

CHAPTER 1: GENERAL PROVISIONS

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CHAPTER 1: GENERAL PROVISIONS

17-100 TITLE

These regulations shall be officially known as the “Hall County Unified Development Code” and may be referred to as the “Unified Development Code,” the “UDC,” or “this Code.”

17-101 AUTHORITY

(A) General

The Hall County Board of County Commissioners (BOCC) is authorized to adopt this Code pursuant to the enabling authority contained in the Constitution of Georgia, Article IX, Section II, Paragraph IV, and Article IX, Section II, Paragraphs I and III; pursuant to the Code of Georgia, Section 36-66-1 *et seq.*, Section 36-70-1 *et seq.*; and pursuant to the general police powers of the County and other federal, state, and local laws applicable hereto. This Code consolidates the County’s zoning and land development regulatory authority.

(B) Reference to Georgia Constitution and Code

Whenever any provision of this Code refers to or cites a section of the Constitution of Georgia or the Georgia Code and that section is later amended or superseded, this Code shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

17-102 GENERAL PURPOSE

The purpose and intent of this Code is to guide development in accordance with the existing and future needs of the County and to promote the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the citizens and residents of Hall County. The purpose and intent of this Code is more specifically to:

- (A) To guide and regulate the orderly growth, development, redevelopment, and preservation of Hall County in accordance with a well-considered Comprehensive Plan and with long-term objectives, principles, and standards deemed beneficial to the interest and welfare of the people;
- (B) To protect the established character and the social and economic value of both private and public property;
- (C) To promote, in the public interest, the orderly and efficient utilization of land;
- (D) To provide for adequate light, air, access, and safety from fire, flood, and other dangers;
- (E) To facilitate the creation of a convenient and harmonious community;
- (F) To reduce and prevent congestion in the streets and roads;
- (G) To protect and enhance an aesthetically attractive environment, both built and natural;
- (H) To protect and conserve the historic resources of the County;
- (I) To expedite the provision of adequate police and fire protection, safety from crime, disaster evacuation, civil defense, transportation, water, wastewater treatment, flood protection, schools, parks, recreational facilities, and other public facilities and requirements;

- (J) To ensure that development occurs in a manner that conserves and maintains the level of community facilities existing or available to serve development in the County;
- (K) To encourage economic development activities that provide desirable employment and enlarge the commercial tax base;
- (L) To promote the preservation of the unique natural and physical resources of the County included forested areas, open space, streams and water bodies, and agricultural lands;
- (M) To achieve compliance with all applicable state and federal regulations, and to implement the authority, powers, and duties of the Planning Commission pursuant to state law;
- (N) To provide for and promote housing for all income groups and citizens within the County;
- (O) To prevent or minimize the negative secondary effects generated by adult establishments;
- (P) To provide for the protection of the constitutional rights and obligations of all citizens within the County; and
- (Q) To balance the interest in promoting the public health, safety, morality, or general welfare with private property interests.

17-103 APPLICABILITY AND JURISDICTION

(A) General

The provisions of this Code shall apply to all land, all land development, and the use of all structures on all lands and waters within the boundaries of Hall County that lie outside the limits of incorporated municipalities.

(B) Application to Governmental Units

(1) Generally

Except as stated herein, the provisions of this Code (including standards and procedures) shall apply to all land, all land development, and the use of all structures and land owned or held in tenancy by the County or its agencies or departments, by cities or their agencies or departments, and by all other governmental units unless specifically disallowed, or not required, by law.

(2) Infrastructure Improvements

In undertaking improvements to public infrastructure, including but not limited to bridges and roads, the County and its agencies and departments shall comply with the standards of this Code, but shall not be required to obtain permits or undergo the procedures of this Code.

(C) No Development Until Compliance with this Code

No structure, land, or water shall hereafter be used, and no structure or part thereof shall hereafter be located, constructed, erected, moved, reconstructed, enlarged, extended, converted, repaired, or structurally altered, without full compliance with the provisions of this Code and all other applicable County, state, and federal regulations.

(D) Exemptions

(1) Acquisition of Interest in Land by County for Public Purposes

The provisions of this Code shall not require formal subdivision of land as a result of actions taken by the County to acquire land or interests in land (e.g., easements) for public purposes.

(2) Emergency Action by County

The County or County agencies or departments may be exempt from the provisions of this Code when an emergency exists such that it is impossible to submit to the normal procedures and requirements of this Code and quick and instant action is necessary to secure the public health, safety, or welfare. The BOCC shall ratify such exemption after the fact at its next regularly scheduled meeting, and shall base its ratification on specified findings of fact related to the emergency involved.

17-104 CONFLICT OR CONSISTENCY WITH OTHER ORDINANCES, LAWS, COVENANTS, OR DEED RESTRICTIONS

(A) Conflicts with Other County Regulations

If the provisions of this Code are inconsistent with one another or if the provisions of this Code conflict with provisions found in other adopted codes, ordinances, or regulations of the County, the more restrictive provision shall govern unless the terms of the provisions specify otherwise.

(B) Conflicts with Private Agreements

If the provisions of this Code conflict with the provisions of private easements, covenants, or restrictions, the provisions of this Code shall govern. The County shall not be responsible for monitoring or enforcing private covenants and restrictions, although the County may inquire as to whether land is subject to covenants and restrictions during the review of development applications.

(C) Conflicts with State or Federal Law

If the provisions of this Code are inconsistent with the law or regulations of the state or federal government, the more restrictive provision shall control, to the extent permitted by law.

(D) Repeal of Inconsistent or Conflicting Provisions and Prior Zoning Regulations

All other ordinances or parts of ordinances of the County inconsistent or conflicting with this Code, to the extent of the inconsistency only, are hereby repealed or modified. All prior zoning and subdivision regulations of the County are hereby repealed and replaced with this Code.

17-105 OFFICIAL ZONING DISTRICT MAP

(A) Official Zoning District Map

The Official Zoning District Map (also referred to herein as the Zoning District Map) designates the location and boundaries of the various zone districts established in this code within the County. The Zoning District Map shall be kept on file in the office of the Planning Director and is available for public inspection during normal business hours.

(B) Incorporation by Reference

The Zoning District Map and all the notations thereon are hereby incorporated by reference and made part of this Code.

(C) Zoning District Boundaries

Unless otherwise specifically indicated, zoning district boundaries shall be construed as follows:

- (1) Where indicated as approximately following the center lines of streets, alleys, roads, highways, or railroad rights-of-way, or such lines extended, such lines or such lines extended shall be construed to be the district boundaries.
- (2) Where indicated as approximately following the county line or the corporate limit line of any incorporated place or the militia district line of any militia district or the land lot line of any land lot, such county line, corporate limit line, militia district line or land lot line shall be construed to be the district boundaries.
- (3) Where indicated as approximately parallel to the center lines of streets or highways, district boundaries shall be construed as being parallel thereto and at a distance of three hundred, five hundred, or one thousand (300, 500, or 1,000) feet from such center lines, each above district boundary being shown at scale on the Zoning District Map.
- (4) Where indicated as approximately following the center line of stream beds or river beds, such center lines or such lines extended shall be construed to be the district boundaries.
- (5) Where indicated as approximately parallel to the shoreline of the Buford Dam Reservoir, district boundaries shall be construed as being parallel thereto and at a distance of five hundred (500) feet from the nearest point of the 1070 Contour Line.

(D) Division of Parcel into More Than One District

(1) General Rule

Except in the case of a through lot, where a zoning district boundary divides a lot or parcel under a single ownership on the effective date of this Code into more than one zoning district, the district in which the greater portion of the lot lies shall be extended to the rest of the lot, so long as no part of the lot is more than thirty-five (35) feet beyond the district boundary line.

(2) Special Rule for Through Lots

In the case of a through lot, the restrictions of the district applying to the adjoining lots that front on the same street as the proposed use of the lot shall apply.

(E) Changes to Zoning District Map

Changes made in zoning district boundaries or other matters portrayed on the Zoning District Map shall be made in accordance with the provisions of this Code (see Section 17-202(B), Amendments to Text and Zoning District Map). Changes shall be entered on the Zoning District Map by the Planning Director promptly after the amendment has been approved by the BOCC. Amendments to this Code which involve matters portrayed on the Zoning District Map shall become effective on the date of the final BOCC action to amend the Code.

(F) Mapping Disputes

The Planning Director shall have the authority to interpret the Zoning District Map and determine where the boundaries of the different zone districts fall, if in dispute (Section 17-202(N), Interpretations). Appeals from the Planning Director's interpretations of district boundaries may be made to the Planning Commission in accordance with Section 17-202(O, Appeals).

17-106 SEVERABILITY

It is the legislative intent of the BOCC in adopting this Code that all provisions shall be liberally construed to protect and preserve the peace, health, safety, and general welfare of the inhabitants of the County. If any section, subsection, sentence, clause, phrase, or provision of this Code is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Code, each section, subsection, sentence, clause, phrase, or provision being declared severable. The BOCC hereby declares that it would have passed this Code and any section, subsection, sentence, clause and phrase, thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

17-107 TRANSITIONAL RULES

(A) Effective Date

The effective date of this Code is .

(B) Violations Continue

Any violation of the previous Zoning Ordinance (Title 17, *Zoning Regulations*) and Subdivision Regulations (Title 16, *Subdivisions*) of the County shall continue to be a violation under this Code and shall be subject to the penalties and enforcement set forth in Chapter 9: *Enforcement and Remedies*, unless the use, development, construction, or other activity complies with the express terms of this Code.

(C) Completion of Development Plans Commenced or Approved Under Previous Ordinances

(1) Completed Application Pending

Any complete application that has been submitted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this Code, shall be reviewed and considered in accordance with either the provisions of the applicable zoning and subdivision regulations in place on the date of submittal or the provisions of this Code, at the applicant's option.

(2) Preliminary or Final Approval Granted

A development for which preliminary or final approval (Subdivision [either Preliminary Plat or Final Plat], Grading Permit, Sign Permit, approval of a Planned Development district, Conditional Use Permit subject to review and approval by the BOCC, Conditional Use Permit subject to review and approval of the Planning Commission, , approval of change or enlargement of a nonconforming use, or Variance Permit) was granted prior to the effective date of this Code may be completed, at the applicant's option, in accordance with the approved plat or development approval and any other approved permits and conditions, even if the development does not comply with one or more general development standards set forth in this Code, unless such approval expires pursuant to the terms of the Code in effect at the time of approval. In the case of a phased development, only the phase(s) to which such preliminary or final approval applied may be so completed.

(3) Development with Previously Approved Building Permits

Any building or development for which a Building Permit was granted prior to the effective date of this Code shall be permitted to proceed to construction in accordance with that Building Permit even if such building or development does not conform to the provisions of this Code, unless such approval expires pursuant to the terms of the Code in effect at the time of approval.