

CHAPTER 3: ZONING DISTRICTS

17-300 GENERAL	1
(A) DISTRICTS ESTABLISHED	1
(B) RELATIONSHIP TO OVERLAY DISTRICTS	1
(C) COMPLIANCE WITH DISTRICT STANDARDS.....	1
17-301 RURAL DISTRICTS	1
(A) PURPOSE AND INTENT	1
(B) DISTRICTS.....	1
(1) Agricultural Residential – 1 (AR-1) District.....	1
(2) Agricultural Residential – 2 (AR-2) District.....	1
[Reserved].....	1
(4) Commercial Farm (CF) District.....	1
17-302 RESIDENTIAL DISTRICTS	1
(A) PURPOSE AND INTENT	1
(B) DISTRICTS.....	1
(1) Residential Single-Family – 1 (R-1) District	1
(2) Residential Single-Family – 1 Low Density (R-1L) District	1
(3) Residential Multi-Family – 8 (RM-8) District.....	1
(4) Residential Multi-Family – 12 (RM-12) District.....	1
(5) Manufactured Home Park (MHP) District	1
17-303 COMMERCIAL DISTRICTS	1
(A) PURPOSE AND INTENT	1
(B) DISTRICTS.....	1
(1) Neighborhood Office (NO) District	1
(2) Neighborhood Commercial (NC) District	1
(3) Office and Institutional (OI) District	1
(4) Suburban Shopping (SS) District.....	1
(5) Highway Business (HB) District.....	1
(6) Mixed Use (MX) District.....	1
17-304 INDUSTRIAL DISTRICTS	1
(A) PURPOSE AND INTENT	1
(B) DISTRICTS.....	1
(1) Business Light Industrial (BLI) District.....	1
(2) General Industrial (IG) District.....	1
(3) Heavy Industrial (IH) District.....	1
17-305 PLANNED DEVELOPMENT DISTRICTS	1
(A) PURPOSE AND INTENT	1
(B) GENERAL REQUIREMENTS	1
(C) DISTRICTS.....	1
(1) Planned Residential Development (PRD) District.....	1
(2) Planned Commercial Development (PCD) District	1
17-306 OVERLAY DISTRICTS	1
(A) PURPOSE AND INTENT	1
(B) DISTRICTS.....	1
(1) Airport Overlay (AO) District.....	1
(2) Water Supply Watershed Overlay (WSWO) District	1

(3) Groundwater Recharge Overlay (GRO) District1
(4) Wetlands Overlay (WTO) District.....1
(5) Power Transmission Line Overlay (PTLO) District1

CHAPTER 3: ZONING DISTRICTS

17-300 GENERAL

(A) Districts Established

The base zoning districts established in this Code are set down in Table 17-300(A): Base Zoning Districts.

TABLE 17-300(A): BASE ZONING DISTRICTS	
<i>Abbreviation</i>	<i>District Name</i>
AR-1	Agricultural Residential – 1 District
AR-2	Agricultural Residential – 2 District
CF	Commercial Farm District
R-1	Residential Single-Family – 1 District
R-1L	Residential Single-Family – 1 Low Density District
MF-8	Residential Multi-Family – 8 District
MF-12	Residential Multi-Family – 12 District
MHP	Manufactured Home Park District
NO	Neighborhood Office District
NC	Neighborhood Commercial District
OI	Office and Institutional District
SS	Suburban Shopping District
HB	Highway Business District
MX	Mixed Use District
BLI	Business Light Industrial District
IG	General Industrial District
IH	Heavy Industrial District
PRD	Planned Residential Development District
PCD	Planned Commercial Development District

(B) Relationship to Overlay Districts

Five overlay districts are established in addition to the base zoning districts: the Airport Overlay (AO) District; the Water Supply Watershed Overlay (WSWO) District; the Groundwater Recharge Overlay (GWO) District; the Wetlands Overlay (WTO) District, and the Power Transmission Line Overlay (PTLO) District . Where land is classified into an overlay district as well as a base zoning district, the regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying base zoning district. In the event of an express conflict between the standards governing a base zoning district and those governing an overlay district, the standards governing the overlay district shall control.

(C) Compliance with District Standards

No development shall occur in the county except in accordance with the zoning district regulations of this Chapter 3: *Zoning Districts*, the use regulations of Chapter 4: *Use Regulations*, the dimensional standards of Chapter 5: *Density, Intensity, and Dimensional Standards*, and all other applicable regulations of this Code.

17-301 RURAL DISTRICTS

(A) Purpose and Intent

The rural zoning districts contained in this section are established and intended to:

- (1) Provide appropriately located areas for agriculture that are consistent with the applicable goals and policies of the comprehensive plan;
- (2) Provide land for rural residential uses at densities indicated by the comprehensive plan;
- (3) Provide for rural business uses and other uses compatible with and complementary to the largely rural, agricultural, and low-density uses in the rural districts; and
- (4) Implement the open space, resource protection, and other requirements of the Comprehensive Plan through a variety of methods including the use of Conservation Subdivisions.

Whenever the provisions of this Code refer to “rural zoning districts,” the districts listed in this section shall be the districts to which reference is made.

(B) Districts

(1) Agricultural Residential – 1 (AR-1) District

a. Purpose and Intent

The AR-1 District is intended to provide for rural, low-density residential uses and less intense agricultural uses, as well as rural business uses compatible with the character of the district. The district also is intended to create a transition between more densely developed districts and the less densely developed AR-2 District; achieve a balance between the built and natural environment; protect and integrate open space and natural resources; and implement requirements that open space be provided in conjunction with the conservation subdivision and other standards of this Code.

b. Allowed Uses

See Sec. 17-400, Use Tables, for a list of allowed uses in the AR-1 District.

c. Density/Intensity/Dimensional Standards

All uses and structures in the AR-1 District shall comply with the density, intensity and dimensional standards of Sec. 17-500, Dimensional Standards Table.

d. Other Standards

All uses and structures in the AR-1 District shall comply with all the relevant development standards in Chapter 6: *Development Standards*.

(2) Agricultural Residential – 2 (AR-2) District

a. Purpose and Intent

The AR-2 District is intended to provide for rural, low-density residential uses and more intense agricultural uses, as well as rural business uses compatible with the character of the district. The district is also intended to achieve a balance between the built and natural environment; protect and integrate open space and natural resources; and implement requirements that open space be provided in conjunction with the conservation subdivision and other standards of this Code.

- b. **Allowed Uses**
See Sec. 17-400, Use Tables, for a list of allowed uses in the AR-2 District.
- c. **Density/Intensity/Dimensional Standards**
All uses and structures in the AR-2 District shall comply with the density, intensity and dimensional standards of Sec. 17-500, Dimensional Standards Table.
- d. **Other Standards**
All uses and structures in the AR-2 District shall comply with all the relevant development standards in Chapter 6: *Development Standards*.

(3) **[Reserved]**

(4) **Commercial Farm (CF) District**

a. **Purpose and Intent**

The CF District is intended to allow for the establishment of intensive agriculture and agriculture-related uses. The district limits most other non-agricultural uses in a manner that is compatible with the primary purposes of agriculture. The lands in the CF district are intended to be constituted primarily of large tracts of 35 acres or more devoted to agricultural production in the form of food, fiber, or animal feed crops, raising of poultry and livestock, and commercial timber production, rather than small-scale farming, market gardening, or unused pasture land. Individual farms within the district should not be smaller than five acres.

Because of the scale and intensity of agricultural uses within the CF district, noxious effects such as odors, dust, and noise may arise that make such uses incompatible with ordinary residential development. Special setbacks and buffer requirements are intended to address these impacts in part.

- b. **Allowed Uses**
See Sec. 17-400, Use Tables, for a list of allowed uses in the CF District.
- c. **Density/Intensity/Dimensional Standards**
All uses and structures in the CF District shall comply with the density, intensity, and dimensional standards of Sec. 17-500, Dimensional Standards Table.
- d. **Other Standards**
 - 1. **General**
All uses and structures in the CF District shall comply with all the relevant development standards in Chapter 6: *Development Standards*.
 - 2. **Rezoning**
 - (a) **Special Standards for Review of Rezoning Applications**
In order to be considered for a rezoning (map amendment) to the CF district:
 - (i) The parcel(s) must have qualified for and be covered by the Preferential Agricultural Assessment of Code of Georgia Sec. 48-5-7.1.
 - (ii) The minimum area of the lands for rezoning shall be thirty-five (35) acres (of either contiguous lands or lands directly across a public road right-of-way from each

other), with a minimum individual lot or parcel size of five (5) acres.

- (b) **Active Use Within One Year**
If, within one year after rezoning to the CF district, the parcel(s) or tract(s) is not actively used for intensive commercial agricultural purposes of the type specified in subsection (a), Purpose and Intent, the county may at its discretion initiate procedures for rezoning the property.

3. Special Setback Standards

- (a) In addition to complying with any use-specific setback requirements in Sec. 17-402, structures housing animals or animal husbandry uses (including hog, cattle, livestock, or poultry houses), composting operations, and structures for the storage of organic waste shall be set back from property lines as follows:

When property line adjoins property zoned:	Side and Rear Setback shall be:
CF	50 feet
AR-1, AR-2, or AR-3	150 feet
IH	100 feet
All other zoning districts	200 feet

- (b) On sites rezoned to the CF district after September 1, 2004, a minimum 100-foot buffer zone shall be established from any existing lots developed with one or more residence and from any adjacent parcels in a residential or planned development zoning district, within which no outdoor feedlot or cultivated field that may be subject to spray treatment of pesticides or herbicides shall be located. [New]

17-302 RESIDENTIAL DISTRICTS

(A) Purpose and Intent

The residential zoning districts contained in this section are established and intended to provide a comfortable, healthy, safe, and pleasant environment in which to live. More specifically, they are intended to:

- (1) Provide appropriately located areas for residential development that are consistent with applicable goals and policies of the Comprehensive Plan and with standards for protecting the public health, safety, and welfare;
- (2) Ensure adequate light, air, privacy, and open space for each dwelling, and to protect residents from the harmful effects of noise, traffic congestion, and other significant adverse environmental effects; and
- (3) Provide land to accommodate planned population densities.

Whenever the provisions of this Code refer to “residential zoning districts,” the districts listed in this section shall be the districts to which reference is made.

(B) Districts

(1) Residential Single-Family – 1 (R-1) District

a. Purpose and Intent

The R-1 District is intended to preserve and encourage single-family residential development at a moderate to low density. Complementary uses customarily found in single-family residential zoning districts, such as religious institutions, day care homes, day care centers, nursery schools and kindergartens, public uses, community residences, parks, and playgrounds, are allowed uses in the R-1 District, subject to special use regulations where appropriate.

b. Allowed Uses

See Sec. 17-400, Use Tables, for a list of allowed uses in the R-1 district.

c. Density/Intensity/Dimensional Standards

All uses and structures in the R-1 district shall comply with the density, intensity, and dimensional standards of Sec. 17-500, Dimensional Standards Table.

d. Other Standards

All uses and structures in the R-1 district shall comply with all the relevant development standards in this Code, including those in Chapter 6: *Development Standards*.

(2) Residential Single-Family – 1 Low Density (R-1L) District

a. Purpose and Intent

The R-1L District is intended to preserve and encourage single-family residential development at a low suburban density. Complementary uses customarily found in single-family residential zoning districts, such as religious institutions, day care homes, public uses, community residences, parks, and playgrounds, are allowed uses in the R-1L District, subject to special use regulations where appropriate.

b. Allowed Uses

See Sec. 17-400, Use Tables, for a list of allowed uses in the R-1L District.

c. Density/Intensity/Dimensional Standards

All uses and structures in the R-1L District shall comply with the density, intensity, and dimensional standards of Sec. 17-500, Dimensional Standards Table.

d. Other Standards

All uses and structures in the R-1L district shall comply with all the relevant development standards in this Code, including those in Chapter 6: *Development Standards*.

(3) Residential Multi-Family – 8 (RM-8) District

a. Purpose and Intent

The RM-8 District is intended to provide development opportunities for low-density multi-family development (maximum 8 dwelling units per acre) as apartments, duplexes, and townhouses. Complementary uses customarily found

in multi-family residential zoning districts, such as religious institutions, public uses, parks and playgrounds, day care homes, day care centers, nursery schools and kindergartens, community residences, and clubs and lodges, are allowed uses in the RM-8 District, subject to special use regulations where appropriate.

b. Allowed Uses

See Sec. 17-400, Use Tables, for a list of allowed uses in the RM-8 District.

c. Density/Intensity/Dimensional Standards

All uses and structures in the RM-8 District shall comply with the density, intensity, and dimensional standards of Sec. 17-500, Dimensional Standards Table.

d. Other Standards

All uses and structures in the RM-8 District shall comply with all the relevant development standards in this Code, including those in Chapter 6: *Development Standards*.

(4) Residential Multi-Family – 12 (RM-12) District

a. Purpose and Intent

The RM-12 District is intended to provide development opportunities for medium-density multiple-family development (maximum 12 dwelling units per acre) as multi-family dwellings, duplexes, and townhouses. Complementary uses customarily found in multi-family residential zoning districts, such as religious institutions, public uses, parks and playgrounds, day care homes, day care centers, nursery schools and kindergartens, community residences, and clubs and lodges, are allowed uses in the RM-12 District, subject to special use regulations where appropriate.

b. Allowed Uses

See Sec. 17-400, Use Tables, for a list of allowed uses in the RM-12 District.

c. Density/Intensity/Dimensional Standards

All uses and structures in the RM-12 District shall comply with the density, intensity, and dimensional standards of Sec. 17-500, Dimensional Standards Table.

d. Other Standards

All uses and structures in the RM-12 District shall comply with all the relevant development standards in this Code, including those in Chapter 6: *Development Standards*.

(5) Manufactured Home Park (MHP) District

a. Purpose and Intent

The MHP District is intended to provide development opportunities for manufactured home parks in a planned environment at moderate densities and on central water and sewer facilities. The district also provides for single-family residences (including manufactured homes) on individual lots, religious institutions, public uses, day care homes, day care centers, nursery schools and kindergartens, and travel trailer parks, subject to special use regulations where appropriate.

- b. **Allowed Uses**
See Sec. 17-400, Use Tables, for a list of allowed uses in the MHP District.
- c. **Density/Intensity/Dimensional Standards**
All uses and structures in the MHP District shall comply with the density, intensity, and dimensional standards of Sec. 17-500, Dimensional Standards Table.
- d. **Other Standards**
All uses and structures in the MHP district shall comply with all the relevant development standards in this Code, including those in Chapter 6: *Development Standards*.

17-303 COMMERCIAL DISTRICTS

(A) Purpose and Intent

The commercial zoning districts contained in this section are established and intended to provide an appropriate and competitive environment in which businesses may provide a wide range of services and goods to meet household and business needs. More specifically, they are intended to:

- (1) Provide appropriately located areas for office, retail commercial, and service commercial uses to serve the county's residents, businesses, and workers;
- (2) Strengthen the county's economic base;
- (3) Provide employment opportunities close to home for residents of the county and its municipalities;
- (4) Minimize the impact of commercial uses on adjacent residential districts and on adjacent commercial districts of a substantially different character; and
- (5) Ensure a high quality of development and address potential impacts of commercial buildings and uses so that they are compatible with the character of the area in which they are located.

Whenever the provisions of this Code refer to "commercial zoning districts," the districts listed in this section shall be the districts to which reference is made.

(B) Districts

- (1) **Neighborhood Office (NO) District**
 - a. **Purpose and Intent**
The NO District is intended to provide development opportunities for smaller-scale office uses serving local needs, including residential dwellings converted for office use. The district is meant to ensure a high quality of development with sensitivity to the potential impacts of such uses on surrounding residential areas.
 - b. **Allowed Uses**
See Sec. 17-400, Use Tables, for a list of allowed uses in the NO District.
 - c. **Density/Intensity/Dimensional Standards**

1. *General*
All uses and structures in the NO District shall comply with the density, intensity, and dimensional standards of Sec. 17-500, Dimensional Standards Table.
 2. *Maximum Building Size*
No building in the NO District shall exceed 5,000 square feet of gross floor area.
- d. **Other Standards**
All uses and structures in the NO District shall comply with all the relevant development standards in this Code, including those in Chapter 6: *Development Standards*.
- (2) **Neighborhood Commercial (NC) District**
- a. **Purpose and Intent**
The NC District is intended to provide development opportunities for small-scale, low-intensity commercial uses compatible with nearby residential areas and serving a limited area of the community, while separating these uses from incompatible, larger-scale commercial uses. The allowed uses are intended to accommodate basic convenience retail and service needs and to allow a mix of uses. The district includes dimensional and other standards intended to limit or mitigate potential adverse effects on nearby areas, including requirements such as setback, bulk, and height limitations, along with development standards addressing lighting, site design, and scale of use.
 - b. **Allowed Uses**
See Sec. 17-400, Use Tables, for a list of allowed uses in the NC District.
 - c. **Density/Intensity/Dimensional Standards**
 1. *General*
All uses and structures in the NC District shall comply with the density, intensity, and dimensional standards of Sec. 17-500, Dimensional Standards Table.
 2. *Maximum Building Size*
No building in the NC District shall exceed 5,000 square feet of gross floor area. No food service or restaurant use shall utilize more than 1,500 square feet of gross floor area.
 - d. **Other Standards**
 1. *General*
All uses and structures in the NC District shall comply with all the relevant development standards in this Code, including those in Chapter 6: *Development Standards*.
 2. *Mix of Principal Uses Allowed*
Notwithstanding any provision of this Code to the contrary, a combination of two (2) or more principal uses allowed in the NC district may be located on the same lot or in the same building within the district.
 3. *Drive-In Uses*

Drive-in uses are prohibited in the NC district.

4. Site Design

- (a) Whenever possible, vehicular use areas, including driveways, loading areas, and off-street parking areas, shall not be located on any portion of an NC lot adjacent to a residential area. Where location of vehicular use areas adjacent to a residential area is unavoidable, the setback and screening standards of Sec. 17-608 (Residential Protection Standards) shall apply. In addition, the BOCC or Planning Commission may impose additional screening standards to ensure adverse impacts are mitigated to the maximum extent feasible.
- (b) Pay telephones, ice machines, and food or beverage vending machines outside of structures shall not be located within 100 feet of residential uses or zoning districts.
- (c) At least one (1) covered outdoor waste receptacle shall be installed in a fixed, convenient location on the site. For sites over 20,000 square feet, at least one (1) additional such receptacle shall be provided.

(3) Office and Institutional (OI) District

a. Purpose and Intent

The OI District is intended to provide development opportunities for large-scale offices and institutional uses such as hospitals and educational facilities and to ensure adequate land is available for such uses. The district is also intended to promote a high quality of development and address potential impacts of such uses so that they are compatible with the character of the area in which they are located and to protect surrounding residential uses from the potential impacts of such uses.

b. Allowed Uses

See Sec. 17-400, Use Tables, for a list of allowed uses in the OI District.

c. Density/Intensity/Dimensional Standards

All uses and structures in the OI District shall comply with the density, intensity, and dimensional standards of Sec. 17-500, Dimensional Standards Table.

d. Other Standards

All uses and structures in the OI District shall comply with all the relevant development standards in this Code, including those in Chapter 6: *Development Standards*.

(4) Suburban Shopping (SS) District

a. Purpose and Intent

The SS District is intended to provide development opportunities for larger-scale commercial uses, including regional retail shopping centers, in order to meet the needs of the entire community and outlying trade area for commercial goods and general retail purposes. The district is also intended to ensure a high quality of commercial development, to provide for convenient and safe access and

circulation on and near commercial sites, and to address the potential impacts of commercial development on surrounding residential and other uses.

b. Allowed Uses

See Sec. 17-400, Use Tables, for a list of allowed uses in the SS District.

c. Density/Intensity/Dimensional Standards

All uses and structures in the SS District shall comply with the density, intensity, and dimensional standards of Sec. 17-500, Dimensional Standards Table.

d. Other Standards

All uses and structures in the SS District shall comply with all the relevant development standards in this Code, including those in Chapter 6: *Development Standards*.

(5) Highway Business (HB) District

a. Purpose and Intent

The HB District is intended to provide development opportunities for highway commercial uses requiring or well adapted to location on primary roads and to provide shopping areas for uses not generally compatible with residential districts, yet reasonably convenient to the general location of retail market areas. Uses with the most significant visual, traffic, noise, and other impacts (such as kennels, adult establishments, automobile repair, and vehicle sales/rental) are allowed as conditional uses. The district is also intended to encourage a high quality of development on main thoroughfares through the community, to provide for convenient and safe access and circulation on and near commercial sites, and to address the potential impacts of commercial development on surrounding residential and other uses.

b. Allowed Uses

See Sec. 17-400, Use Tables, for a list of allowed uses in the HB District.

c. Density/Intensity/Dimensional Standards

All uses and structures in the HB District shall comply with the density, intensity, and dimensional standards of Sec. 17-500, Dimensional Standards Table.

d. Other Standards

All uses and structures in the HB District shall comply with all the relevant development standards in this Code, including those in Chapter 6: *Development Standards*.

17-304 INDUSTRIAL DISTRICTS

(A) Purpose and Intent

The industrial zoning districts contained in this section are established and intended to provide a appropriate and competitive environment for accommodating manufacturing, assembly, wholesale, storage, distribution and other related uses. More specifically, they are intended to:

- (1)** Provide appropriately located areas for a wide variety of business park industrial, light industrial, heavy industrial, research and development, warehousing and distribution, wholesale, storage, manufacturing, and related uses to serve the county's residents, businesses, and workers;

- (2) Strengthen the county's economic base;
- (3) Provide employment opportunities close to home for residents of the county and its municipalities; and
- (4) Minimize the impact of industrial uses, particularly the most intensive industrial uses, on adjacent uses and districts.

Whenever the provisions of this Code refer to "industrial zoning districts," the districts listed in this section shall be the districts to which reference is made.

(B) Districts

(1) Business Light Industrial (BLI) District

a. Purpose and Intent

The BLI District is intended to provide development opportunities for a wide range of employment-generating office, institutional, light industrial, and business park uses, such as research and development uses, flex space, and limited warehousing and manufacturing uses, along with other uses that have limited impacts on surrounding development and take place entirely inside enclosed buildings. The district is intended to protect the development of sites from unrelated retail and office uses and to encourage the development of sites in a landscaped business park or campus setting. Support service uses such as day care facilities and restaurants are allowed to the extent needed to meet the daily needs of employees in the primary uses.

b. Allowed Uses

See Sec. 17-400, Use Tables, for a list of allowed uses in the BLI District.

c. Density/Intensity/Dimensional Standards

All uses and structures in the BLI District shall comply with the density, intensity, and dimensional standards of Sec. 17-500, Dimensional Standards Table.

d. Other Standards

1. General

All uses and structures in the BLI District shall comply with all the relevant development standards in this Code, including those in Chapter 6: Development Standards.

2. Limitations on Certain Support Uses

Day care uses and restaurants are permitted only as secondary uses serving a principal use on a site, in either a principal structure or another structure on the site. The combined area devoted to these uses shall not represent more than twenty-five (25) percent of the gross floor area of the principal structure.

3. Medical Clinics

Medical and dental offices and outpatient clinics in the BLI District shall be limited to those serving only occupational health functions.

4. Wholesale Sales

Wholesale sales in the BLI District shall be limited to sales from installations that meet the criteria for light warehousing uses (under 10,000 square feet and involving parts or small goods not including heavy equipment).

5. *Retail Sales*

Retail sales in the BLI District shall be limited to specialty sales of items requiring large showrooms or significant outdoor display space, such as swimming pools, billiards tables, hot tubs, and office furniture, and generating low levels of walk-in retail traffic when compared to other retail uses.

(2) **General Industrial (IG) District**

a. ***Purpose and Intent***

The IG District is intended to provide development opportunities for mid-range industrial uses, such as general warehousing uses, industrial services, and manufacturing uses that do not involve hazardous or noxious materials, outdoor operations, or other processes or materials with significant negative impacts. The district also allows some heavier industry uses where appropriate through conditional use review.

b. ***Allowed Uses***

See Sec. 17-400, Use Tables, for a list of allowed uses in the IG District.

c. ***Density/Intensity/Dimensional Standards***

All uses and structures in the IG District shall comply with the density, intensity, and dimensional standards of Sec. 17-500, Dimensional Standards Table.

d. ***Other Standards***

1. *General*

All uses and structures in the IG District shall comply with all the relevant development standards in this Code, including those in Chapter 6: *Development Standards*.

2. *Medical Clinics*

Medical and dental offices and outpatient clinics in the IG District shall be limited to those serving only occupational health functions.

3. *Hazardous or Objectionable Conditions*

No use in the IG District shall cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odors, dust, fire hazards, nuclear radiation, or other objectionable conditions, in such a way as to affect adjacent properties.

(3) **Heavy Industrial (IH) District**

a. ***Purpose and Intent***

The IH District is intended to provide development opportunities for heavy industrial uses, including uses that require outdoor stockpiling of raw materials, outdoor operations, manufacturing that involves potentially hazardous or noxious materials, waste-related uses, and other uses whose impacts are so adverse as to require that they be segregated from other districts.

- b. *Allowed Uses***
See Sec. 17-400, Use Tables, for a list of allowed uses in the IH District.
- c. *Density/Intensity/Dimensional Standards***
All uses and structures in the IH District shall comply with the density, intensity, and dimensional standards of Sec. 17-500, Dimensional Standards Table.
- d. *Other Standards***
All uses and structures in the IH District shall comply with all the relevant development standards in Chapter 6: *Development Standards*.

17-305 PLANNED DEVELOPMENT DISTRICTS

(A) Purpose and Intent

The purpose and intent of the planned development districts is to encourage the design of a more complete and sustainable environment consistent with the county's character through the application of imaginative approaches to design that allow greater flexibility in development standards and site planning considerations in return for an improved quality of development or other benefits accruing to the public interest. Special features of planned development may include mixed uses, an especially high quality of architecture or design, functional integration of uses and buildings, design flexibility, pedestrian orientation, interconnectivity among uses, sensitivity to the natural environment and natural features, and the coordination of development with the adequacy of public facilities.

- (1)** The flexibility offered by planned development districts may include the following elements:
 - a.** Reducing or eliminating the inflexibility that sometimes results from strict application of zoning and development standards that were designed primarily for individual lots;
 - b.** Allowing greater freedom in selecting the means to provide access, light, open space, and development amenities;
 - c.** Allowing greater freedom in providing a mix of land uses in the same development, including a mix of housing or business types, lot or site sizes, and densities or intensities;
 - d.** Promoting quality development and environmentally sensitive development by allowing planned development to take advantage of special site characteristics, locations, and land uses; and
 - e.** Encouraging quality development and environmentally sensitive development by allowing increases in base densities or floor area ratios when such increases can be justified by superior site design or the provision of additional amenities or quality features.
- (2)** In return for flexibility in site design and development, planned developments are expected to include exceptional site design and development quality that (for example) preserves environmental resources; provides above-average open space and recreational amenities; incorporates a high level of functional integration and design coordination in the layout of buildings, open space, and circulation; assures a high

degree of compatibility with surrounding land uses and neighborhood character; and provides greater efficiency in the layout and provision of roads, utilities, and other infrastructure.

Whenever the provisions of this Code refer to "Planned Development zoning districts," the districts listed in this section shall be the districts to which reference is made.

(B) General Requirements

- (1)** Every application for rezoning to a PRD or a PCD District shall include a Preliminary PD Plan to be reviewed as part of the review process of Sec. 17-202(C)(6). The Preliminary PD Plan shall:
- a.** Identify the use types allowed to be developed on the site;
 - b.** Identify the general location of the uses within individual development areas on the site;
 - c.** Calculate the total square footage of residential uses and of non-residential uses, and the number of dwelling units by type;
 - d.** Specify the dimensional standards to be utilized in developing the site, including any and all deviations from the density/intensity/dimensional standards as specified in Secs. 305(C)(1)d or 305(C)(2)d, whichever is appropriate;
 - e.** Specify the development standards to be utilized in developing the site, including any and all deviations from the development standards of Chapter 6 (as specified in Secs. 305(C)(1)e or 305(C)(2)e, whichever is appropriate;
 - f.** Identify and display generally the circulation and transportation system on the site, including ingress and egress and vehicle parking and loading areas;
 - g.** Identify the general location of all on-site public facilities;
 - h.** Identify the general location of open space;
 - i.** Identify the location of environmentally sensitive areas; and
 - j.** If appropriate, include a Phasing Plan to ensure the proposed development occurs in a logical sequence (including project amenities and needed public facility expansions, identifying the general sequence or phases in which the land is proposed to be developed, timing of development, installation of on-site infrastructure, and coordination with provision of public facilities).
 - k.** Include contact information for individual responsible for the application.
- (2)** A PD Plan, as described in Sec. 17-202(C)(6)a, shall be established binding the Planned Development to any conditions placed in the adopting ordinance and Preliminary PD Plan. Every Final PD Plan, reviewed by the Planning Director as described in Sec. 17-202(C)(7), shall be consistent with the approved Preliminary PD Plan.

- (3) In reviewing proposed rezonings to a PRD or PCD District, proposed deviations from generally applicable development standards that would apply a lesser standard will be granted only in unusual circumstances and only when the applicant can demonstrate that alternative compliance will produce results equal to or better than the generally applicable standard.
- (4) No application for rezoning to a PRD District shall be accepted unless the area of the land proposed for rezoning is at least 25 acres. No application for rezoning to a PCD District shall be accepted unless the area of the land proposed for rezoning is at least 5 acres. A smaller area may be approved if it represents an addition to an existing planned development and is part of an integrated master plan that includes the entire development.

(C) Districts

(1) Planned Residential Development (PRD) District

a. Purpose and Intent

The PRD District is intended to provide opportunities for coordinated or master-planned development consisting primarily of residential uses that are determined through the PD approval process to be specifically appropriate to the site and the surrounding area. Although residential uses (such as single-family detached or attached dwellings or multi-family dwellings) shall predominate in a PRD District, compatible business uses (such as offices and retail sales and service uses) may also be included in a development where appropriate.

b. Standards and Procedures

The standards and procedures for the review of planned development districts in Sec. 17-202(C), Planned Development, shall apply to every proposed PRD District.

c. Allowed Uses

- 1. The allowed use types in a PRD District shall be specified in the Preliminary PD Plan submitted pursuant to Sec. 17-202(C)(6), and shall be limited to use types drawn from the following use classifications under the Use Classification System described in Sec. 17-401: Residential, Public and Institutional, and Commercial.
- 2. No more than twenty-five (25) percent of the land area of a PRD district shall be devoted to non-residential uses.
- 3. Because a wide range of uses is possible in a PRD District, the use tables in Chapter 4: *Use Regulations* do not include the PRD District.
- 4. Notwithstanding any provision of this Code to the contrary, a combination of two (2) or more principal uses may be located on the same lot or in the same building within the district, subject to meeting the dimensional standards (Chapter 5) and development standards (Chapter 6) of this Code.

d. Density/Intensity/Dimensional Standards

The density, intensity, and dimensional standards in a PRD District shall be specified in the Preliminary PD Plan submitted pursuant to Sec. 17-202(C)(6).

Unless otherwise specifically modified by the terms of an approved Preliminary PD Plan, all development in a PRD district shall comply with the density, intensity, and dimensional standards as follows:

1. For single-family residential uses, the standards of the R-1 District shall apply.
2. For multi-family residential uses, the standards of the RM-8 District shall apply.
3. For office uses, the standards of the NO District shall apply.
4. For commercial uses other than offices, the standards of the NC District shall apply.

Specific modifications to these dimensional standards that are approved as part of a rezoning to the PRD District should be related to elements of exceptional site design or development quality such as those described in Sec. 17-305(A)(2). Density in the PRD District will be determined as part of the Preliminary PD Plan approval process, as provided above. Both non-residential and residential uses will be allowed on the same site, subject to the specific variations from ordinarily applicable dimensional standards (such as building setbacks and height) and from other development standards (such as parking) that are defined in the Preliminary PD Plan, as provided in subsections 17-301(C)(1)d and e.

e. *Development Standards*

1. *Parking and Loading*

All development in a PRD District shall comply with the standards of Sec. 17-600, Off-Street Parking and Loading, except that variations may be permitted pursuant to a parking and loading plan submitted as part of the Preliminary PD Plan. The amount of off-street parking required may be reduced by a specific amount if the applicant demonstrates through a parking demand study that sufficient parking will be provided through shared parking among the proposed uses. The parking demand study shall provide information and evidence about the anticipated parking demand at peak times during a day, as well as the distance relationship between available shared parking spaces and the specific uses served.

2. *Signage*

Unless otherwise specifically modified by the terms of an approved Preliminary PD Plan, the signage in a PRD District shall comply with the standards of Sec. 17-611, Signs. Any modifications to the standards of Sec. 17-611 shall be specified in a Master Sign Plan included as part of the Preliminary PD Plan submitted pursuant to Secs. 17-202(C)(6) and (7).

3. *Open Space*

All development in a PRD District shall provide a minimum percentage of open space through designated tree protection, environmental buffers and non-required landscape areas.. Open space shall be provided in proportion to the gross land area of the site devoted to residential and

non-residential uses, respectively, in compliance with the amounts set out in the following table:

Use	Minimum Open Space
Residential uses	25% of the gross land area devoted to residential uses
Non-residential uses	15% of the gross land area devoted to non-residential uses

Example: A 50-acre site is developed as a PRD district. Of the gross land area of the site, 40 acres will be developed with residential uses and 10 acres will be developed with non-residential uses. 25% of 40 acres (that is, 10 acres) plus 15% of 10 acres (that is, 1.5 acres) must be provided as open space, for a total of 11.5 acres of open space provided for the entire site.

4. *Environmental Protection*
All development in a PRD District shall comply with the standards of Sec. 17-611, Environmental Protection Standards, which shall not be reduced as part of the approval of any PRD District.
5. *Public Facilities*
The Preliminary PD Plan for a PRD District shall ensure that impacts on public facilities, including potable water supply, wastewater treatment, and transportation networks, are addressed. Phasing plans, dedication of land or easements, and/or construction of improvements are examples of means that may be used to address impacts on public facilities.
6. *Other Standards*
Unless otherwise specifically modified by the terms of an approved Preliminary PD Plan, all development in a PRD District shall comply with all other standards of this Code, including those in Chapter 6: *Development Standards*.

(2) Planned Commercial Development (PCD) District

a. Purpose and Intent

The PCD District is intended to provide opportunities for coordinated or master-planned development consisting primarily of non-residential uses that are determined through the PD approval process to be specifically appropriate to the site and the surrounding area. Although commercial uses (such as office, retail sales and service, and appropriate industrial uses) shall predominate in a PCD District, residential uses may also be included in a development where appropriate.

b. Standards and Procedures

The standards and procedures for the review of planned development districts in Sec. 17-202(C), Planned Development, shall apply to every proposed PCD District.

c. Allowed Uses

1. The allowed use types in a PCD District shall be specified in the Preliminary Plan submitted pursuant to Sec. 17-202(C)(6), and shall be limited to use types drawn from the following use classifications under

the Use Classification System described in Sec. 17-401: Residential, Public and Institutional, Commercial, and Industrial.

2. No more than twenty-five (25) percent of the land area of a PCD district shall be devoted to residential uses.
3. Because a wide range of uses is possible in a PCD District, the use tables in Chapter 4: *Use Regulations* do not include the PCD District.
4. Notwithstanding any provision of this Code to the contrary, a combination of two (2) or more principal uses may be located on the same lot or in the same building within the district, subject to meeting the dimensional standards (Chapter 5) and development standards (Chapter 6) of this Code.

d. *Density/Intensity/Dimensional Standards*

The density, intensity, and dimensional standards in a PCD District shall be specified in the Preliminary PD Plan submitted pursuant to Sec. 17-202(C)(6). Unless otherwise specifically modified by the terms of an approved Preliminary PD Plan, the density, intensity, and dimensional standards in a PCD District shall be as follows:

1. For single-family residential uses, the standards of the R-1 District shall apply.
2. For multi-family residential uses, the standards of the RM-8 District shall apply.
3. For office uses, the standards of the NO District shall apply.
4. For commercial uses other than offices, the standards of the SS District shall apply.
5. For industrial uses, the standards of the BLI District shall apply.

Specific modifications to these dimensional standards that are approved as part of a rezoning to the PCD District should be related to elements of exceptional site design or development quality such as those described in Sec. 17-305(A)(2). Density and intensity in the PCD District will be determined as part of the Preliminary PD Plan approval process, as provided above. Both non-residential and residential uses will be allowed on the same site, subject to the specific variations from ordinarily applicable dimensional standards (such as building setbacks and height) and from other development standards (such as parking) that are defined in the Preliminary PD Plan as provided in subsections 17-301(C)(2)d and e.

e. *Development Standards*

1. *Parking and Loading*

All development in a PCD District shall comply with the standards of Sec. 17-600, Off-Street Parking and Loading, except that variations may be permitted pursuant to a parking and loading plan submitted as part of the Preliminary PD Plan. The amount of off-street parking required may be

reduced by a specific amount if the applicant demonstrates through a parking demand study that sufficient parking will be through shared parking among the proposed uses. The parking demand study shall provide information and evidence about the anticipated parking demand at peak times during a day, and the distance relationship between available shared parking spaces and the specific uses served.

2. *Signage*

Unless otherwise specifically modified by the terms of an approved Preliminary PD Plan, the signage in a PCD District shall comply with the standards of Sec. 17-611, Signs. Any modifications to the standards of Sec. 17-611 shall be specified in a Master Sign Plan included as part of the Preliminary PD Plan submitted pursuant to Secs. 17-202(C)(6) and (7).

3. *Open Space*

All development in a PCD District shall provide a minimum percentage of open space through designated tree protection, environmental buffers and non-required landscape areas. Open space shall be provided in proportion to the gross land area of the site devoted to residential and non-residential uses, respectively, in compliance with the amounts set out in the following table:

Use	Minimum Open Space
Residential uses	25% of the gross land area devoted to residential uses
Non-residential uses	15% of the gross land area devoted to non-residential uses

Example: A 50-acre site is developed as a PCD district. Of the gross land area of the site, 40 acres will be developed with non-residential uses and 10 acres will be developed with residential uses. 15% of 40 acres (that is, 6 acres) plus 25% of 10 acres (that is, 2.5 acres) must be provided as open space, for a total of 8.5 acres of open space provided for the entire site.

4. *Environmental Protection*

All development in a PCD District shall comply with the standards of Sec. 17-611, Environmental Protection Standards, which shall not be reduced as part of the approval of any PCD District.

5. *Public Facilities*

The Preliminary PD Plan shall ensure that impacts on public facilities, including potable water supply, wastewater treatment, and transportation networks, are addressed. Phasing plans, dedication of land or easements, and/or construction of improvements are examples of means that may be used to address impacts on public facilities.

6. *Other Standards*

Unless otherwise specifically modified by the terms of an approved Preliminary PD Plan, all development in a PRD District shall comply with all other standards of Chapter 6: *Development Standards*.

17-306 OVERLAY DISTRICTS

(A) Purpose and Intent

Lands within the county may be classified into one of the base zoning districts set forth in Secs. 17-301 through 17-305, and also one or more of the overlay districts set forth in this Sec. 17-306. Where land is classified as an overlay district in addition to a base zoning district, the regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying base zoning district. In the event of an express conflict between the standards governing a base zoning district and those governing an overlay district, the standards governing the overlay district shall control.

(B) Districts

(1) Airport Overlay (AO) District

a. Purpose and Intent

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

b. Definitions

Definitions of terms used in this section are found under "Airport Overlay District" in Chapter 10: *Definitions*. The terms as defined under that heading apply only to this section and do not apply to any other portion of this Code.

c. Airport Zones and Height Limitations

1. Airport Zones Established

In order to carry out the provisions of this Code, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Lee Gilmer Memorial Airport. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined according to Table 17-306(B)(1) and Table 17-306(B)(2).

2. Height Limitations in Each Airport Zone

Except as otherwise provided in this section, no structure shall be erected or altered, and no tree shall be allowed to grow, in any zone created by this section to a height in excess of the height limitation established for the applicable zone according to Table 17-306(B)(1), which establishes the height limitations for each Airport Zone. Notwithstanding the foregoing, nothing in this section shall be construed as prohibiting the construction or maintenance of any structure or growth of any tree to a height up to 50 feet.

TABLE 17-306(B)(1): AIRPORT ZONES

Name of Airport Zone	Establishment and Definition	Height Limitation
Utility runway visual approach zone	The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its center line is the continuation of the center line of the runway	Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway center line
Utility runway nonprecision instrument approach zone	The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its center line is the continuation of the center line of the runway	Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway center line
Runway larger than utility visual approach zone	The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its center line is the continuation of the center line of the runway	Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway center line
Runway larger than utility with a visibility minimum greater than three-fourths mile nonprecision instrument approach zone	The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its center line is the continuation of the center line of the runway	Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway center line
Runway larger than utility with a visibility minimum as low as three-fourths mile nonprecision instrument approach zone	The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its center line is the continuation of the center line of the runway	Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway center line
Precision instrument runway approach zone	The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its center line is the continuation of the center line of	Slopes 50 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway center line; thence slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet

CHAPTER 3: Zoning Districts
 Sec. 17-306 Overlay Districts

	the runway	along the extended runway center line
Transitional zones	The transitional zones are the areas beneath the transitional surfaces	Slope seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet outward for each one foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway center line
Horizontal zone	The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual and 10,000 feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones	Established at 150 feet above the airport elevation
Conical zone	The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet	Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation
Navigable airspace zones	These four zones are at the ends of each runway beginning at their intersection with the conical zones 200 feet above the established airport elevation (1,277 feet plus 200 feet equals 1,477 feet) and expanding outwardly as shown in Table 17-806() ()	Established at 200 feet above the airport elevation (1,277 feet plus 200 feet equals 1,477 feet) and extending outward at this elevation to a distance of three nautical miles from the airport reference point. At three nautical miles this zone then slopes upward at a rate of 100 feet per nautical mile and ends at six nautical miles from the airport reference point at an elevation 500 feet above the established airport elevation (1,277 feet plus 500 feet equals 1,777 feet)

TABLE 17-306(B)(2): NAVIGABLE AIRSPACE ZONES

TABLE 17-306(B)(2): NAVIGABLE AIRSPACE ZONES						
			At 3 Nautical Miles		At 6 Nautical Miles	
Runway	Inner Edge Width at Elevation 1477 (feet)	Rate of Expansion	Width (feet)	Elevation (feet)	Width (feet)	Elevation (feet)
4	3,800	1,500 feet per 5,000 feet	5,040	1,477	10,150	1,777
22	3,800	1,500 feet per 5,000 feet	5,260	1,477	10,730	1,777
11	2,400	1,000 feet per 5,000 feet	3,560	1,477	7,200	1,777
29	2,000	1,000 feet per 5,000 feet	3,420	1,477	7,060	1,777

d. District-Specific Regulations

1. Prohibition of Certain Uses

Notwithstanding any other provisions of this section, no use shall be made of land or water within any zone established by this section in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

2. Marking and Lighting

Notwithstanding the provisions of chapter 9 of this Code, the owner of any existing nonconforming structure is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the county administrator or his designee to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport construction. Such markers and lights shall be installed, operated, and maintained at the expense of the City of Gainesville as the owner of the airport.

e. Building Permit Review

No new structure shall be erected or otherwise established in an Airport Zone unless a building permit therefor has been issued. Each application for a building permit in an Airport Zone shall indicate the purpose for which the permit is desired with sufficient particularity to permit determination of whether the resulting use, structure, or tree would conform to the regulations herein prescribed. No permit for a use inconsistent with the provisions of this chapter shall be granted unless a variance has been approved in accordance with Sec. 17-202(E).

f. Not Retroactive

The regulations prescribed in this section shall not be construed to require the removal, lowering, or other change or alteration of any structure not conforming to the regulations as of January 14, 1991, or otherwise interfere with the continuance of a nonconforming use.

(2) Water Supply Watershed Overlay (WSWO) District

a. Purpose and Intent

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

b. *District Defined*

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

c. *Standards*

1. *Streams Within Seven-Mile Radius of Intake*

The following uses are prohibited in perennial stream corridors within a seven-mile radius upstream of the North Oconee River public drinking water supply intake:

All uses in perennial stream corridors within a seven-mile radius upstream of the North Oconee River public drinking water supply intake shall comply with the following standards:

- (a) A buffer shall be maintained for a distance of 100 feet on both sides of the stream as measured from the stream banks.
- (b) No impervious surface shall be constructed within a 150-foot setback area on both sides of the stream as measured from the stream banks. Septic tanks and septic tank drainfields are prohibited in this setback.

2. *Streams Outside Seven-Mile Radius of Intake*

The following uses are prohibited in perennial stream corridors outside a seven-mile radius upstream of the North Oconee River public drinking water supply intake:

All uses in the watershed protection district outside a seven-mile radius upstream of the North Oconee River public drinking water supply intake shall comply with the following standards:

- (a) A buffer shall be maintained for a distance of 50 feet on both sides of the stream as measured from the stream banks.
- (b) No impervious surface shall be constructed within a 75-foot setback area on both sides of the stream as measured from the

stream banks. Septic tanks and septic tank drainfields are prohibited in this setback.

3. *General Criteria for Small Water Supply Watersheds*

The following criteria apply to all locations in the Water Supply Watershed Overlay District:

- (a) The impervious surface area, including all public and private structures, utilities, or facilities, of the entire water supply watershed shall be limited to twenty-five (25) percent, or existing use, whichever is greater.
- (b) New hazardous waste treatment or disposal facilities are prohibited.
- (c) New sanitary landfills are allowed only if they have synthetic liners and leachate collection systems.
- (d) New facilities, located within seven miles of a water supply intake or water supply reservoir, which handle hazardous material of the types listed in Sec. 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and amounts of 10,000 pounds or more on any one day, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements or the requirements of the Standard Fire Prevention Code.

4. *Exemptions*

The following uses are exempt from the stream corridor buffer and setback requirements, if they meet the stipulated conditions:

- (a) Land uses existing prior to the promulgation of the water supply watershed protection plans are exempt from the provisions of water supply watershed protection plans. Any existing structure which is nonconforming with respect to the setback, buffer and/or impervious surface requirements of this chapter may be reestablished if damaged or destroyed, provided the degree of nonconformity is not increased with the construction of the replacement structure.
- (b) Forestry and Agricultural Activities
 - (i) Agricultural activities involving the planting and harvesting of crops, and the raising of poultry and livestock, are exempted if they conform to the best management practices established by the Georgia Department of Agriculture, and the activity does not impair the quality of the drinking water system.
 - (ii) Silviculture activities must conform to the best management practices established by the Georgia

Forestry Commission and not impair the quality of the drinking water system.

- (c) Utilities
 - (i) Utilities shall be located as far as reasonably possible from the perennial stream bank, and shall not impair the quality of the drinking water stream.
 - (ii) Utilities shall be installed and maintained without changing the integrity of the buffer and setback areas as much as possible.

(3) Groundwater Recharge Overlay (GRO) District

a. Purpose and Intent

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

b. District Defined

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

c. Conditions and Standards

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

1. No permit shall be issued for new sanitary landfills not having synthetic liners and leachate collection systems.
2. No permit shall be issued for the land disposal of hazardous wastes.
3. In the case of any new facility permitted or to be permitted to treat, store, or dispose of hazardous waste, no permit shall be issued until it has been confirmed that such operations shall be conducted only on an impermeable pad having a spill and leak collection system.
4. New above-ground chemical or petroleum storage tanks, having a minimum volume of 660 gallons, shall have secondary containment for 110 percent of the volume of such tanks or 110 percent of the volume of the largest tank in a cluster of tanks. (Note: These figures are consistent

with US EPA rules for oil pollution prevention, 40 CFR 112.1.) Such tanks used for agricultural purposes are exempt, provided they comply with all federal requirements.

5. New agricultural waste impoundment sites shall be lined if they are within:
 - (a) A high pollution susceptibility area;
 - (b) A medium pollution susceptibility area, and they exceed 15 acre-feet;
 - (c) A low pollution susceptibility area, and they exceed 50 acre-feet.

As a minimum, the liner shall be constructed of compacted clay having a thickness of one (1) foot and a vertical hydraulic conductivity of less than 5×10^{-7} cm/sec or other criteria established by the Natural Resources Conservation Service. (The average size of existing agricultural waste impoundments in Georgia is about 15 acre-feet; sheeps-foot rollers or pans with heavy rubber tires, which are normal equipment for most Georgia earth moving contractors, should be able to compact clay to the recommended vertical hydraulic conductivity.)

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

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

Determination of pollution susceptibility: Each recharge area shall be determined to have a pollution susceptibility of high, medium, or low based on the Georgia Pollution Susceptibility Map, Hydrologic Atlas 20, 1992 or subsequent edition, which is on file at the Hall County Health Department. Said map is hereby adopted and made a part of this chapter.

- 8. If the County requires a larger lot size than that required by 6. above for homes or by 7 above for manufactured homes, the larger lot size shall be used.
- 9. No construction may proceed on a building or manufactured home to be served by a septic tank unless the Hall County Health Department first approves the proposed septic tank installation as meeting the requirements of the DHR Manual and 6, 7, and 8 above.
- 10. New facilities which handle hazardous material of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976, 42 U.S.C. Chapter 82 (excluding underground storage tanks), and amounts of ten thousand (10,000) pounds or more on any one day, shall perform their operations on impervious surfaces in conformance with any applicable federal spill prevention requirements or the requirements of the Standard Fire Prevention Code.
- 11. The Georgia Department of Natural Resources shall require conservative design in any new permits for the spray irrigation of wastewater or the land spreading of wastewater sludge in areas having high pollution susceptibility. This shall be accomplished by comparing the Department's Criteria for Slow Rate Land Treatment (February, 1986 or latest edition) with amendments and other technical publications to site specific information submitted by a registered professional engineer for each project.
- 12. Permanent stormwater infiltration basins shall not be constructed in areas having high pollution susceptibility.
- 13. Exclusive of mining settling basins, new wastewater treatment basins shall have an impermeable liner in areas having high pollution susceptibility.

d. Exemptions

Any lot of record approved prior to the date of the adoption of this resolution shall be exempt from the lot size standards in Secs. 17-306(B)(3)6 and 7.

(4) **Wetlands Overlay (WTO) District**

a. ***Purpose and Intent***

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

b. ***District Defined***

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

c. ***Map for General Guidance Only***

The generalized wetland map is a general reference document and wetland boundaries indicated on the map are approximations. The purpose of the generalized wetland map is to alert developers/landowners if they are within proximity to a wetland, which means that there is a high likelihood of the presence of a jurisdictional wetland and a need for the developer/landowner to seek U.S. Army Corps of Engineers guidance as to whether a Section 404 Permit will be required to prior to any activity. The generalized wetland map does not necessarily represent the exact boundaries of jurisdictional wetlands within Hall County and cannot serve as a substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, 33 U.S.C Chapter 26, as amended. Any local government action under this chapter does not relieve the landowner from federal and state permitting requirements.

d. ***Permit Required***

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

feet of the wetland protection district, the planning department shall follow normal procedures for issuing a development permit.

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

e. *Conditions and Standards*

All uses allowed in the underlying zoning districts as established by this resolution except for those listed in prohibited uses below are permitted in the wetland protection district overlay, subject to the following conditions and standards:

1. No development permit shall be issued on a project that appears to contain wetlands until a determination has been made by the U.S. Army Corps of Engineers on whether jurisdictional wetlands exist on the site. If there are jurisdictional wetlands on the site that will be disturbed by the proposed development, the applicant must obtain a wetlands alteration Section 404 permit from the U.S. Army Corps of Engineers.
2. If a project appears to contain wetlands, the following note must be printed in bold-face type on all development plans: This site contains wetlands. The applicant will first obtain a wetland alteration Section 404 permit from the U.S. Army Corps of Engineers prior to disturbing any jurisdictional wetlands.

f. *Allowed Uses*

Use of wetland areas without long-term impairment is permitted. Acceptable uses, if permitted in the underlying base zoning district, may include:

- (a) Timber production and harvesting;
- (b) Wildlife and fisheries management;
- (c) Wastewater treatment;
- (d) Recreation;
- (e) Natural water quality treatment or purification;

- (f) Other uses permitted under Section 404 of the Clean Water Act, 33 U.S.C. 1344.

g. Prohibited Uses

Prohibited uses of wetland areas include:

1. Receiving areas for toxic or hazardous waste or toxic pollutant, as defined in the Clean Water Act at 33. USC 1362.
2. Hazardous or sanitary waste landfills.

(5) Power Transmission Line Overlay (PTLO) District

a. Purpose and Intent

The purpose and intent of this overlay zone is to create a vehicle whereby electric power utility companies may obtain proper overlay zoning approval from Hall County for high power transmission lines by unilateral application without first obtaining the consent of the landowners within the preferred route so as not to unduly disturb the expectation of existing land owners created by the existing zoning ordinance and so as to allow Hall County to exercise reasonable zoning regulatory authority over the siting of high power transmission lines without first requiring the utility to go to the possible wasteful expense of acquiring ownership of its preferred route before obtaining final zoning approval therefor. Obviously, for most purposes the existing zoning provisions may properly regulate the relevant district in general, but the more specific and targeted provisions contained in this overlay district are needed to accommodate the competing interest of landowner and utility company and to accomplish pressing land use objectives related to the conservation of the County's valuable natural, human, and economic resources.

b. Definitions

The terms as defined in this section apply only to this section 17-306(B)(5).

1. "Applicant" means any electric utility that applies for a rezoning pursuant to the provisions of this Chapter.
2. "Construction" means activities such as actual clearing of land, excavation, or other action that would adversely affect the natural environment, including view shed, in proximity to any transmission facility and associated corridors, but not including preliminary surveying or testing or similar activities to the extent necessary for the Electric Utility to select is preferred Corridor.
3. "Corridor" means the proposed area within which a transmission right-of-way is to be located. The width of the corridor proposed for a rezoning by an applicant may be the width of the transmission right-of-way, or a wider boundary, not to exceed a width of 1,000 feet so as to allow for possible realignment of the final right-of-way as part of the rezoning process.
4. "Electric Utility" means a person whether organized under the laws of this state or under the laws of any other state or country, engaged in producing, generating, transmitting, delivering, or furnishing electricity for

private or public use within the state, including but not limited to electric membership corporations and public and private corporations.

5. "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.
6. "Transmission Facility" means that portion of any electrical transmission line or related substation or any physically-connected component parts thereof (including but not limited to towers, poles, guy wires, ducts, underground conduit, and transformers) that extends across or occupies any part of Hall County, Georgia, and that is capable of transmitting or handling at 115 kilovolts ("kV") or more. A transmission facility does not include the following:
 - (a) Maintenance and access roads; and
 - (b) Construction equipment sites and staging areas.
7. "Transmission Right-of-Way" means land necessary for the construction and maintenance of a transmission facility. A future right-of-way must be located within that portion of the corridor approved as a PTL-OD.

c. Permitted Uses

Uses permitted in the PTL-OD District include the construction, installation, and operation in Hall County of all or any part of a Transmission Facility.

d. Development Standards

In acting upon the rezoning application, the Planning Commission and Board of Commissioners shall consider the following in addition to the criteria or lines of inquiry contained in Section 17-202(B)(5):

1. The detrimental impacts of the proposed transmission facility and any associated corridor on:
 - (a) Historical and cultural sites;
 - (b) Property values.
 - (c) The zoning and present use of properties near the proposed Transmission Right-of-Way
2. Whether the proposed Transmission Right-of-Way can be cost-effectively realigned to follow existing rights-of-way for utility infrastructure or existing roadways, *i.e.*, "co-location," so as to mitigate the aforesaid negative community impacts.

3. Whether all or any portion of the proposed transmission line can be cost-effectively constructed underground and/or in a surface or partially submerged duct, including but not limited to the use of gas-insulated transmission line technology, so as to mitigate the aforesaid negative community impacts.
4. Whether other route or site modifications (including but not limited to so-called “underbuilding” or “doublestacking” of multiple lines on a single support structure) that would help mitigate negative community impacts on a cost-effective basis are possible.
5. Whether or not the applicant has already sought or obtained similar local regulatory approval, if required, from the contiguous jurisdiction(s) where the applicant indicates that the proposed Transmission Facility will “enter” and/or “exit” Hall County, so as to ensure continuity of the proposed transmission line where it crosses jurisdictional boundaries.

e. *Map Amendment Procedures*

The regular map amendment procedures contained in Chapter 17-202(B) shall apply for Amendment requests to create a new PTL-OD district, provided that:

1. Any electric utility shall be entitled to seek a PTL-OD rezoning on land, despite no ownership or contractual interest therein, where it enjoys the power of eminent domain and has determined on good faith that it is prepared to exercise the power of eminent domain, as necessary, to acquire all or a portion of the proposed Corridor in order to locate a Transmission Right-of-Way therein.
2. The land in question need have no “minimum road frontage” or “acreage.”
3. The applicant shall include with its application (i) a detailed description of the Transmission Facility that includes a topographical map of the proposed Corridor identifying *inter alia* the location and use of all structures, public parks and playgrounds, and recognized historic sites within the proposed Corridor or within 500 feet thereof and the distance between the proposed lines and those features and that includes its proposed or existing connecting substations and/or power plants outside the County, including whether or not it has already received all necessary local regulatory approvals, if any, from neighboring jurisdictions for the Transmission Facility to “enter” and/or “exit” Hall County at the locations indicated; (ii) a reasonable good faith schedule for completing construction of the Transmission Facility (provided that the Board will always for good cause shown grant an extension of time for completing the project); and (iii) an economic analysis of the internal corporate and external civic costs and benefits within Hall County of the proposed Transmission Facility that focuses on the possible cost-effectiveness of putting as much as possible of the Transmission Facility underground and/or utilizing gas-insulated transmission lines in surface or partially submerged ducts, either open or closed, with or without

concrete covers and with or without camouflage, which analysis should include a calculation of the cost savings associated with the possible smaller right-of-way required for an underground or gas-insulated installation, as well as some reasonable effort to quantify the expected diminution of third-party land values, if any, from the proposed Transmission Facility, including consequential damages to the remainder of the parcels in question, as well as any “consequential damages” to adjacent parcels that is otherwise non-compensable under applicable Georgia eminent domain jurisprudence; and to quantify any “external” benefits to Hall County from the proposed siting of the Transmission Facility.

4. Notwithstanding the lines of inquiry suggested by Section 17.380.060 and the provision in Section 17.380.130(D) to the effect that any applicant shall have the burden of proof, the Planning Commission and the Board of Commissioners of Hall County shall work cooperatively with any electric utility proposing a Transmission Facility to ensure that an appropriate right-of-way corridor is rezoned to PTL-OD, subject to appropriate rezoning conditions governing the construction, operation, and maintenance of the transmission line in question.
5. If PTL-OD rezoning for all or any portion of a proposed Corridor is denied, such denial shall not trigger the provisions of Section 17.380.130(E)(9), which would otherwise prohibit the property owner from filing another zoning application for at least six months immediately following the date of denial.
6. Given the necessity of there being continuity of the proposed transmission line as it crosses jurisdictional boundaries, Hall County shall consider itself bound to honor pre-established “exit” and “entry” points out of and into the County where the applicant has already obtained local regulatory approval for such routes from contiguous jurisdictions or otherwise has a vested right to such an “exit” or “entry” point under Georgia law; provided that Hall County would respectfully encourage its neighboring jurisdictions to consult with it in advance before approving power transmission line routes that would predetermine such “entry” and “exit” points into and out of Hall County; and in that context Hall County hereby establishes a notification procedure similar to that normally required for developments that trigger the Developments of Regional Impact thresholds promulgated by the Georgia Department of Community Affairs pursuant to O.C.G.A. §50-8-7.1(b)(3) when application for a PTL-OD classification does not otherwise trigger “DRI” review for notifying the contiguous jurisdictions at any proposed “entry” and “exit” points into and out of Hall County of such proposed high power transmission line within ten days of the filing of the application; provided that it shall be the duty of the applying electric utility to supply the Director of the Planning & Zoning Department or analogous official within each such jurisdiction with a copy of the PTL-OD application filed with Hall County within such 10-day period, together with a cover letter indicating when the application was filed and when the public hearings are scheduled to be held and calling the official’s attention to the fact that representatives from such jurisdiction are welcome (by virtue of this Section 17.205.050(6) of the Official Code of Hall County) to participate

in any Hall County public hearings with respect to the propriety of the proposed "entry" and "exit" points insofar as those points impact the planning and land use concerns of such contiguous jurisdiction.

7. In order to cover the actual cost to Hall County of obtaining expert opinion and studies to evaluate any application by an electric utility, fees in addition to those established in section 17.30.010 are established for power transmission lines requiring County Commission approval. An initial deposit of \$1,000.00 per linear mile of proposed Corridor within Hall County shall be paid to Hall County to review the application upon submission. If the actual cost to Hall County is greater than this deposit, the applicant shall be billed for the difference and payment shall be made prior to the hearing before the County Commission. In no case shall the maximum total charge exceed \$2,000.00 per linear mile of proposed Corridor within Hall County. If the actual cost is less than the initial deposit, the difference will be refunded to the applicant within twenty days following the County Commission hearing.