for major subdivisions only; R-1 (for major subdivisions only); R-SF; R-TH; R-TF; R-X; R-MF; CS and MHP. ~~R-1-L (for major subdivisions only)~~

   ~~a.~~b. Mixed-use and Business Districts: O-I; S-S; H-B; M-U; I-1 and I-2.

   ~~. V-C (for major subdivisions only)~~

   ~~. R-1 (for major subdivisions only)~~

   ~~. R-SF~~

   ~~. R-TH~~

   ~~. R-TF~~

   ~~. R-X~~

   ~~. R-MF~~

   ~~. M-U~~

   ~~10.~~2. These standards are intended to serve as guidance to promote consistency in development patterns and overall community quality.

C. Planned Development District (PD)

1. Development within a Planned Development District (PD) shall meet or exceed the standards of this Article unless otherwise modified or expressly addressed through an approved PD concept plan or zoning conditions.

D. Planned Industrial Park (PIP)

1. Development within a Planned Industrial Park (PIP) shall comply with the standards established in Sec. 6.2, unless otherwise modified by an approved PIP concept plan or zoning conditions.

2. Where Sec. 6.2 does not establish a standard applicable to development within a PIP, the applicable standards of Article 8 shall govern.

~~D.~~E. Conflicts and Hierarchy

1. Where standards of this Article conflict with other provisions of this Code:

   a. The more restrictive standard shall apply, unless otherwise specified;

   b. Approved zoning conditions shall take precedence over the standards of this Article;

   c. PD & PIP approved plans shall govern where modifications have been granted.

~~E.~~F. Relationship to Other Articles

1. Street design and infrastructure requirements shall be governed by Article 9.

2. Use-specific standards shall be governed by Article 7.

   Where referenced, the provisions of those Articles shall be considered part of the requirements of this Article.

Formatted: List123

Article 11. Administration

Table of Contents

Sec. 11.1. Review Bodies 11-211-3
11.1.1. Planning Commission 11-211-3

Sec. 11.2. Review Process and Procedures ... 11-711-8
11.2.1. Zoning Application Fee 11-711-8
11.2.2. Subdivision Fees.....11-911-10
11.2.3. Administration.....11-911-10
11.2.4. Administrative Variances 11-911-10
11.2.5. Subdivision Review Process and Procedures 11-1011-11
11.2.6. Amendments 11-2811-29
11.2.7. Appeals 11-3811-39

Sec. 11.3. Nonconforming Uses and Structures 11-4011-41
11.3.1. Purpose.....11-4011-41
11.3.2. Continuation of Nonconforming Use or Structure 11-4011-41
11.3.3. Continuation of Nonconforming Use or Structure Due to Hardship 11-4011-41
11.3.4. Information Required for Continuation of Nonconforming Use 6tructure 11-4111-42
11.3.5. Additional Conditions Placed on Continuation of Nonconforming Use 6tructure 11-4111-42
11.3.6. Appeals 11-4211-43

Sec. 11.4. Enforcement 11-4311-44
11.4.1. General 11-4311-44
11.4.2. Enforcement.....11-4311-44
11.4.3. Remedies for Violation.....11-4311-44
11.4.4. Penalty.....11-4411-45

Sec. 11.1. Review Bodies

11.1.1. Planning Commission

A. Authority.

The Planning Commission may authorize Conditional Use Permits as expressly identified in Article 7of this UDC. However, the Planning Commission shall have full authority to deny any request it deems inappropriate in order to protect the general health, safety, and welfare of the County and its citizens.

B. Membership.

1. The Hall County Planning Commission shall consist of five (5) members. Each County Commissioner shall appoint one (1) member to the Planning Commission. Each appointment shall be announced at a regular or special voting meeting of the Board of Commissioners and shall become effective immediately upon such announcement without further action by the Board. All Planning Commission members shall be residents of Hall County and shall serve the terms provided in subsection B.2.
2. Planning Commission members shall serve staggered two-year terms. The term of each Planning Commission member shall coincide with either the first two years or the second two years of the term of office of the appointing County Commissioner, as established by the Board of Commissioners. Each two-year term shall commence on February 1 and expire on January 31, or until a successor is appointed and qualified.
3. Any vacancy in membership shall be filled for the remainder of the unexpired term by the County Commissioner authorized to appoint the member occupying that position.
4. Planning Commission members shall serve at the pleasure of the Board of Commissioners. The Board of Commissioners may remove any member at any time, with or without cause. Prior to removal, the Board shall provide the member with written notice of the proposed removal and an opportunity to be heard at a public meeting of the Board of Commissioners.
5. The unexcused absence of a Planning Commission member from three (3) consecutive regularly scheduled meetings without prior notice to the chairperson of the Planning Commission or the Planning and Zoning Department staff may be considered by the Board of Commissioners as grounds for removal, but shall not limit the Board's authority to remove a member at its pleasure pursuant to subsection B.4.
6. Members of the Planning Commission may be reimbursed or compensated for their services pursuant to direction and approval of the Hall County Board of Commissioners.

C. Organization and Proceedings.

The Planning Commission shall elect a chairperson and vice chairperson from among its members. The chairperson and vice chairperson shall each serve a one-year term with eligibility for re-election. The Planning Commission shall appoint a secretary, who may be an officer or employee of Hall County. The Planning Commission shall adopt rules of procedure governing the conduct of its meetings and

proceedings and shall establish the time and place of its regular meetings. All meetings of the Planning Commission at which official action is taken must be open to the public in accordance with the Georgia Open Meetings Act, and all records of the Planning Commission shall be maintained in accordance with and subject to the Georgia Open Records Act.

D. Powers and Duties.

The Planning Commission has the following powers and duties:

1. To accept applications and make findings and recommendations at a public hearing for all amendments to this UDC. Recommendations will be forwarded to the county Board of Commissioners.
2. To grant application for all Conditional Use Permits as specified by this UDC, provided that the standards and requirements of this UDC are met.
3. To review preliminary subdivision plats and grant development approval for same when required by this UDC. The Planning Commission may appoint a secretary from their membership to oversee preliminary plat review. The secretary may delegate this duty to the Department of Planning and Zoning as they see fit.
4. To review final subdivision plats and grant recording and approval permits for subdivision when required by this UDC. The Planning Commission may appoint a secretary from their membership to oversee final plat review. The secretary may delegate this duty to the Department of Planning and Zoning as they see fit.
5. To initiate, direct and review from time to time a study of the provisions of this UDC and to make reports of its findings and recommendations as to amendments to the Board of Commissioners.
6. To investigate and make recommendations to the Board of Commissioners regarding the acceptance and classification of county roads.
7. To accept and determine requests regarding unclassified uses upon recommendation from the Director of Planning and Zoning. Such determinations must be made in accordance with the criteria set forth in Sec. 7.1.4.
8. To hear and decide on appeals of determinations and decisions made by an administrative official as specified by Sec. 11.2.7.
9. The Planning Commission may make such determinations, investigate such matters relating to the planning and development of the county, and take such action as authorized by this UDC and the laws of the state.
10. To authorize upon appeal in specific cases such variances as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this UDC will result in unnecessary hardship and so that the spirit of this UDC is observed, public safety and welfare secured, and substantial justice done.
    a. In cases involving requests for variances from the building setback standards, a plat or survey of the property is required. In cases involving setback variances for commercial or industrial uses of land, a site plan of the property in question prepared by a registered

land surveyor, architect, landscape architect or engineer is required.

b. The authority to grant such variances is limited to variances from the following requirements:

i. Setbacks from property lines.

ii. Planted buffers and vision clearance requirements.

iii. Off-street parking space requirements.

iv. Design standards for single-family and two-family dwellings in Sec. 2.2.

v. Other requirements where the granting of a variance is specifically authorized.

11. Such variances may be granted in individual cases of unnecessary hardship upon a finding of the board that:

a. There are extraordinary and exceptional conditions pertaining to the particular lot in question because of its size, shape or topography (the hardship must relate to the physical character of the lot and not to a personal or economic hardship);

b. The application of the requirements of this UDC to this particular piece of property would create an unusual hardship;

c. Such conditions are particular to the property involved and are not common to other properties in the neighborhood;

d. Such conditions are not the result of any actions of the property owner; and

e. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this UDC; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this UDC or for a Conditional Use Permit which has been denied by the Planning Commission.

12. To receive and act upon applications for the change, continuance and/or enlargement of a nonconforming use as provided in this UDC.

13. To perform other duties as from time to time may be delegated by the Board of Commissioners.

E. Exercise of Planning Commission Powers.

In exercising the above powers, the Planning Commission may, in conformity with the provisions of this UDC, reverse or affirm, wholly or in part, or may have all powers of the officer from whom the application is taken, and may direct the issuance of a building permit, occupancy permit or certificate of zoning compliance. In no case shall the powers of the commission be construed to include authority to reclassify use zones. **Actions by Planning Commission.**

In all actions or decisions of the Planning Commission, three (3) members being present shall constitute a quorum with the affirmative vote of at least three (3) members required for any official action or decision of the Planning Commission. Each official action, with the full text of the motion and record of members' votes, must be incorporated in the minutes of the Planning Commission. If an application to the Planning Commission is denied, the

same property may not be considered for any zoning application, and no application may be filed, until the expiration of at least six months immediately following the denial of the application.

F. Review Procedures.

1. The Planning Commission must hold a public hearing on all applications for conditional use permits in accordance with Sec. 11.2.6. and consider the merits of the applications as authorized by this UDC.
2. After hearing testimony from all interested parties, the Planning Commission will have 30 days to render its decision.

G. Notice of Public Hearing.

The requirements and procedures for notice of public hearing in Sec. 11.2.6. must be followed.

H. Submission Requirements.

1. A pre-application meeting is required before submitting any rezoning, special use, conditional use, or variance application. A complete application packet must be prepared and ready for review during the pre-application meeting so County Staff can provide meaningful feedback.

~~1.~~2. An application must be submitted to the Department of Planning and Zoning at least 30 days prior to the date of the Planning Commission hearing at which the application is to be considered. The completed application must be accompanied by payment of such fee prescribed in Sec. 11.2. to cover administrative and advertising costs. The items of information must be supplied by the applicant as set forth in this section.

I. Review Criteria.

A conditional use permit may be granted when the Planning Commission finds from a preponderance of the evidence produced at the public hearing that the proposed use is suitable for the subject property considering the general lines of inquiry established in Sec. 11.2.6.F.3.

J. Burden of Proof.

The applicant for a conditional use permit must have the burden of proof, which must include the presentation of evidence and the burden of persuasion of all questions of fact which are to be determined by the Planning Commission as authorized in this section.

K. Public Comment

1. Submission of Public Comments

   Written public comments concerning an application, petition, request or other matter scheduled for consideration by the County shall be submitted to the Planning and Zoning Department through the Planning Clerk for distribution to the application review body.

2. Deadline for Submission

   Written public comments must be received by the Planning Clerk no later than 8:00 a.m. on the day of the meeting at which the matter is scheduled for consideration.

3. Oral Public Comment

   Nothing in this subsection shall be construed to limit or eliminate the right of a member of the public to provide oral comment during a public hearing or other public comment period conducted in accordance with

Formatted: Font: Bold

Formatted: Indent: Left: 0.5", No bullets or numbering

Formatted: List123

Formatted: Indent: Left: 0.5", No bullets or numbering

Formatted: Indent: Left: 0.5", No bullets or numbering

applicable law and the County's established meeting procedures

~~K.~~L. Conditions of Approval.

The Planning Commission may place any reasonable conditions or stipulations upon an approved Conditional Use Permit as deemed necessary, including but not limited to hours of operation, parking, maximum building size, lot size, outside displays, signs, landscape and buffer improvements, and screens, to further insure the orderly operation of the proposed use and its compatibility with the surrounding properties.

~~L.~~M. Appeals to the Board of Commissioners.

Any decision of the Planning Commission may be appealed to the Hall County Board of Commissioners in accordance with Sec. 11.2.7.

11.2.6. Amendments

A. General

All applications, requests and petitions for permits, certificates of zoning compliance, variances, conditional use permits, planned developments, classifications and reclassifications of property, notices of appeal, amendments to this UDC and other similar matters, together with all supporting documents required for such application, request or petition and fees therefor, must be filed with the Planning and Zoning Department in the appropriate form as specified this Error! Reference source not found.~~Sec. 11.2~~. All data, drawings, narratives and other supporting documentation required by this UDC must be provided for in an application to be officially received for staff review and scheduling of consideration by the Planning Commission in accordance with the scheduling provisions established herein.

B. Minimum Tract Size and Frontage for Zoning Change

Except in an application for rezoning to a nonresidential zoning district, no tract of land may be considered for rezoning which has an area less than one acre unless such tract abuts a nonresidential zoning district within county or municipal jurisdiction. Application for rezoning may also be considered when a lot of record meets the minimum area and road frontage required by the zoning district in which the rezoning is sought.

C. Initiation of Proposed Amendments

These zoning regulations of the county, including the official zoning map, may be amended from time to time by the Board of Commissioners of the county. Official zoning map amendments may be proposed by the Board of Commissioners of the county, or by the county Planning Commission, or an administrative official, or by any individual, firm, or organization or their duly appointed agent or attorney; provided, however, no amendment may become effective unless it has been proposed by or submitted to the county Planning Commission for review and recommendation. Application for uses subject to the approval of the county Board of Commissioners must have first been submitted to the county Planning Commission for review and recommendation before consideration by the County Commission. Text amendments to the zoning ordinances may be proposed only by the Board of Commissioners of the county, or the county Planning Commission, or the appropriate administrative official.

D. Filing of Proposed Amendments

All proposed amendments, whether an amendment to the text or modification in the district boundaries on the official zoning map, and uses subject to approval of the County Commission, must be submitted to the Planning and Zoning Department of Hall County at least 30 working days in advance of the next regular meeting of the Planning Commission. The Director of Planning and Zoning must arrange a suitable date for a hearing before the Planning Commission.

E. Submission Requirements

1. Any person or persons requesting a change in the official zoning map or use subject to approval of the County

Commission must file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in this Error! Reference source not found.~~Sec. 11.2~~. to cover administrative and advertising costs, in the Planning and Zoning Department office. Such person or persons or their authorized agent must appear in person at the public hearing held to consider the district change.

2. All applications for a change of zoning classification or use subject to approval of the County Commission must include:

   a. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in this Error! Reference source not found.~~Sec. 11.2~~.

   b. A site plan drawn to scale designating the area covered by the application and identifying existing and proposed buildings and uses, adjacent existing land uses, zoning on contiguous parcels, including those across an abutting public right-of-way, and any other significant site improvements proposed to accommodate the proposed use or buffer adjacent uses, etc., or a plat of the subject property where no specific land use is proposed. In cases where only a plat or map is provided and no land use is proposed, the Planning Commission and County Commission may evaluate the application based on the most intense possible land use permitted in the proposed district.

   c. For any application for a slow rate land treatment system as defined in Error! Reference source not found.~~7.6.9.D.1~~, the following additional requirements apply:

      Prior to consideration by the county Planning Commission for their recommendation to the County Commission, the county Engineering Department must have completed a review of the proposal for site acceptability relative to topography, soil classifications, public or private access, proposed effluent treatment levels and natural, undisturbed buffer zones for surface waters, floodplains, wetlands, wells, residential and other protected areas in addition to other criteria deemed appropriate by the Planning Commission or County Commission. The following information must be submitted to the County Engineer for review of a zoning application and subsequent submittal of a report to the Planning Commission for consideration of the zoning of any land for a wastewater land application system.

      i. The design development report submitted to the Environmental Protection Division certified by a professional engineer experienced in the design of land application systems and registered to practice in the State of Georgia.

      ii. A plan for the disposal of excess biological solids.

      iii. Certification from a professional geologist, registered to practice in the

State of Georgia, certifying that the land application site is not located within two miles of a significant groundwater recharge area as defined by the Environmental Protection Division.

iv. A detailed history of all the owner's previous activities, within the State of Georgia in the field of land application, including every other facility it has operated and including a detailed account of all past violations of federal, state, or county laws or regulations, and all past and pending litigation, favorable or unfavorable.

d. For any application proposing the development of a commercial or industrial property, a change in use of an existing commercial or industrial property, a major subdivision as define herein, or any development that triggers a Development of Regional Impact (DRI) review, the applicant shall submit a Trip Generation Memo at the time of the pre-application meeting. The Trip Generation Memo shall be prepared in accordance with the requirements established by the Hall County Public Works Department and shall estimate the anticipated average daily traffic generated by the proposed development.

i. If the Director of Public Works determines, based upon the Trip Generation Memo, that the proposed development is expected to generate 500 or more gross daily trips, the applicant shall be required to prepare and submit a Traffic Impact Study (TIS) prior to consideration of the application by the County Commission.

ii. Before preparing the Traffic Impact Study, the applicant shall submit the proposed scope of the study, including the intersections, roadway segments, driveways, and other transportation facilities to be evaluated, to the Hall County Public Works Department for review and approval. The scope shall be approved after acceptance of the Trip Generation Memo and prior to preparation of the Traffic Impact Study.

iii. At the applicant's expense, the Traffic Impact Study shall be prepared by a professional engineer licensed to practice in the State of Georgia in accordance with the requirements established by the Hall County Public Works Department. The Public Works Department shall review the Traffic Impact Study and forward its findings and recommendations to the County Commission as part of the application review process.

F. Planning Commission and Hall County Commission Consideration and Decision

1. The Planning Commission must hold a public meeting on all zoning applications or applications for a use subject to approval of the County Commission. The Planning Commission must hold the required public meeting not less than 30 days, nor more than 60 days, from the date of the filing of a complete application.
2. After hearing testimony from all interested parties, the Planning Commission will have 30 days within which to make its decision to grant or deny the application or make a recommendation to the Board of Commissioners. If the Planning Commission fails to make a decision within the specified period, it may be deemed to have carried a recommendation of approval of the application.
3. The Planning Commission must study the need and justification for the change based on a determination of the facts applicable to the particular case, and the following general lines of inquiry must be considered:
    a. Whether the zoning proposal will permit a use that is suitable in view of the use, development and zoning of adjacent and nearby property.
    b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
    c. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
    d. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities or emergency medical service.
    e. Whether the zoning proposal is in conformity with the policy and intent of the future land use plan for the physical development of the area.
    f. The extent to which property values are diminished by the existing zoning restrictions.
    g. The extent to which the destruction of the subject property's value under the existing zoning promotes the health, safety, morals or general welfare of the public.
    h. The relative gain to the public as compared to the hardship imposed upon the individual property owner.
    i. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property.
    j. Whether there are other existing or changing conditions affecting the use or development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
    k. Whether the change would create an isolated district unrelated to the surrounding districts.
    l. Whether the present zoning district boundaries are illogically drawn in

relation to existing conditions in the area.

m. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood.

n. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned.

o. Whether the need for rezoning could be handled instead by a variance request to the Planning Commission.

p. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted.

q. Whether there is reasonable evidence based upon existing and anticipated land use that would indicate a mistake was made in the original zoning of the property.

4. When the application is for site-built houses, modular homes and mobile homes more than seven years old being moved into Hall County for the purpose of permanent or temporary occupancy, in addition to the items listed above, the Planning Commission must also consider the compatibility of the proposed residential unit with the existing housing in the area surrounding the proposed location of that residence in terms of the type of housing, the style of housing, the age of housing and the condition of housing.

5. When the application is for pre-owned site built houses, industrialized homes or manufactured homes to be moved into Hall County for the purpose of permanent or temporary occupancy, in addition to the items listed in subsection ”3” above, the Planning Commission must consider the compatibility of the proposed residential unit with the existing housing in the area surrounding the proposed location of that residence in terms of the type of housing, the style of housing, and the condition of such housing. Such residential unit must meet the minimal standards of all applicable building and construction codes adopted as a part of the Official Code of Hall County. The Planning Commission must first consider an application for such dwelling unit and make its recommendations to the Hall County Commission. The Hall County Commission, in making its decision, may approve the application, deny the application, or approve the application with conditions.

6. Any manufactured home proposed to be moved into the County into a registered or approved mobile home park, or a manufactured home proposed to be moved into the County for the purpose of upgrading an approved, permitted existing manufactured home, may be exempt from the provisions of review by the Planning Commission or County Commission noted in subsection 5 above. All applicable review and inspection required by Chapter 15 of the Official Code of Hall County, Georgia, will remain in effect for all manufactured homes to be moved into the county which may include a site inspection by the Hall County Building Inspection Department.

G. Public Hearing Required

1. The Planning Commission and Board of Commissioners, when taking final

action on all applications, must provide for public hearings on the proposed actions. Public meetings related to recommendations made by the Planning Commission to the Board of Commissioners do not require notice provided herein. A notice of public hearings must be published at least 15 ~~30~~days but not more than 45 days prior to said public hearings in a newspaper of general circulation within the territorial boundaries of the county.

2. The county will follow the additional notice and hearing requirements found in O.C.G.A. § 36-66~~-1~~ whenever so required by State law, including any of the following instances when required by State law:

3. Zoning decisions subject to the additional procedures established by O.C.G.A. § 36-66-4(h), including qualifying zoning amendments to revise one or more zoning classifications or definitions relating to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classifications or definitions, or to grant permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning district. The applicability of these procedures shall be determined in accordance with the exceptions provided in O.C.G.A. § 36-66-4(h); or ~~County-initiated rezoning or text amendments to revise a zoning classification related to single-family residential uses of property so as to authorize multi-family uses on property pursuant to such classifications or definitions, or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning district;~~

   ~~a. Halfway houses, drug rehabilitation centers, or other facilities for the treatment of drug dependency; or~~

4. Annexations related to zoning decisions, where applicable under O.C.G.A. § 36-66-4(d)~~.~~

H. Public Notice of Hearing

1. Contents of Notice. If an application is being considered for a change of zoning for a specifically described tract or parcel of land (amendment to the zoning map), the public notice must, in addition to the requirements of this Sec. 11.2.6., include the following information:

   a. The location of the property; and

   b. The present zoning classification; and

   c. The proposed zoning classification of the property.

2. Posting and Mailing of Notice

   a. Posted Notice. All zoning map amendments initiated by a party other than the county Planning Commission or the county Board of Commissioners, and applications for uses subject to approval of the County Commission, require a sign placed in a conspicuous location on the property which is the subject matter of the zoning application.

3. Mailed Notice. Mailed notice must be made via U.S. Postal Service mail at least 15~~30~~ days but not more than 45 days before the date of the public hearing to the following parties:

i. Property owner notice. Mailed notice must be made to the property owner(s) of record. The applicant must provide the mailing address for property owner(s) with the filing of the zoning petition.

ii. Applicant.

iii. Appellant for any filed appeal must also receive mailed notice if not one of the parties already identified as requiring notice.

4. Sign Posting Information. The public notice sign must contain the same information described in Sec. 11.2.6.H.1.

5. Sign Posting Date. The required public notice sign must be posted not less than 15 days ~~and~~ nor~~t~~ more than 45 days prior to the date of the hearing. For applications requiring public hearings before both the Planning Commission and Board of Commissioners, the required public notice sign identifying the Board of Commissioners' public hearing must be posted within the timeframe specified above.

I. Public Notice of Hearing for Applications Initiated by the County

When an application is brought by or initiated by the Board of Commissioners of the county, or by an administrative official of the county, the only public notice required by these zoning regulations is newspaper advertisement as set forth in O.C.G.A. § 36-66-1 et. Seq. and Sec. 11.2.6.G. and 11.2.6.H.

J. Action by Board of Commissioners

1. The Board of Commissioners must consider applications for uses subject to approval of the County Commission and all zoning recommendations of the Planning Commission, including conditions of approval and any additional evidence that applicant wishes to present at a public hearing on the date advertised, at which time all interested parties and citizens will have an opportunity to be heard and present evidence regarding the proposed amendment or use subject to approval of the County Commission, or the appeal of the conditional use permit or use subject to approval of the Planning Commission, or other zoning decisions.

2. The Board of Commissioners may place any reasonable conditions or stipulations upon any application for a use subject to approval of the County Commission, a proposed amendment or the appeal of a conditional use permit or use subject to approval of the Planning Commission, or other zoning decisions as deemed necessary to further insure the orderly operation of proposed uses and their compatibility with the surrounding properties.

3. The Board of Commissioners, in making its decision on the proposed amendment, the use subject to approval of the County Commission, or the appeal of a conditional use permit, or the use subject to approval of the Planning Commission, or other zoning decisions, must consider the general lines of inquiry established under Sec. 11.2.6.F and any other relevant factor submitted by the applicant.

4. The applicant/appellant must have the burden of proof, which must include

the presentation of evidence and the burden of persuasion of each factor necessary to receive approval of the Board of Commissioners. Failure of the applicant/appellant to meet this burden may result in a denial of the proposed amendment, the use subject to the approval of the County Commission, or the appeal of a conditional use permit or the use subject to approval of the Planning Commission, or other zoning decisions.

5. The Board of Commissioners public hearing is to be held as follows (or the Planning Commission, where authorized by this UDC as the final decision-making body):

   a. The public hearing is to be held in conjunction with regular meetings of the Board of Commissioners or Planning Commission, as applicable, with published notice of time and place.

   b. The hearing is conducted by the county attorney or other hearing officer designated by the Board of Commissioners.

   c. The hearing officer introduces the proposed zoning amendments before the Board of Commissioners or Planning Commission, as applicable. Proposals are considered in the order listed in the published notice. The hearing officer describes each proposed zoning amendment and the party initiating the proposal. Staff is then called upon to report on the Planning Commission's recommendation and summarize its written report.

   d. Persons both favoring and opposing the proposed amendment are provided an opportunity to address the Board of Commissioners. During this period:

      i. Each speaker must first state his name and address.

      ii. Comments are accepted first from the party proposing the action and any other proponents of the action, followed by opponents of the action. The party proposing the action may then offer rebuttal.

      iii. The hearing officer may place reasonable limits on the number of persons who may speak for or against the proposal, on the time allowed for each speaker, and on the total time allowed for comment. No less than ten minutes may be permitted for all of those speaking in support of an amendment and no less than ten minutes may be permitted for all those speaking against, unless such proponents or opponents take less time than the minimum allowed.

      iv. Comments must pertain only to the merits of the proposed action and must be directed to the Board of Commissioners. Comments are not allowed that may be construed as personal attacks on any other speaker or are irrelevant to the proposed action. Violators will be first cautioned and then prevented from making further comment.

v. Petitions, studies, letters, and other material should be submitted prior to the hearing, allowing ample time for study by the Board of Commissioners. Materials submitted at the hearing may or may not be accepted by the board, and if presented orally are subject to time limitations.

e. The Board of Commissioners may, if necessary, call on previous speakers for clarification, or may call for additional views, studies or information from any source considered necessary to making a sound decision. The Board of Commissioners may continue the hearing to a later date.

f. The decision rendered by the Board of Commissioners regarding the proposed amendment, the use subject to approval of the County Commission, or the appeal of a conditional use permit or the use subject to approval of the Planning Commission, or other zoning decisions, will be considered the final action on the application.

g. No approval or denial of an amendment, use subject to approval of the County Commission, appeal of an administrative official or decision-making body, approval or denial of a use subject to approval of the Planning Commission, or other zoning or quasi-judicial decision by the Board of Commissioners will become effective unless said approval or denial is determined after a public hearing.

K. County Approval for Withdrawal of Applications

An application for any request considered by the Planning Commission may be withdrawn by the applicant at any time prior to the notification by public advertisement of the adjoining property owners. The application may be withdrawn after said public notice is given and before the Planning Commission takes a vote on said application only with the consent of a majority of the members of the Planning Commission. For applications requiring a recommendation from the Planning Commission for final action by the county Board of Commissioners, after the Planning Commission has taken a vote on the application, the application may only be withdrawn with the consent of a majority of the Board of Commissioners voting to allow the applicant's request to withdraw the application. For appeals to the Board of Commissioners or Planning Commission decisions, the application may only be withdrawn with the consent of a majority of the Board of Commissioners voting to allow the applicant's request to withdraw the appeal. Fees are to be refunded as described in Sec. Error! Reference source not found.~~11.2.1~~.

L. Successive Applications

If a use subject to approval of the County Commission or Planning Commission or a rezoning is denied, or if an appeal from the decision of an administrative official or the Planning Commission is affirmed by the Board of Commissioners, then the same property may not again be considered for any zoning application, (rezoning, conditional use, variance, etc.) and no such application may be filed, until the

expiration of at least six months immediately following the date of the denial of the use or rezoning or the denial of the appeal. In addition to the foregoing six-month restriction, t~~T~~he same property may not be considered for an application of the same type as the application previously denied, and no such application of the same type may be filed, until the expiration of at least twelve months immediately following the date of the denial of the use or rezoning or the denial of the appeal. For purposes of this subsection, the twelve-month restriction applies only to applications of the same type as the application previously denied and does not prohibit the filing of a different type of zoning application after expiration of the initial six-month restriction.

M. Appeals of Board of Commissioners Actions

1. Any person with adequate standing to do so under Georgia law may seek review in the Superior Court of Hall County in accordance with the applicable procedures established by the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-5.1.
2. The Director of Community Development and Infrastructure is authorized, without additional board or agency action, to approve or issue any form or certificate necessary to perfect any appeal petition for review of lower judicatory bodies, and is authorized, without additional board or agency action, to accept service or be served in behalf of any lower judicatory board or agency, during normal business hours, at the regular offices of the county.
3. Service of an appeal of any quasi-judicial decision rendered pursuant to this section may be effected or accepted on behalf of the local governing authority, during normal business hours, at the regular offices of the county, by the county attorney when so allowed by the county's service of process resolution, otherwise said service may be effected or accepted on behalf of the local governing authority according to the requirements of O.C.G.A. § 9-11-4(e).

N. Georgia Zoning Procedures Law

The review and approval procedures of this zoning ordinance are intended to comply with the provisions of the Georgia Zoning Procedures Law (O.C.G.A. § 36-66-1 et seq.), which is incorporated by reference in its entirety. If any provision of this zoning ordinance is in conflict with any provision of the zoning procedures law or if this zoning ordinance fails to incorporate a provision required for the implementation of the zoning procedures law, the Zoning Procedures Law (O.C.G.A. § 36-66-1 et seq.) controls.

O. Amendments to Subdivision Regulations

The Planning Commission, upon referral from the Board of Commissioners, may from time to time recommend amendments to the subdivision regulations of this UDC. Any amendment must be heard by the Planning Commission, who must make a recommendation to the Board of Commissioners regarding approval or denial. Prior to acting on any proposed amendment, the Board of Commissioners must hold a public hearing on the amendment, having first published a notice of the time and place of the hearing in a newspaper of general circulation in the county at least 15 days prior to the hearing.

11.2.7. Appeals

A. Right to Appeal

1. Any person aggrieved by the final decision rendered on any proposed amendment, any conditional use permit, or use subject to the approval of the Planning Commission, or any other zoning or quasi-judicial decision by any county official, department, board, or agency affected by any final order, requirement, or decision authorized in this UDC shall have the right to an appeal of the decision. Appeals of administrative officials will be heard by the Planning Commission, and appeals of any decision-making body will be heard by the Board of Commissioners.
2. A person is considered aggrieved for purposes of this section only if the person or their property was the subject of the action appealed from, or the person has a substantial interest in the action being appealed that is in danger of suffering special damage or injury not common to all property owners similarly situated.

B. Filing of Appeal

In order to file an appeal, the appellant must submit a written notice of appeal within 30 calendar days of the decision to the Planning Commission office. The appellant must submit justification and reasons for the appeal. Such justification should make specific reference to such relevant analysis as listed in Sec. 11.2.6.F. The appeal fee must be paid at the time of filing said written notice of appeal. The Director of Planning and Zoning, upon receipt of the written notice of appeal and fee, shall notify the county administrator of the appeal and submit the notice and record of the application to the county administrator.

C. Hearing and Decision

1. The appropriate hearing body (either the Planning Commission or the Board of Commissioners) must hold a public hearing to consider all appeals of decisions by administrative officials and decision-making bodies. The only active participants are the appellant, the original applicant (if other than the appellant), and the zoning official or other administrative official whose decision is being appealed. Participants in the meeting may present testimony, produce documentary evidence, and may cross-examine witnesses provided by another participant. The Board of Commissioners or Planning Commission may ask questions or seek clarification from any participant in the hearing, and may limit the time for the hearing as it deems necessary and appropriate provided that all participants are afforded equal time to present evidence.
2. Following the close of the hearing and following its consideration of all testimony, documentary evidence, and matters of record presented, the Board of Commissioners or Planning Commission must render its decision. The decision must be made within a reasonable period of time, but in no event more than 30 days from the date of the close of the hearing.
3. In exercising its powers, the Board of Commissioners or Planning Commission may reverse or affirm the decision in whole or in part, or may modify the order, requirement, decision, or determination appealed from. To that end, the hearing body has

all the powers of the administrative official or decision-making body from whom or from which the appeal was taken, and it may issue or direct the issuance of a permit or other approval, provided that all requirements imposed by all other applicable laws and ordinances are met. In no case may the powers of the hearing body be construed to include authority to reclassify use zones. An appeal may be reversed or the decision modified only upon an expressed finding by the hearing body that the action was based on an erroneous finding of a material fact, or that said action was arbitrary.

D. Required Public Notice

Notice to members of the public must be provided in accordance with the provisions of this UDC and O.C.G.A. § 36-66-1 et seq.

E. Date of Public Hearing

The county administrator or other appropriate county official must place an appeal on the agenda of the first public meeting of the appropriate hearing body of the county arising after the relevant notice provisions of Sec. 11.2.6.H. have been complied with.

F. Payment of Costs of Appeal

The appellant will bear the costs of preparing the necessary documents as required by the county to properly appeal the matter before the hearing body, in addition to the appeal fee.

G. Decision of Appeal

1. An appeal may be sustained (i.e.: where the decision is reversed) only upon a finding by the hearing body that the action subject to the appeal was based on an erroneous finding of a material fact or that the administrative official or decision-making body acted in an arbitrary manner.
2. Appeals of administrative officials will be heard by the Planning Commission.
3. Appeals of any decision-making body will be heard by the Board of Commissioners.
4. Appeals of the Board of Commissioners must be appealed to the Hall County Superior Court accordance with the Zoning Procedures Law, O.C.G.A. § 36-66-5.1.

CHAPTER 12.40. DRIVEWAY CONSTRUCTION[1]

12.40.010.	Intent.
12.40.020.	Purpose of design standards.
12.40.030.	Definitions.
12.40.040.	Application for permit.
12.40.050.	Issuance or denial of permit; appeals.
12.40.060.	General design standards.
12.40.070.	Specific design standards.
12.40.080.	Driveway widths.
12.40.090.	Angle of entry and exit.
12.40.100.	Return radius of curb.
12.40.110.	Maximum percentage of frontage for driveway use.
12.40.120.	Distance to side property lines.
12.40.130.	Island areas.
12.40.140.	Intersection clearance.
12.40.150.	Parking and storage areas.
12.40.160.	Driveway grade.
12.40.170.	Common access driveways; general provisions.
12.40.180.	Common access driveways; submission of plans.
12.40.190.	Common access driveways; construction prior to plat approval or issuance of occupancy permit.
12.40.200.	Common access driveways; plats and required statements.
12.40.210.	Common access driveways; previously existing driveways.
12.40.220.	Common access driveways; minimum standards.
12.40.230.	Example figures.
12.40.240.	General conditions of approval; rights of county.
12.40.250.	Conflict with other laws.
12.40.260.	Severability; penalty; additional remedies.

12.40.010. Intent.

The safe operating of motor vehicles, and the need to minimize potential nuisance factors resulting from conflicts between commercial or industrial traffic utilizing streets designed for residential traffic, are issues which directly relate to the public health, safety, and welfare of residents in the county. The appropriate design and location of driveways can significantly lessen the adverse effects related to these issues. The establishment of reasonable design standards and administrative procedures included herein shall aid in protecting the health, safety, and welfare of the residents of the county.

[1]Cross reference(s)—Buildings and construction, tit. 15; access requirements for subdivision lots, § 16.50.040; street construction requirements for subdivisions, ch. 16.70; zoning regulations, tit. 17; off-street parking, storage and loading requirements, ch. 17.250.

(Res. of 9-14-81, § 1; Code 1991, § 12.12.010)

12.40.020. Purpose of design standards.

The purpose of this chapter is:

A. To insure that vehicles leave or join the roadway traffic at a proper angle and in conformity with the rules of the road.

B. To reduce hazard to vehicles by reducing areas of conflict and points of conflict between vehicles.

C. To increase the capacity of roads and intersections by reducing areas of conflict between vehicles.

D. To provide sufficient space for the installation of traffic control devices, utilities and crosswalks.

E. To reduce hazard to pedestrians by reducing areas of possible conflict between pedestrians and vehicles, and to define such areas.

F. To provide reasonable assurance against the hazardous and indiscriminate use of highway right-of-way through encroachment.

G. To provide a maximum practical sight distance, especially at intersections.

H. To provide uniform and impartial consideration in all cases where access is required by abutting property owners.

I. To reduce the possibility of conflicts between commercial/industrial traffic generators and residential areas.

(Res. of 9-14-81, § 2; Code 1991, § 12.12.020)

12.40.030. Definitions.

A. The following definitions apply to the standards set forth in these regulations and figures included as examples of driveway types:

Buffer areas means the border area along the frontage between the traveled way and the right-of-way line and within the frontage boundary lines; areas (1), (2), (3), (4) in figures 1 and 2 of section 12.40.230.

Buffer island means the area between the frontage right-of-way line and a line parallel to and a minimum of a four-foot distance from the right-of-way line extended away from the right-of-way line; area (5) in figures 1 and 2 in section 12.40.230.

Common access driveway means the primary means of access to a public street, shared by and connecting three but no more than six~~five~~ parcels, tracts, lots, building sites or structures.

Corner clearance (C) means, at an intersecting street or highway, the dimension measured along the edge of the traveled way between the frontage boundary line opposite the intersection of the two right-of-way lines and the tangent projection of the nearest edge of the driveway; see figure 3, section 12.40.230.

Distance between double driveways (D) means the distance measured along the right-of-way line between the tangent projection of the inside edges of two adjacent driveways to the same frontage; D in figure 2 of section 12.40.230.

Driveway angle (Y) means the angle of 90 degrees or less between the driveway centerline and the edge of the traveled way; see figures 1 and 2 of section 12.40.230.

Driveway width (W) means the narrowest width of the driveway measured parallel with the edge of the traveled way; see figures 1 and 2 of section 12.40.230.

Edge clearance (E) means the distance measured along the edge of the traveled way, between the frontage boundary line and the tangent projection of the nearest edge of the driveway; see figures 1 and 2 of section 12.40.230.

Frontage means the length along the highway right-of-way line of a single property tract of roadside development area between the edges of the property; the distance between (1) and (2) in figures 1 and 2 of section 12.40.230.

Frontage boundary line (abbreviated as FB line) means a line perpendicular to the highway centerline, at each end of the frontage lines, extending from the right-of-way to the edge of the through-traffic lane; line (1)—(4) or (2)—(3) in figures 1 and 2 of section 12.40.230.

Inside radius (U) means the inside or smaller curve radius on the edge of the driveway, used when Y is substantially less than 90 degrees; see figures 2 and 3 of section 12.40.230.

Outside radius (R) means the outside or larger curve radius on the edge of the driveway; see figures 1, 2 and 3 of section 12.40.230.

B. For simplicity, the above definitions are stated in terms of single radius curves of the edge of driveways or intersecting highways. Where compound curves or tapers are used, an equivalent single radius curve may be used as a control guide.

(Res. of 9-14-81, § 6(A); Res. of 6-8-87, § 1; Code 1991, § 12.12.030)

Cross reference(s)—Definitions and rules of construction generally, § 1.20.010 et seq.

12.40.040. Application for permit.

Application for a permit to construct or alter a driveway or curb cut occurring on or abutting a county road right-of-way shall be made to the building official of the county under the following circumstances:

A. When such driveway(s) or curb cut(s) are incidental to the development of a new structure or the development of previously undeveloped property, the driveway permit shall constitute a part of the building permit.

B. When such driveway or curb cut construction constitutes a separate action apart from any other construction on the same site, a driveway permit shall be secured from the building official.

C. When property abutting a county road right-of-way changes from one use to another and driveways and/or curb cuts have previously been extended across or to a county road right-of-way, or when the type of use or the volume of use of an existing and/or previously approved driveway is substantially changed, application for review shall be submitted and a driveway permit secured from the building official. The occupancy permit may be withheld until such driveway improvements have been approved.

(Res. of 9-14-81, § 3; Code 1991, § 12.12.040)

12.40.050. Issuance or denial of permit; appeals.

Upon reviewing an application for a driveway permit in any of the aforementioned circumstances, the building official shall take one of the following courses of action:

A. Issue the permit if the standards correspond with the requirements as outlined in the regulations.

B. Submit the application to the public works director and/or the planning director for their review, such review not to exceed five working days. The public works director and/or the planning director shall:

1. Recommend approval of the permit to the building official;

2. Recommend disapproval of the permit unless certain modifications are made which they shall delineate in writing to the building official.

C. Issue the permit if the applicant agrees to follow the recommendations of the public works director/planning director.

D. Deny the permit application.

E. If the driveway permit is denied by the building official, the applicant can appeal the building official's decision to the planning commission, who shall hear testimony from the applicant. The planning commission may either approve or deny the application.

(Res. of 9-14-81, § 4; Code 1991, § 12.12.050)

12.40.060. General design standards.

The location, design and construction of the driveway shall be in accordance with the following standards. These standards are in no case to be modified unless specifically authorized by the building official:

A. A driveway shall be located and restricted as to width as necessary driveway and its appurtenances are contained within the frontage along the highway of the property served. At public highway intersections a driveway shall not provide direct ingress or egress to or from the public highway intersection area and shall not encroach on or occupy areas of the roadway or right-of-way deemed necessary for effective traffic control or for highway signs or signals. A driveway shall be so located and constructed that vehicles approaching or using it will have adequate sight distance in both directions along the highway.

B. The number of driveways permitted serving a single property frontage shall be a maximum of two unless more are deemed necessary by the Public Works Director for reasonable service to the property without undue impairment of safety, convenience, and utility of the highway.

C. If the property has frontage on more than one street, and a driveway permit is requested, the building official may request a recommendation from the public works director, planning director, or planning commission as to the potential adverse effects which may result. If it is determined that it would cause a nuisance to the surrounding area, or a traffic hazard, or unduly congest traffic, then the permit may be denied.

D. The island area on the right-of-way between successive driveways or adjoining a driveway and between the highway shoulder and right-of-way line shall remain unimproved for vehicular travel or parking. Such areas shall be considered as restricted and may be filled in or graded down only as hereinafter provided in subsection H. of this section.

E. The surface of the driveway connecting with rural type highway sections shall slope down and away from the highway shoulder a sufficient amount and distance to preclude ordinary surface water drainage from the driveway area flooding onto the highway roadbed.

F. The driveway shall not obstruct or impair drainage in side ditches or roadside areas. Driveway culverts, where necessary, shall be adequate for surface water drainage along the roadway and in no case less than the equivalent of 15-inch diameter pipe. The distance between culverts under successive driveways shall be not less than ten feet except as such restricted area is permitted to be filled in under

the provisions of subsection H. of this section. All driveway culverts shall be constructed of the following materials and meet Georgia Department of Transportation (D.O.T.) specifications:

1. Reinforced concrete pipe (RCP), D.O.T. approved Class III or better.
2. Corrugated metal pipe, D.O.T. approved, type II aluminized steel. This material is prohibited in live stream applications.
3. High density polyethylene (HDPE) pipe, D.O.T. approved, dual walled.

G. Driveways connecting to "L" back curb and gutter must be constructed by removing the curb and gutter and pouring a valley gutter. When curb and gutter is removed for constructing a driveway, the new connections shall be of equivalent acceptable material and curb returns shall be provided or restored in a neat, workmanlike manner. The driveway or valley gutter surface shall connect with the highway pavement and sidewalks, if any, in a neat workmanlike manner. In no case shall the driveway construction impair the flow of water in the gutter. Figures 7 and 8 depict the proper details for constructing a valley gutter.

H. Driveways connecting to rolled curb and gutter may be constructed by either pouring the driveway directly up to the back of the curb or by removing the curb and gutter and pouring a valley gutter. When curb and gutter is removed for constructing a driveway, the new connections shall be of equivalent acceptable material and curb returns shall be provided or restored in a neat, workmanlike manner. The driveway or valley gutter surface shall connect with the highway pavement and sidewalks, if any, in a neat workmanlike manner. In no case shall the driveway construction impair the flow of water in the gutter. Figures 7 and 8 depict the proper details for constructing a valley gutter.

I. Any activities that impair the flow of water in a curb and gutter is prohibited. These prohibited activities include, but are not limited to: The filling in of curb and gutter with concrete or asphalt, or the removal of curb and gutter without providing an acceptable valley gutter as described in [subsections] G. and H. above.

J. The restricted area between successive driveways may be filled in or graded down only when the following requirements are fully complied with:

1. The filling or grading down shall be to grades approved by the public works director; and, except where drainage is by means of curb and gutter, water drainage of the area shall be directed away from the highway roadbed in a suitable manner.
2. Culvert extension under the restricted area shall be of like size and equivalent acceptable material of the driveway culvert, and intermediate manholes adequate for clean-out purposes may be required where the total culvert length exceeds 100 feet.
3. Where no side ditch separates the restricted area from the roadbed, permanent provision may be required to separate the areas from the highway roadbed, to prevent its use for driveway or parking purposes, by construction of a border, curb, rail or posts deemed adequate by the public works director.

(Res. of 2-23-12, § 1(Exh. A); Res. of 9-26-13(2), § 1(Exh. A))

Editor's note(s)—Res. of 2-23-12, § 1(Exh. A), repealed former § 12.40.060, and enacted a new § 12.40.060 as set out herein. Former § 12.40.060 pertained to the same subject matter and derived from Res. of 9-14-81, § 5; Code 1991, § 12.12.060 and Res. of 11-22-00(1), § 1.

12.40.070. Specific design standards.

The following specific design standards in sections 12.40.080 through 12.40.160 shall apply to driveways requiring permits as set forth in these regulations. The items are driveway width, angle of entry and exit, return radius of curb, maximum percent of frontage for driveway use, distance to side property lines, island areas, intersection clearance, parking and storage areas and driveway grade.

(Res. of 9-14-81, 6(B); Code 1991, § 12.12.070)

12.40.080. Driveway widths.

Measured parallel to the roadway[, driveway widths shall be as follows]:

		Minimum	Maximum
Residential		8′0″	15′
Residential-duplex		8′0″	22′
Apartments		10′0″	30′
Commercial:			
	One-way	15′0″	25′
	Two-way	20′0″	30′
Industrial		20′0″	40′

(Res. of 9-14-81, § 6(B)(1); Code 1991, § 12.12.080)

12.40.090. Angle of entry and exit.

Driveway angles [shall be as follows]:

A. Residential, 60 to 90 degrees, or parallel to property line;

B. Apartments, 70 to 90 degrees for two-way driveways or 45 to 90 degrees for one-way streets;

C. Commercial, 70 to 90 degrees for two-way driveways or 45 to 90 degrees for one-way on divided roadway or 60 to 90 degrees for one-way ramp on non-divided roadway;

D. Industrial, 90 degrees, or as close as practicable, for two-way, or 45 degrees, one-way access on one-way street;

E. Rural, land access only, 60 to 90 degrees.

(Res. of 9-14-81, § 6(B)(2); Code 1991, § 12.12.090)

12.40.100. Return radius of curb.

[Return radius of curbs shall be as follows:]

		Minimum	Maximum
Residential		3½′	15′
Apartment		5′	20′
Commercial:			

	Urban	10′	20′
	Suburban	15′	25′
	Rural	15′	35′
Industrial:			
	Urban	15′	25′
	Rural	25′	40′

(Res. of 9-14-81, § 6(B)(3); Code 1991, § 12.12.100)

12.40.110. Maximum percentage of frontage for driveway use.

A. Each single driveway shall have a maximum width of 30 percent of the property frontage. Where two or more driveways are permitted, no more than 60 percent of property frontage shall be used as driveways.

B. No approval for a curb cut will be given where it is apparent that the intent is not to provide access but to provide parking only. A driveway approach must provide access to something definite on private property such as a parking area considerably greater in extent than the width of the driveway, or provide access to a driveway, or to a door at least eight feet wide intended for the entrance of vehicles, etc. (not applicable for residential driveways).

(Res. of 9-14-81, § 6(B)(4); Code 1991, § 12.12.110)

12.40.120. Distance to side property lines.

A. The area within five feet of a frontage boundary line shall be a restricted area on which no driveway may be developed on public right-of-way (E).

B. A minimum of 1½ feet of pavement edge or curb shall be left undisturbed adjacent to each frontage boundary line to serve as an island area. This distance shall be measured between the FB line and the point of tangency of the driveway radius and the edge of the pavement measured along the edge of the pavement.

C. Subsection A. or B. of this section shall apply, whichever is more restrictive.

D. These requirements may be waived when a single driveway is approved to serve two adjacent lots.

(Res. of 9-14-81, § 6(B)(5); Code 1991, § 12.12.120)

12.40.130. Island areas.

A. *Minimum island dimensions.*

1. Distance between double driveways (D), ten feet minimum at narrowest point;

2. Minimum island depth, four feet where parking abuts street right-of-way line.

B. *Treatment of island or buffer area.* In the development of private property and the construction of driveways thereto, it may be necessary to regrade the buffer area by cutting or filling. Such work shall be done in a manner to insure adequate sight distance for traffic operations, proper drainage, suitable slopes for maintenance operations, and good appearance. The buffer area outside the driveways shall be treated to prevent use by vehicles. This may be accomplished by grading, or use of curbs, rails, guide posts, low walls, low shrubs, etc., in a manner which will not impair clear sight across the area.

C. *Visibility clearance.* No landscaping, fences, terraces, or other natural or artificial features adjacent to any street shall be of a nature impairing visibility from or of approaching vehicular traffic where such visibility is important to safety, nor shall such features in any way create potential hazards to pedestrians. In particular, at vehicular entrances and exits, no off-street parking, landscaping, or other material impediment to visibility between the height of three feet and ten feet, measured from the roadway level, shall be permitted within triangular areas defined by lines connecting points described as follows:

1. *Nonresidential use.* Beginning at a point where the midline of the entrance or exit intersects the public right-of-way, thence to a point of 35 feet along the right-of-way in the direction of approaching traffic, thence to a point of 25 feet toward the interior of the lot along the midline of the entrance or exit, and thence to a point of beginning. (See figure 12.40.130 A [12.40.230 5A].)

2. *Multifamily residential use.* Beginning at a point where the midline of the entrance or exit intersects the public right-of-way, thence to a point of ten feet along the right-of-way in the direction of approaching traffic, thence to a point of ten feet toward the interior of the lot along the midline of the entrance or exit, and thence to the point of beginning. (See figure 12.40.130 B [12.40.230 5B].)

(Res. of 9-14-81, § 6(B)(6); Code 1991, § 12.12.130)

12.40.140. Intersection clearance.

The length, width and shape of corner island areas will vary for different locations. The angle of intersection, angle of driveways, width of the right-of-way on both approaches, channelization radii, and other conditions will influence the location of driveways at intersections. The location and angle of an approach in relation to the highway intersection shall be such that a vehicle leaving the service facility may be merged in the lane of traffic moving in the desired direction before crossing the intersection, and that a vehicle entering the facility from the intersection may do so in an orderly and safe manner with a minimum of interference to through traffic.

The following conditions may be applicable in most instances:

A. No driveway shall be allowed to encroach upon pavement edge radii.

B. The following minimum distances from the intersection right-of-way line (C) shall apply where there is no conflict with the foregoing conditions:

1. Traffic volume A.D.T. of 1,500 or less, 20 feet;

2. Traffic volume A.D.T. over 1,500 but less than 10,000, 35 feet;

3. Traffic volume A.D.T. over 10,000 but less than 15,000, 50 feet;

4. Traffic volume A.D.T. over 15,000, 65 feet.

The public works director shall have the authority to increase these distances if in his opinion such action is necessary for the protection of traffic. The public works director may also modify these requirements if justifiable on the basis of site conditions.

(Res. of 9-14-81, § 6(B)(7); Code 1991, § 12.12.140)

12.40.150. Parking and storage areas.

A. Each roadside business establishment, when providing off-street parking or storage space, shall provide such parking or storage space off the right-of-way to prevent the storage of vehicles on the driveway or the backing up of traffic on the travel way. This is particularly needed for businesses where a number of vehicles will be leaving and entering at the same time.

B. Particular attention will be paid to drive-in facilities such as banks, minute car washes, drive-in restaurants, drive-in bill paying facilities, and other service facilities where motorists are served while in their vehicles, to insure that queues of vehicles will not extend out onto the public streets.

(Res. of 9-14-81, § 6(B)(8); Code 1991, § 12.12.150)

12.40.160. Driveway grade.

A. Residential driveways: The maximum grade which shall be permitted is 17 percent.

B. Apartment, commercial and industrial driveways: The maximum grade which shall be permitted is eight percent.

C. Grades within the right-of-way shall be controlled by existing shoulder slope or existing and future sidewalk elevations.

D. When driveways are intended for special use vehicles, the underside clearance and/or break over angle of the subject vehicle shall dictate the maximum driveway.

(Res. of 9-14-81, § 6(B)(9); Code 1991, § 12.12.160)

12.40.170. Common access driveways; general provisions.

The following specific design standards shall apply to common access driveways requiring permits as set forth in these regulations. Even though a common access drive may provide access to parcels or lots, each resultant parcel, tract or lot must still meet the minimum public street frontage requirements for the zoning district in which it is located unless otherwise exempted as a lot of record or otherwise developed in accordance with Section 7.3.3 (Large Lot Development Subdivision).. Parcels, tracts, lots, or building sites for which building permits are requested or upon which there is a proposed subdivision of land that will not have separate and individual driveway access to a public street within the limits of the property itself, but is proposed to be served by a common access driveway, shall install such a driveway in conformance to the following standards in sections 12.40.180 through 12.40.220.

(Res. of 6-8-87, § 2; Code 1991, § 12.12.170)

12.40.180. Common access driveways; submission of plans.

Any [person seeking an] (a) building permit or occupancy permit requested for lots of record, or (b) proposed subdivision of land, whereby three but not more than sixfive parcels or lots are to be served by a common access driveway, shall, at the time of the permit application or proposed subdivision of property, submit all necessary plans as required by the county engineer indicating the proposed location and construction specifications for the proposed common access driveway.

(Res. of 6-8-87, § 2; Code 1991, § 12.12.180)

12.40.190. Common access driveways; construction prior to plat approval or issuance of occupancy permit.

New common access driveways shall be constructed prior to the issuance of an occupancy permit for lots of record or prior to the approval and recording of a final plat for the proposed subdivision of land.

(Res. of 6-8-87, § 2; Code 1991, § 12.12.190)

12.40.200. Common access driveways; plats and required statements.

Plats indicating the location of common access driveway easements and lots to be served shall be recorded with the clerk of superior court of the county. The plats shall include:

A. A statement to the effect that the driveway easement shown on the plat is not to be dedicated as a public road and not to be maintained by the county, but shall be privately maintained; and

B. A statement signed by the surveyor, a registered engineer or a registered landscape architect that the driveway has been constructed in accordance with the minimum standards of the county.

(Res. of 6-8-87, § 2; Code 1991, § 12.12.200)

12.40.210. Common access driveways; previously existing driveways.

Any existing easements or common driveways which have been recorded prior to the effective date of this amendment [chapter] may continue to serve existing lots which were also recorded prior to the effective date of the resolution codified in this chapter. Any new driveways which would propose access to three or more undeveloped lots of record must conform with the standards for a common access driveway in accordance with this amendment.

(Res. of 6-8-87, § 2; Code 1991, § 12.12.210)

12.40.220. Common access driveways; minimum standards.

Construction of common access driveways shall conform to the following minimum standards. Please see Figure 6 for a cross-section detail:

A. Easement width, 30 feet, 30 feet radius easement in cul-de-sac;

B. Roadbed width 20 feet;

C. Shoulder width, two feet;

D. Base width, 18 feet;

E. Pavement width, 16 feet;

F. Minimum radius at cul-de-sac transition and intersections, 20 feet;

G. Pavement type:

1. Plant mix, one inch thick over graded aggregate four inches thick (except within the public right-of-way, which shall be six inches thick);

2. Concrete, four inches thick (except within the public right-of-way, which shall be six inches thick);

H. If a common access driveway terminates in a dead end, the termination shall be either a cul-de-sac with a paved radius of 25 feet, or another termination method that allows for vehicles to turn around safely and is acceptable to Hall County Engineering;

I. If a common access driveway is a cul-de-sac, the maximum length of the cul-de-sac shall be 1,000 feet;

J. Individual driveways joining the common driveway must be placed entirely on the property that they serve;

K. Individual driveways joining the common driveway may only serve one lot;

L. Ditches: Front slope, maximum 2:1 ratio; rear slope, maximum 2:1 ratio; 1 ½ foot minimum depth;

M. Maximum finished driveway grade, 17 percent; driveway grades up to 20 percent may be approved by the county engineer in extreme conditions;

N. Pavement crown, ¼-inch per foot;

O. All slopes and shoulders to be grassed;

P. Minimum crossdrain pipe size, 18 inches;

Q. The driveway must intersect the public road at an angle of 65 degrees or greater;

R. The driveway must enter the public road at least 65 feet from any intersection of another common access driveway as measured from centerline to centerline. The driveway must enter the public road at least 65 feet from another public road intersection as measured from the centerline of the common access driveway to the closest point of right-of-way intersection;

S. Intersection sight distance shall be as specified in the sight distance table in section 16.60.090 of this Code.

(Res. of 6-8-87, § 2; Code 1991, § 12.12.220; Res. of 11-22-00(1), § 2)

12.40.230. Example figures.

FIGURE 1. SINGLE DRIVEWAY—DIAGRAMMATIC FOR ILLUSTRATING DEFINITIONS

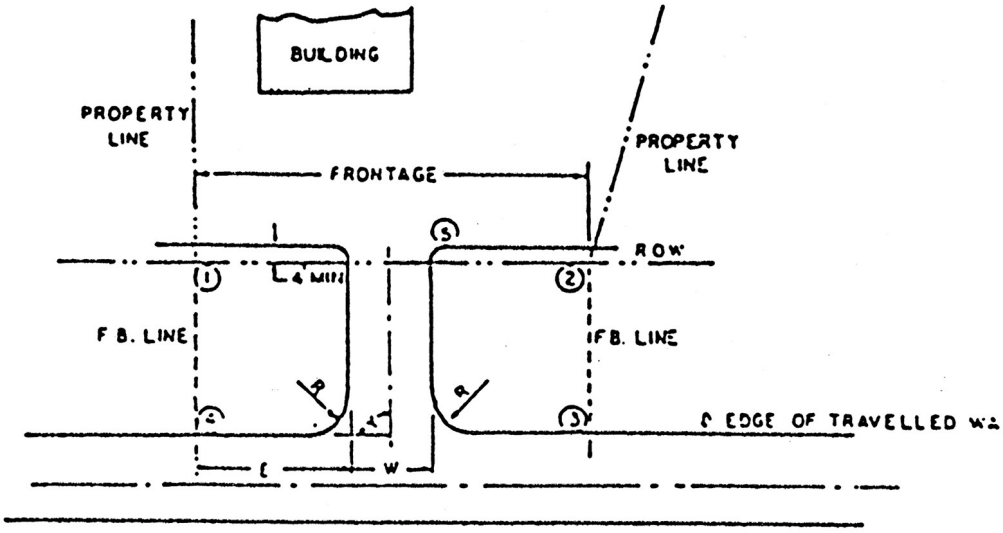


Figure 1. Single Driveway—Diagrammatic for Illustrating Definitions

FIGURE 2. DOUBLE DRIVEWAY—DIAGRAMMATIC

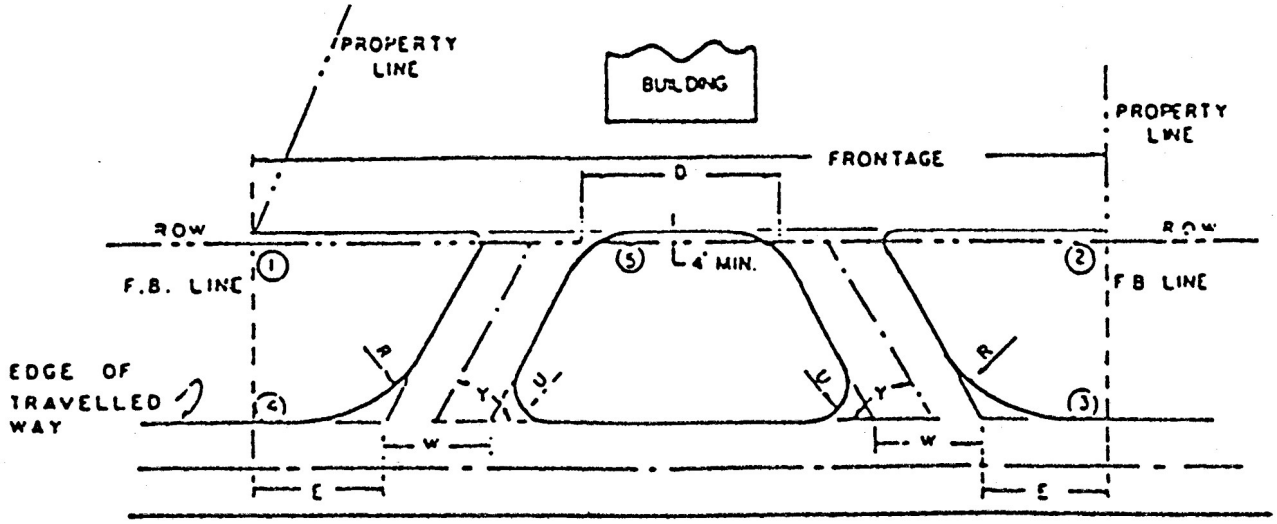


Figure 2. Double Driveway—Diagrammatic

FIGURE 3. DRIVEWAYS FOR CORNER INSTALLATIONS—DIAGRAMMATIC

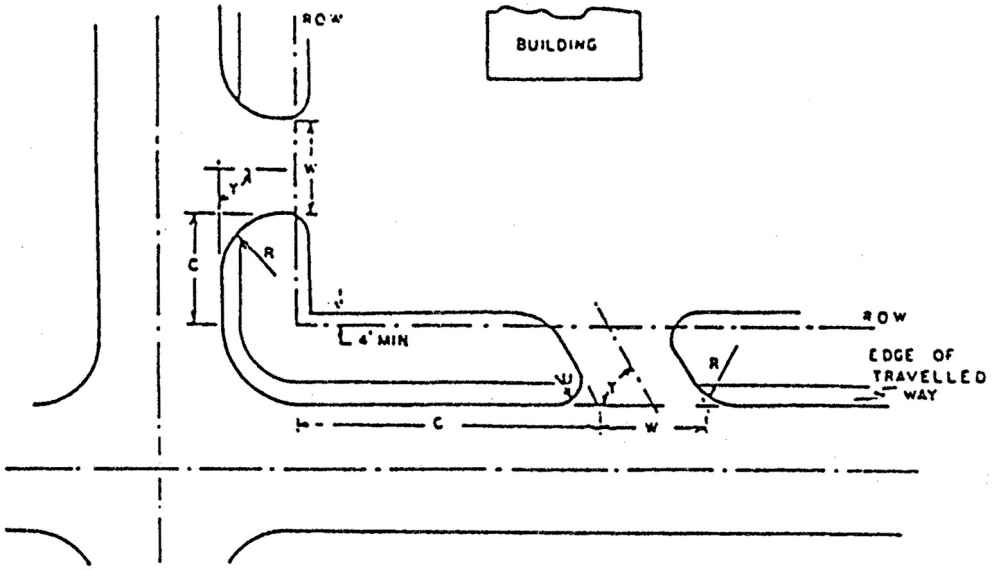


Figure 3. Driveways for Corner Installations—Diagrammatic

FIGURE 4. DRIVEWAYS TO A CORNER COMMERCIAL ESTABLISHMENT

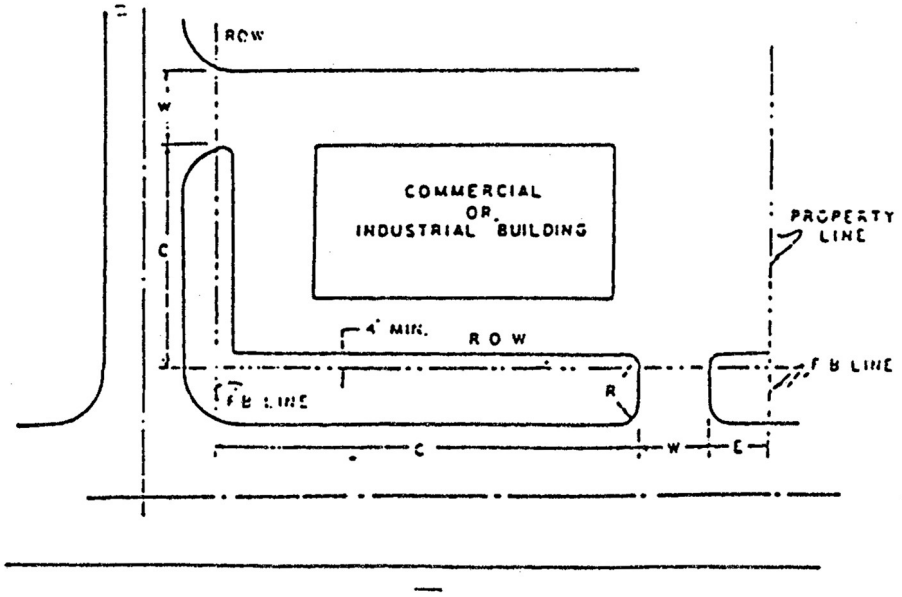


Figure 4. Driveways to a Corner Commercial Establishment

FIGURE 5A. VISIBILITY CLEARANCE (NON-RESIDENTIAL)

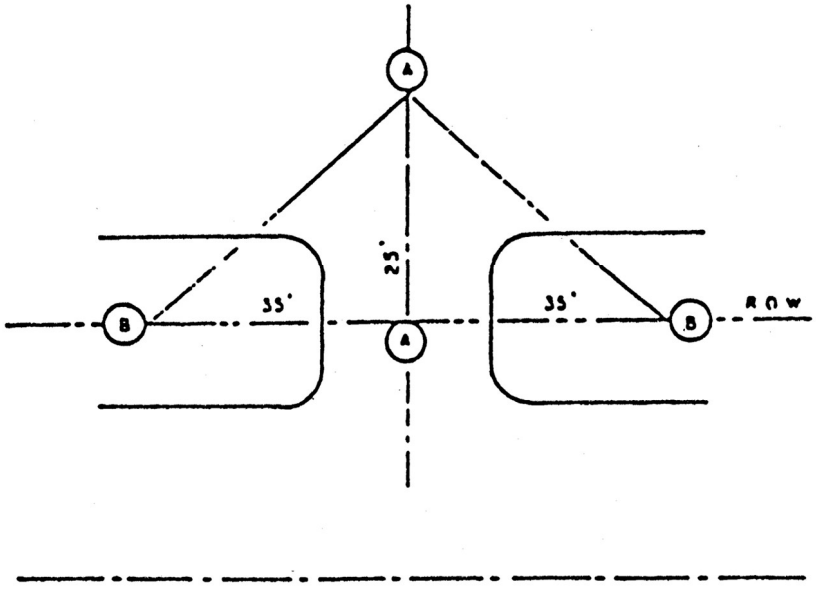


Figure 5A. Visibility Clearance (Non-Residential)

FIGURE 5B. VISIBILITY CLEARANCE (RESIDENTIAL)

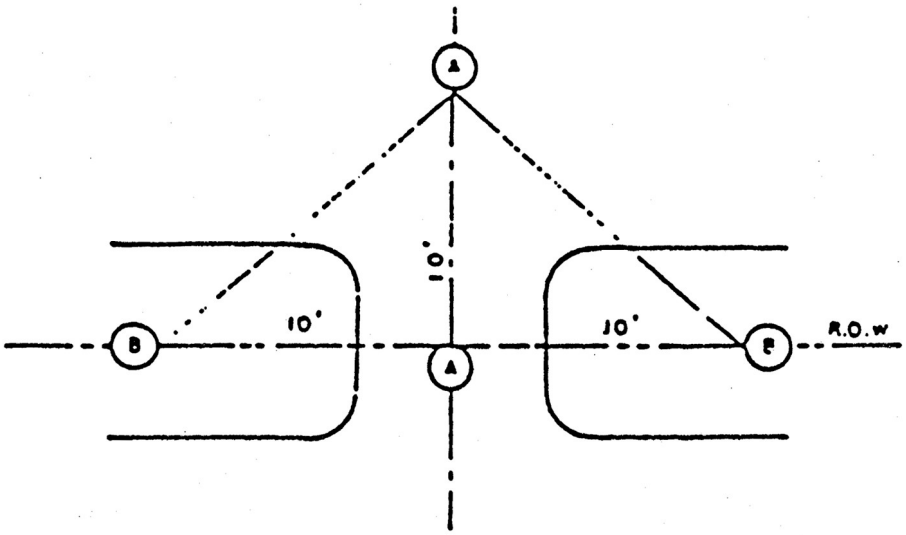
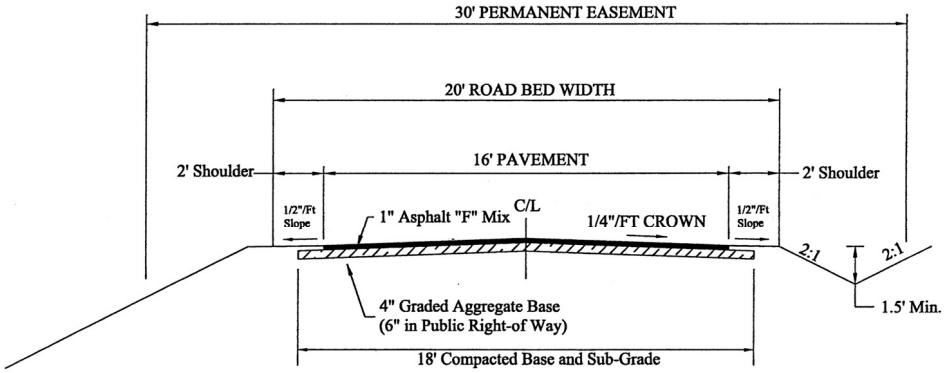


Figure 5B. Visibility Clearance (Residential)

EXHIBIT "C", FIGURE 6: CONSTRUCTION REQUIREMENT COMMON ACCESS DRIVEWAY

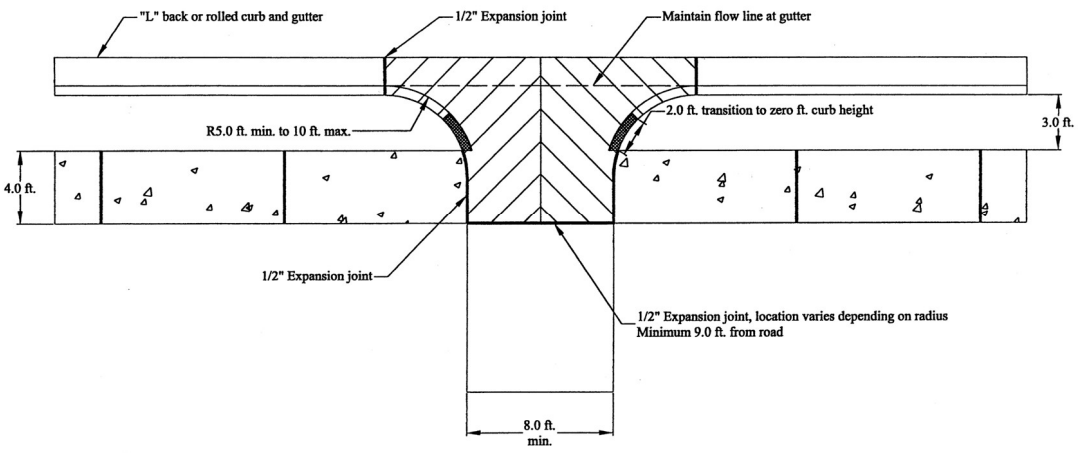


NOTES:
1. Maximum Cut or Fill Slope is 2H:1V
2. Clearing Required to Top or Toe of Slope Trees within one foot of fill or less may remain. See Section 16.70.170 for details
3. Alternate Pavement - 4" Concrete (In public right-of-way concrete shall be 6")

NOT TO SCALE

FIGURE 6. CONSTRUCTION REQUIREMENT COMMON ACCESS DRIVEWAY

EXHIBIT "D", FIGURE 7: CONSTRUCTION REQUIREMENT VALLEY GUTTER, RESIDENTIAL DRIVEWAY



NOTES:
1. Sidewalk to be flush with top of valley gutter
2. Concrete in valley gutter to be 6" in depth
3. Expansion joint between valley gutter and driveway may not be in the path of the sidewalk

NOT TO SCALE

FIGURE 7. CONSTRUCTION REQUIREMENT VALLEY GUTTER, RESIDENTIAL DRIVEWAY

(Res. of 6-8-87; Code 1991, § 12.12.230; Res. No. 11-22-00(1), §§ 3—5)

12.40.240. General conditions of approval; rights of county.

The following conditions shall apply to all approvals for driveway construction on public right-of-way:

A. The applicant shall represent all parties with a property interest in the proposed driveway and shall certify that any driveway or approach constructed by him is for the bona fide purpose of securing access to his property and not for the purpose of parking or servicing vehicles, or for advertising, storage, or merchandising of goods on the county right-of-way.

B. The applicant shall furnish all materials, do all work, and pay all costs in connection with the construction and maintenance of the driveway and its appurtenances on the right-of-way unless the county agrees otherwise. The applicant shall arrange for and bear the entire cost of moving poles, trees, signs, hydrants, catch basins, and other existing installations which may interfere with the proposed driveway. Materials used and type and character of work shall be suitable and appropriate for its intended purpose, and the type of construction shall be as designated by and subject to approval of the public works director. The time-table for installation shall be approved by the building official and/or public works director. The applicant shall make the installation without jeopardy to or interference with vehicular traffic using the highway or pedestrian traffic using the adjacent sidewalk. Street surfaces, shoulders, ditches and vegetation disturbed shall be restored to equivalent or original condition by the applicant.

C. No revisions or additions shall be made to the driveway or its appurtenances on the right-of-way without the written permission of the building official.

D. The county reserves the right to make such changes, additions, repairs and relocations within statutory limits to the driveway or its appurtenances on the right-of-way as may at any time be considered

necessary to permit the relocation, reconstruction, widening and maintaining of the highway or to provide proper protection to life and property [on] or adjacent to the street. The county shall make all reasonable attempts to comply with all provisions of this resolution [chapter].

E. The applicant, his successors or assignees agree to hold harmless the county and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of the permit issued pursuant to this chapter.

F. Whenever an existing road is improved by reconstruction or maintenance work, existing entrances to the road may be altered by the county to conform to the spirit and intent of the policy and standards set forth in this chapter.

G. Whenever the public works director determines that inadequate or indiscriminate access or long stretches of paved or unpaved accesses result in an undue hazard to the motoring public on the thoroughfare, existing entrances may be required to be altered or reduced in extent to conform with the spirit and intent of this policy and upon approval of the governing authority.

(Res. of 9-14-81, § 8; Code 1991, § 12.12.240)

12.40.250. Conflict with other laws.

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

(Res. of 9-14-81, § 10; Code 1991, § 12.12.250)

12.40.260. Severability; penalty; additional remedies.

A. *Validity.* Should any article, clause or provision of this chapter be declared by a court of competent jurisdiction to be invalid, such action shall not affect the validity of the chapter as a whole or any part hereof being declared severable.

B. *Remedies.* In case any driveway is (or is proposed to be) constructed, reconstructed, altered, converted, or maintained, or any driveway is (or is proposed to be) used, in violation of any provision of this chapter, the building official, county attorney, or [other appropriate official may, in addition to] other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful construction, reconstruction, alteration, conversion, maintenance, or use [or] to correct or abate such violation. Where a violation of these regulations exists, the county building official may, in addition to other remedies, notify all public utilities and county service departments of such violation and request that service be withheld therefrom until such time as there is no longer a violation of these regulations.

C. *Penalties for violations.* Any person, firm, corporation, association or partnership violating any provision of this chapter as the same exists or as it may hereinafter be amended, or shall fail to do anything required by this chapter as the same exists or as it may hereafter be amended, shall be guilty of a misdemeanor, amenable to the process of the Magistrate or State Court of Hall County, and upon conviction, shall be punished as provided in the Official Code of Hall County, Georgia section 1.50.020 for each violation in the discretion of the court. Each and every day that such violation exists shall be deemed a separate offense.

(Res. of 9-14-81, § 10; Code 1991, § 12.12.260; Res. of 6-10-04(1), § 1)