

CHAPTER 4: USE REGULATIONS

17-400 USE TABLES	1
(A) EXPLANATION OF THE USE TABLES.....	1
(B) USE TABLE – RESIDENTIAL AND RURAL ZONING DISTRICTS	2
(C) USE TABLE – COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS	8
17-401 USE CLASSIFICATIONS.....	13
(A) GENERAL	13
(B) AGRICULTURAL USE CATEGORIES	13
(C) RESIDENTIAL USE CATEGORIES	13
(D) PUBLIC AND INSTITUTIONAL USE CATEGORIES.....	13
(E) COMMERCIAL USE CATEGORIES	13
(F) SERVICE AND INDUSTRIAL USE CATEGORIES.....	13
17-402 USE-SPECIFIC STANDARDS	13
(A) AGRICULTURAL USES.....	13
(B) RESIDENTIAL USES.....	13
(C) PUBLIC AND INSTITUTIONAL USES.....	13
(D) COMMERCIAL USES	13
(E) SERVICE AND INDUSTRIAL USES.....	13
17-403 ACCESSORY USES AND STRUCTURES.....	13
(A) ADDITIONAL PARKING OTHER THAN ON PRINCIPAL LOT	13
(B) CARETAKER OR EMPLOYEE RESIDENCE	13
(C) HOME OCCUPATIONS	13
(D) RESIDENTIAL BUSINESSES	13
(E) RURAL BUSINESSES.....	13
(F) GUEST HOUSES	13
(G) SUBDIVISION AMENITIES	13
(H) GARAGE OR YARD SALES	13
(I) KEEPING OF ANIMALS ACCESSORY TO A RESIDENTIAL USE	13
(J) OUTDOOR STORAGE AND DISPLAY	13
(K) GROUP LIVING ACCOMMODATIONS FOR AGRICULTURAL WORKERS.....	13
17-404 TEMPORARY USES/STRUCTURES AND SPECIAL EVENTS.....	13
(A) PURPOSE AND INTENT	13
(B) TABLE OF ALLOWED TEMPORARY USES/STRUCTURES AND SPECIAL EVENTS	13
(C) GENERAL REQUIREMENTS	13
(D) PROHIBITED TEMPORARY USES, STRUCTURES, AND SPECIAL EVENTS	13
(E) REVIEW CRITERIA.....	13
(F) DEVELOPMENT STANDARDS APPLICABLE TO ALL TEMPORARY USES, TEMPORARY STRUCTURES, AND SPECIAL EVENTS	13
(G) EXPANSION OR REPLACEMENT OF EXISTING FACILITIES	13
(H) TEMPORARY SALES OFFICE	13
(I) CONSTRUCTION TRAILER	13
(J) TEMPORARY HARDSHIP MANUFACTURED HOMES	13
(K) SALE/DISPLAY OF GOODS OTHER THAN AGRICULTURAL PRODUCTS	13
(L) SALE OF AGRICULTURAL PRODUCTS GROWN OFF-SITE	13
(M) TEMPORARY SEASONAL AND HOLIDAY SALES	13
(N) SPECIAL EVENTS.....	13

CHAPTER 4: USE REGULATIONS

17-400 USE TABLES

(A) Explanation of the Use Tables

Tables 17-400(B) and 17-400(C) set forth the uses allowed in the various zoning districts.

(1) Permitted Uses

A “P” in a cell indicates that the use is allowed by right in the respective zoning district, subject to compliance with the use-specific regulations set forth in the final column of the table. Permitted uses are subject to all other applicable regulations of this Code.

(2) Conditional Uses

A “CC” in a cell indicates that the use is allowed conditionally in the respective zoning district, subject to the approval of a Major Conditional Use Permit in accordance with the procedures of Sec. 17-202(D)(2). A “PC” in a cell indicates that the use is allowed conditionally in the respective zoning district, subject to the approval of a Minor Conditional Use Permit in accordance with the procedures of Sec. 17-202(D)(3).

(3) Administratively Approved Uses

An “A” in a cell indicates that the use is allowed in the respective zoning district, subject to issuance of an administratively approved permit by the Planning Director.

(4) Prohibited Uses

A blank cell indicates that the use is prohibited in the zoning district.

(5) “All Uses in the Category” and “All Other Uses in the Category”

When “All uses in the category” appears in a cell, it includes all uses included in the general use category stated in boldface in the immediately preceding cell. When “All other uses in the category” appears in a cell, it includes all uses in the general use category that are not listed in the immediately preceding cells of the table following the general use category stated in boldface.

(6) Additional Regulations

Regardless of whether a use is permitted by right, as a major or minor conditional use, or by administrative approval, there may be additional regulations that are applicable. The existence of these use-specific regulations is noted through a section reference in the last column of the table titled “Additional Regulations.” These regulations apply to all districts unless otherwise specified.

(7) **Uses Not Listed**

The Planning Director shall determine whether or not an unlisted use is part of an existing use category defined in Sec. 17-401, or is substantially similar to an already defined use, using the criteria in Sec. 17-401(A)(4).

(B) **Use Table – Residential and Rural Zoning Districts**

TABLE 17-400(B): ALLOWED PRINCIPAL USES – RURAL AND RESIDENTIAL ZONING DISTRICTS											
P = PERMITTED USE						PC = MINOR CONDITIONAL USE (SUBJECT TO PLANNING COMMISSION APPROVAL)					
A = USE SUBJECT TO ADMINISTRATIVE APPROVAL BY PLANNING DIRECTOR						CC = MAJOR CONDITIONAL USE (SUBJECT TO COUNTY COMMISSION APPROVAL)					
Use Category	Use Type	Zone Districts									Additional Regulations
		R-1	R-1L	MHP	MF-8	MF-12	AR-1	AR-2	AR-3	CF	
AGRICULTURAL USES											
Agriculture											
	Sawmill, on-site						P	P	I	P	17-402(A)(1)
	Storage and sale of agricultural, forestry, animal, or poultry wastes							CC		P	17-402(A)
	All other uses in the category						P	P		P	17-402(A)
Horticulture											
	All uses in the category						P	P		P	
Animal Husbandry											
	Equestrian centers						CC	PC		PC	17-402(A)(4)
	Raising of exotic or dangerous animals						CC	CC		CC	17-402(A)(5)
	Small animal specialty farms						PC	PC		P	17-402(A)

TABLE 17-400(B): ALLOWED PRINCIPAL USES – RURAL AND RESIDENTIAL ZONING DISTRICTS

P = PERMITTED USE
 A = USE SUBJECT TO ADMINISTRATIVE APPROVAL BY PLANNING DIRECTOR

PC = MINOR CONDITIONAL USE (SUBJECT TO PLANNING COMMISSION APPROVAL)
 CC = MAJOR CONDITIONAL USE (SUBJECT TO COUNTY COMMISSION APPROVAL)

		Zone Districts									
Use Category	Use Type	R-1	R-1L	MHP	MF-8	MF-12	AR-1	AR-2	AR-3	CF	Additional Regulations
	Confined animal feeding operations (for livestock, hogs, or cattle, but excluding poultry)									CC	17-402(A)
	All other uses in the category						P	P		P	17-402(A)
RESIDENTIAL USES											
Household Living											
	Single-family detached dwelling (site-built or industrialized)	P	P	P	P	P	P	P		P	In MHP, only on lot that contains a minimum of 5 acres and has minimum of 50 feet of road frontage
	Single-family detached dwelling (manufactured)						P	P		P	
	Townhouses				P	P					
	Two-family dwelling (site-built or industrialized)				P	P					17-402(B)(1)a.
	Multi-family dwellings				P	P					17-402(B)(1)c.
	Subdivision	P	P		P	P	CC	CC			
	Minor Subdivision	P	P		P	P	P	P		P	

TABLE 17-400(B): ALLOWED PRINCIPAL USES – RURAL AND RESIDENTIAL ZONING DISTRICTS

P = PERMITTED USE
 A = USE SUBJECT TO ADMINISTRATIVE APPROVAL BY PLANNING DIRECTOR

PC = MINOR CONDITIONAL USE (SUBJECT TO PLANNING COMMISSION APPROVAL)
 CC = MAJOR CONDITIONAL USE (SUBJECT TO COUNTY COMMISSION APPROVAL)

Use Category	Use Type	Zone Districts									Additional Regulations
		R-1	R-1L	MHP	MF-8	MF-12	AR-1	AR-2	AR-3	CF	
	Dwellings more than 7 years old being moved into the County (of a type that would otherwise be allowed in the zoning district)	CC	CC	PC			CC	CC			17-402(B)(1)a.
	Manufactured home parks			P							17-402(B)(1)b.
Group Living											
	Boarding House				P	P					
	Mainstreaming facilities					CC	CC	CC			17-402 (B)(2)(a)
	Domestic violence shelter						P	P			
	Adult Congregate Living Facility				PC	P					
PUBLIC AND INSTITUTIONAL USES											
Community Services											
	All uses in the category				P	P	PC	PC			
Day Care											
	Day care centers						CC	CC			17-402(C)(2)a.
	Family day care home	P	P	P	P	P	P	P			17-402(C)(2)a.

TABLE 17-400(B): ALLOWED PRINCIPAL USES – RURAL AND RESIDENTIAL ZONING DISTRICTS

P = PERMITTED USE
 A = USE SUBJECT TO ADMINISTRATIVE APPROVAL BY PLANNING DIRECTOR

PC = MINOR CONDITIONAL USE (SUBJECT TO PLANNING COMMISSION APPROVAL)
 CC = MAJOR CONDITIONAL USE (SUBJECT O COUNTY COMMISSION APPROVAL)

Use Category	Use Type	Zone Districts									Additional Regulations
		R-1	R-1L	MHP	MF-8	MF-12	AR-1	AR-2	AR-3	CF	
	Group day care home	CC	PC	PC	PC	PC	PC	PC			17-402(C)(2)a.
	Group day care home serving a multi-family or institutional use on the site			P	P	P					17-402(C)(2)a.
Education											
	Educational uses (1000 students or more)				CC	CC	CC	CC			
	Educational uses (fewer than 1000 students)	CC	CC		P	P	CC	CC			
Government Facilities											
	Emergency facilities	PC	P	P	P	P	P	P		P	
	Offices, GFA of building less than 5,000 sf				P	P	PC	PC			
	Offices, GFA of building 5,000 sf or greater				CC	CC	CC	CC			
	County-utilized compactor sites				P	P	P	P			
Institutions											

TABLE 17-400(B): ALLOWED PRINCIPAL USES – RURAL AND RESIDENTIAL ZONING DISTRICTS

P = PERMITTED USE
 A = USE SUBJECT TO ADMINISTRATIVE APPROVAL BY PLANNING DIRECTOR

PC = MINOR CONDITIONAL USE (SUBJECT TO PLANNING COMMISSION APPROVAL)
 CC = MAJOR CONDITIONAL USE (SUBJECT TO COUNTY COMMISSION APPROVAL)

Use Category	Use Type	Zone Districts									Additional Regulations
		R-1	R-1L	MHP	MF-8	MF-12	AR-1	AR-2	AR-3	CF	
	Religious institution, with accessory schools, day care centers, or recreational facilities	CC	CC		PC	PC	PC	PC			
	Retreats or Camps						CC	CC			
	Nursing Home or Convalescent Home				PC	PC	CC	CC			
Parks and Open Areas											
	Cemeteries	CC	CC				CC	CC			
	Parks and playgrounds, public	P	P	P	P	P	P	P			
Transportation											
	Private airfields						CC	CC			
	All other uses in the category				CC	CC					
Utilities											
	Micro telecommunications facilities	A	A	A	A	A	A	A		A	17-402(C)(1)b.
	Other telecommunications facilities						CC	CC			17-402(C)(1)b.

TABLE 17-400(B): ALLOWED PRINCIPAL USES – RURAL AND RESIDENTIAL ZONING DISTRICTS

P = PERMITTED USE
 A = USE SUBJECT TO ADMINISTRATIVE APPROVAL BY PLANNING DIRECTOR

PC = MINOR CONDITIONAL USE (SUBJECT TO PLANNING COMMISSION APPROVAL)
 CC = MAJOR CONDITIONAL USE (SUBJECT TO COUNTY COMMISSION APPROVAL)

Use Category	Use Type	Zone Districts									Additional Regulations
		R-1	R-1L	MHP	MF-8	MF-12	AR-1	AR-2	AR-3	CF	
	Slow rate land treatment systems	CC	CC	CC	CC	CC	CC	CC		CC	
	Utility substations (other than electrical substations)	PC	PC	PC	PC	PC	PC	PC		PC	17-402(C)(1)a.
	Electrical substations						CC	CC			17-402(C)(1)a.
	Minor utilities	P	P	P	P	P	P	P		P	
	Minor Wastewater Treatment Plants	CC	CC	CC	CC	CC	CC	CC		CC	As an accessory use.
	All other uses in the category						CC	CC			
COMMERCIAL USES											
Animal Services											
	Commercial kennel						CC	CC			17-402(D)(1)a.
Indoor Entertainment and Recreation											
	Fraternal organizations and private clubs				PC	PC					17-402(D)(2)a.
Outdoor Entertainment and Recreation											
	Travel trailer parks			PC							17-402(D)(3)b.
	Golf driving, archery, or shooting range						PC	PC			
Visitor Accommodation											
	Bed and breakfast inn						PC	PC			

TABLE 17-400(B): ALLOWED PRINCIPAL USES – RURAL AND RESIDENTIAL ZONING DISTRICTS

P = PERMITTED USE
 A = USE SUBJECT TO ADMINISTRATIVE APPROVAL BY PLANNING DIRECTOR

PC = MINOR CONDITIONAL USE (SUBJECT TO PLANNING COMMISSION APPROVAL)
 CC = MAJOR CONDITIONAL USE (SUBJECT TO COUNTY COMMISSION APPROVAL)

Use Category	Use Type	Zone Districts									Additional Regulations
		R-1	R-1L	MHP	MF-8	MF-12	AR-1	AR-2	AR-3	CF	
ACCESSORY AND TEMPORARY USES											
	Additional parking on other than principal lot				PC	PC					17-403(A)
	Caretaker or employee residences						PC	PC		PC	17-403(B)
	Construction trailer	A	A	A	A	A	A	A		A	17-404(F)
	Hardship manufactured home						PC	PC			17-404(G)
	Home occupations	A	A	A	A	A	A	A		A	17-403(C)
	Residential businesses						PC	PC		PC	17-403(D)
	Rural businesses						PC	PC		PC	17-403(E)
	Subdivision amenities submitted for approval after plat approval	PC	PC		PC	PC	PC	PC			17-403(G)
	Temporary sales office	A	A	A	A	A	A	A			17-404(H)

(C) Use Table – Commercial and Industrial Zoning Districts

TABLE 17-400(C): ALLOWED PRINCIPAL USES – COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

P = PERMITTED USE
 A = USE SUBJECT TO ADMINISTRATIVE APPROVAL BY PLANNING DIRECTOR

PC = MINOR CONDITIONAL USE (SUBJECT TO PLANNING COMMISSION APPROVAL)
 CC = MAJOR CONDITIONAL USE (SUBJECT TO COUNTY COMMISSION APPROVAL)

		Zone Districts									
--	--	----------------	--	--	--	--	--	--	--	--	--

Use Category	Use Type	NO	NC	OI	SS	HB	MX	BLI	IG	IH	Additional Regulations
AGRICULTURAL USES											
Agriculture											
	All uses in the category									P	17-402(A)
Horticulture											
	All uses in the category									P	17-402(A)
RESIDENTIAL USES											
Household Living											
	Single-family or two-family dwellings (site-built)	PC	PC	PC			P				17-402(B)(1)a.
	Townhouses			PC							17-402(B)(1)a.
	Multi-family dwellings			PC							17-402(B)(1)c.
Group Living											
	Adult congregate living facility			P							
PUBLIC/INSTITUTIONAL/CIVIC USES											
Community Services											
	All uses in the category		PC	P	P	P		PC			
Day Care											
	Family day care home										17-402(C)(2)a.
	Group day care home							P	P	P	17-402(C)(2)a.
	Group day care home serving a principal use on the site			P				P	P	P	17-402(C)(2)a.
	Day care center		PC	P	P	CC		PC			17-402(C)(2)a.

TABLE 17-400(C): ALLOWED PRINCIPAL USES – COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

P = PERMITTED USE
 A = USE SUBJECT TO ADMINISTRATIVE APPROVAL BY PLANNING DIRECTOR

PC = MINOR CONDITIONAL USE (SUBJECT TO PLANNING COMMISSION APPROVAL)
 CC = MAJOR CONDITIONAL USE (SUBJECT TO COUNTY COMMISSION APPROVAL)

		Zone Districts									
Use Category	Use Type	NO	NC	OI	SS	HB	MX	BLI	IG	IH	Additional Regulations
	Day care center serving a principal use on the site		PC	P	P	PC		P	P	P	17-402(C)(2)a.
Education											
	Educational uses (1000 students or more)			P	PC	P					17-402(C)(2)a.
	Educational uses (fewer than 1000 students)			P	P	P					17-402(C)(2)a.
	All other uses in the category			P	P	P					
Health Care Facilities											
	Hospitals			CC							
	Medical and dental offices and outpatient clinics	P	P	P	P	P		PC	PC		In BLI and IG, clinics are limited to occupational health only; in BLI, clinics located on major arterials are allowed as "P" uses
	Medical and dental laboratories			P		P		P			
	Drug Rehabilitation Facilities			CC		CC					
	All other uses in the category			P							

TABLE 17-400(C): ALLOWED PRINCIPAL USES – COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

P = PERMITTED USE
 A = USE SUBJECT TO ADMINISTRATIVE APPROVAL BY PLANNING DIRECTOR

PC = MINOR CONDITIONAL USE (SUBJECT TO PLANNING COMMISSION APPROVAL)
 CC = MAJOR CONDITIONAL USE (SUBJECT TO COUNTY COMMISSION APPROVAL)

Use Category	Use Type	Zone Districts									Additional Regulations
		NO	NC	OI	SS	HB	MX	BLI	IG	IH	
Government Facilities											
	Emergency facilities	PC	PC	P	P	P		P	P	P	
	Offices, GFA of building less than 5,000 sf	PC	PC	P	P	P		P	P	P	In OI,SS,HB: GFA may not exceed 25% of lot area
	Offices, GFA of building 5,000 sf or greater			P	P	P		P	P	P	In OI,SS,HB: GFA may not exceed 25% of lot area
	County-utilized compactor sites					P		P	P	P	
	Maintenance yard					PC			P	P	
	All other uses in the category			PC	PC	PC		PC	PC	CC	
Institutions											
	Religious institution, with seating capacity of 1500 or fewer seats in sanctuary or main activity area			P	P	P		PC			

TABLE 17-400(C): ALLOWED PRINCIPAL USES – COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

P = PERMITTED USE
A = USE SUBJECT TO ADMINISTRATIVE APPROVAL BY PLANNING DIRECTOR

PC = MINOR CONDITIONAL USE (SUBJECT TO PLANNING COMMISSION APPROVAL)
CC = MAJOR CONDITIONAL USE (SUBJECT TO COUNTY COMMISSION APPROVAL)

Use Category	Use Type	Zone Districts									Additional Regulations
		NO	NC	OI	SS	HB	MX	BLI	IG	IH	
	Religious institution, with seating capacity of more than 1500 seats in sanctuary or main activity area, or with accessory schools, day care centers, or recreational facilities			P	P	P					
	Funeral Homes			P	P	P					
	Nursing home or convalescent home			P							
	All other uses in the category			P				PC			
Parks and Open Areas											
	All uses in the category	P	P	P	P	P		P	P	P	
Transportation											
	Airports, heliports, and landing fields									CC	
	Bus stations				CC	P			P		
	All other uses in the category										

TABLE 17-400(C): ALLOWED PRINCIPAL USES – COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

P = PERMITTED USE
 A = USE SUBJECT TO ADMINISTRATIVE APPROVAL BY PLANNING DIRECTOR

PC = MINOR CONDITIONAL USE (SUBJECT TO PLANNING COMMISSION APPROVAL)
 CC = MAJOR CONDITIONAL USE (SUBJECT TO COUNTY COMMISSION APPROVAL)

Use Category	Use Type	Zone Districts									Additional Regulations
		NO	NC	OI	SS	HB	MX	BLI	IG	IH	
Utilities											
	Major wastewater treatment plants								CC	CC	
	Minor wastewater treatment plants			CC	CC	CC		CC	PC	PC	As an accessory use in OI, SS, HB, MX, & BLI zones.
	Slow rate land treatment systems					CC		CC	CC	CC	
	Utility substations (other than electrical substations)				PC	PC		PC	P	P	17-402(C)(1)a.
	Electrical substations			PC	PC	PC		PC	P	P	17-402(C)(1)a.
	Micro telecommunications facilities	A	A	A	A	A		A	A	A	17-402(C)(1)b.
	Other telecommunications facilities				CC	CC		CC	CC	CC	17-402(C)(1)b.
	Minor utilities	P	P	P	P	P		P	P	P	
	All other uses in the category					P			P	P	
COMMERCIAL USES											
Animal Services											

TABLE 17-400(C): ALLOWED PRINCIPAL USES – COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

P = PERMITTED USE
 A = USE SUBJECT TO ADMINISTRATIVE APPROVAL BY PLANNING DIRECTOR

PC = MINOR CONDITIONAL USE (SUBJECT TO PLANNING COMMISSION APPROVAL)
 CC = MAJOR CONDITIONAL USE (SUBJECT TO COUNTY COMMISSION APPROVAL)

		Zone Districts									
Use Category	Use Type	NO	NC	OI	SS	HB	MX	BLI	IG	IH	Additional Regulations
	Pet day care or pet grooming		PC		P	P					
	Animal hospitals or veterinary clinics	PC	PC	PC	PC	P			PC		17-402(D)(1)b.
	Commercial kennels					PC			PC		17-402(D)(1)a.
	All other uses in the category					PC			PC		
Eating Establishments											
	Coffeehouses		PC	P	P	P		P	P	P	In NC: GFA of food service use may not exceed 1,500 sf
	Restaurants, sit-down		CC	PC	P	P		PC	PC	PC	In NC: GFA of food service use may not exceed 1,500 sf
	Restaurants, fast-serve		PC	PC	P	P		PC	PC	PC	In NC: GFA of food service use may not exceed 1,500 sf
	Restaurants with drive-in/drive-through facilities				P	P		PC			
	All other uses in the category				P	P					
Indoor Entertainment and Recreation											
	All uses in the category				PC	P		PC	PC		
Outdoor Entertainment and Recreation											

TABLE 17-400(C): ALLOWED PRINCIPAL USES – COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

P = PERMITTED USE
A = USE SUBJECT TO ADMINISTRATIVE APPROVAL BY PLANNING DIRECTOR

PC = MINOR CONDITIONAL USE (SUBJECT TO PLANNING COMMISSION APPROVAL)
CC = MAJOR CONDITIONAL USE (SUBJECT TO COUNTY COMMISSION APPROVAL)

Use Category	Use Type	Zone Districts									Additional Regulations
		NO	NC	OI	SS	HB	MX	BLI	IG	IH	
	Drive-in theaters					P			P		17-402(D)(3)a.
	Rifle, pistol and skeet ranges					CC				CC	
	Travel trailer parks and private campgrounds					PC					
	All other uses in the category				PC	P		PC	PC		
Offices											
	Offices, residential conversion	P	P	P	P	P		P	P		
	Offices	P*	P*	P	P	P		P	P		*In NO and NC: Individual buildings limited to 5000 sf or less. See 17-303(B)(2)c.2.
Parking, Commercial											
	All uses					CC			PC	PC	17-402(D)(6)
Retail Sales and Personal Services											
	Adult establishment					CC				P	
	Convenience store with gas pumps		PC		P	P		PC	P		
	Financial services: banks, credit unions, and loan offices	PC	PC	P	P	P					

TABLE 17-400(C): ALLOWED PRINCIPAL USES – COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

P = PERMITTED USE
A = USE SUBJECT TO ADMINISTRATIVE APPROVAL BY PLANNING DIRECTOR

PC = MINOR CONDITIONAL USE (SUBJECT TO PLANNING COMMISSION APPROVAL)
CC = MAJOR CONDITIONAL USE (SUBJECT TO COUNTY COMMISSION APPROVAL)

Use Category	Use Type	Zone Districts									Additional Regulations
		NO	NC	OI	SS	HB	MX	BLI	IG	IH	
	Financial services: pawn shops, payday lenders, and check cashing services					P					
	Garden Centers and Retail Nurseries				P	P			PC		
	Retail sales and household services		P*		P	P		PC*			*In NC: Individual buildings limited to 5000 sf or less. See 17- 303(B)(2)c.2. *In BLI: Limited to specialty sales of large items. See 17- 304(B)(1)d.5.
	Retail sales and household services that include the making of articles sold at retail on the premises		PC		PC	PC			P		17-402(D)(4)a
	Health clubs			P	P	P		PC			
	Personal services (other than health clubs)	PC	PC	P	P	P					
	Factory or warehouse outlet sales							P	P	PC	

TABLE 17-400(C): ALLOWED PRINCIPAL USES – COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

P = PERMITTED USE
 A = USE SUBJECT TO ADMINISTRATIVE APPROVAL BY PLANNING DIRECTOR

PC = MINOR CONDITIONAL USE (SUBJECT TO PLANNING COMMISSION APPROVAL)
 CC = MAJOR CONDITIONAL USE (SUBJECT TO COUNTY COMMISSION APPROVAL)

Use Category	Use Type	Zone Districts									Additional Regulations
		NO	NC	OI	SS	HB	MX	BLI	IG	IH	
Self-Service Storage											
	All uses in the category					P			P	P	
Vehicle Sales and Service											
	Gasoline sales		PC		P	P		PC	P		17-402(D)(5)a
	Vehicle service				P	P			P	P	17-402(D)(5)b
	Vehicle repair garages					PC			P	P	17-402(D)(5)c
	Vehicle sales and rental					PC			P		
Visitor Accommodations											
	Bed and breakfast inn	P	P								
	Hotels and motels			PC	P	P		PC	P		
SERVICE AND INDUSTRIAL USES											
Industrial Services											
	Light industrial service							PC	P	P	
	Heavy industrial service								P	P	
Manufacturing and Production											
	Light manufacturing					PC		P	P	P	
	Heavy manufacturing – class 1								CC	P	

TABLE 17-400(C): ALLOWED PRINCIPAL USES – COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

P = PERMITTED USE
 A = USE SUBJECT TO ADMINISTRATIVE APPROVAL BY PLANNING DIRECTOR

PC = MINOR CONDITIONAL USE (SUBJECT TO PLANNING COMMISSION APPROVAL)
 CC = MAJOR CONDITIONAL USE (SUBJECT TO COUNTY COMMISSION APPROVAL)

Use Category	Use Type	Zone Districts									Additional Regulations
		NO	NC	OI	SS	HB	MX	BLI	IG	IH	
	Heavy manufacturing – class 2									CC	
	All other uses in the category									P	
Warehouse, Storage, and Freight Movement											
	Maintenance yards					PC			PC	P	17-403(J)
	Storage yards					PC			P	P	17-403(J)
	Truck terminals					PC			P	P	17-402(E)(1)
	Limited wholesale/ warehousing							P	P	P	17-402(E)(2)
	General warehousing					PC			P	P	
	Vehicle towing yards								P	P	
	Vehicle and boat storage					PC			P	P	
Waste-Related Uses											
	Junkyards								PC	CC	17-402(E)(2)
	Landfills, including but not limited to sanitary landfills									CC	17-402(E)(3); See also Title 8, Sec. 8.60 of Hall County Code
Wholesale Sales											
	All uses in the category					PC		P	P	P	In BLI: Must meet criteria for limited wholesale/warehouse uses

TABLE 17-400(C): ALLOWED PRINCIPAL USES – COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

P = PERMITTED USE
 A = USE SUBJECT TO ADMINISTRATIVE APPROVAL BY PLANNING DIRECTOR

PC = MINOR CONDITIONAL USE (SUBJECT TO PLANNING COMMISSION APPROVAL)
 CC = MAJOR CONDITIONAL USE (SUBJECT TO COUNTY COMMISSION APPROVAL)

Use Category	Use Type	Zone Districts									Additional Regulations
		NO	NC	OI	SS	HB	MX	BLI	IG	IH	
Electronic Warehousing											
	All uses in the category							PC	P		
ACCESSORY AND TEMPORARY USES											
	Additional parking on other than principal lot	PC	PC	PC	PC	PC		PC	PC	PC	17-403(A)
	Caretaker or employee residences	PC	PC	PC	PC	PC		PC	PC	PC	17-403(B); 17-402(B)(1)a.
	Construction trailer	A	A	A	A	A		A	A	A	17-404(F)

17-401 USE CLASSIFICATIONS

(A) General

(1) Purpose

Use classifications organize land uses and activities into general “use categories” and specific “use types” based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. The use classifications provide a systematic basis for assigning present and future land uses into appropriate zoning districts. Use classifications describe one or more uses having similar characteristics, but do not list every use or activity that may appropriately be within the classification.

(2) Structure of this Section

a. *Principal Use Characteristics and Accessory Uses*

The “Characteristics” subsection describes common characteristics of each use category. Principal uses are assigned to the category that most closely describes the nature of the principal use. Also listed are examples of common accessory uses, which, unless otherwise stated in this Code, are allowed in conjunction with a principal use and are subject to the same regulations as the principal use.

b. *Examples*

The “Examples” subsection lists common examples of uses included in the respective use category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself “Wholesale Sales,” but sells mostly to consumers, is included in the Retail Sales and Service category rather than the Wholesale Sales category. This is because the activity on the site matches the characteristics of the Retail Sales and Service category.

(3) Developments with Multiple Principal Uses

When all principal uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a coffee shop, bookstore, and bakery, for example, would be classified in the Retail Sales and Service category because all of the development’s principal uses are in that category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to applicable regulations within that category. Developments with multiple principal uses, such as shopping centers, shall incorporate only those uses allowed in the underlying district.

(4) Unlisted Uses

a. *Procedure for Approving Unlisted Uses*

Where a particular use category or use type is not specifically listed in either Table 17-400(B) or in Table 17-400(C), the Planning Director may permit the use category or type upon a finding that the criteria of Sec. 17-401(A)(4)b, Criteria for Approving Unlisted Uses, below are met. The request shall be treated as an Interpretation pursuant to Sec. 17-202(O), Interpretations. The Planning Director shall give due consideration to the intent of this Code concerning the district(s) involved, the character of the uses specifically identified, and the character of the use(s) in question.

b. *Criteria for Approving Unlisted Uses*

In order to determine that the proposed use(s) has an impact that is similar in nature, function, and duration to the other uses allowed in a specific zoning district, the Planning Director shall assess all relevant characteristics of the proposed use, including but not limited to the following:

1. The volume and type of sales (either retail or wholesale); size and type of items sold; and nature of inventory on the premises;
2. Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution; any dangerous, hazardous, toxic, or explosive materials used in the processing;
3. The nature and location of storage and outdoor display of merchandise; enclosed, open, inside, or outside the principal building; and predominant types of items stored (such as business vehicles, work-in-process, inventory, and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders);
4. The type, size, and nature of buildings and structures;
5. The number and density of employees and customers per unit area of site in relation to business hours and employment shifts;
6. Transportation requirements, including the modal split for autos and freight, by volume type and characteristic of traffic generation to and from the site, trip purposes and whether trip purposes can be shared by other uses on the site;
7. Parking requirements, turnover and generation, ratio of the number of spaces required per unit of area or activity, and the potential for shared parking with other uses;
8. The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes;
9. Any special public utility requirements for serving the proposed use, including but not limited to water supply, waste water output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities;
10. The impact on adjacent properties created by the proposed use in relation to other uses in the zoning district.

c. *Effect of Determination by the Planning Director*

In making a determination whether to approve an unlisted use, the Planning Director's determination shall be made in writing, shall be dated, and shall be binding on all officers and departments of the county.

(B) Agricultural Use Categories

(1) Agriculture

a. *Characteristics and Examples*

Agriculture constitutes agricultural activities on sites of five acres or more. Agricultural activities are characterized by agronomy, aquaculture, biotechnical agriculture (including education parks for biotechnical agriculture or a demonstration farm), cultivation of land, forestry, fisheries, honey production, raising of farm or exotic animals (but not dangerous animals), silviculture (including the harvesting of timber), and similar uses, for gain or profit. Accessory uses include operations in conjunction with and on the site of on-going agricultural activities, such as initial processing of materials grown on-site; haymaking, brush hogging, crop storage, hauling, fencing, barn construction; farm stands for the sale of materials grown and produced on-site, pick-your-own operations; wetlands mitigation banks; the on-premises sale of farm products, at least seventy-five (75) percent of which are grown on the site; group living accommodations for farm workers; and the incidental keeping of livestock or poultry on a site generally used for agriculture.

b. *Exceptions*

Agriculture does not include a grocery store or similar retail or wholesale sale of products that are remotely related to the production of agricultural products or initial processing of agricultural products other than those grown on-site.

(2) Horticulture

a. *Characteristics and Examples*

Horticulture is characterized by activities such as the cultivation and production of orchard, garden, or nursery crops on a smaller scale than agriculture (sites of less than five acres), including the production of ornamental trees and shrubs, field grown crops, specialty crops, flowers, fruit, grapes, market gardening or truck gardening, nursery stock, nuts, ornamental plants, sod, vegetables, and similar horticultural uses.

b. *Exceptions*

Horticulture does not include domestic or hobby gardens that are not cultivated for commercial purposes. Horticulture does not include a retail nursery, retail or wholesale sale of products that are remotely related to the production of agricultural products, or processing of horticultural products other than those grown on-site.

(3) Animal Husbandry

a. *Characteristics and Examples*

Animal Husbandry is characterized by the propagation, rearing, showing, training, exercising, feeding, milking, housing, controlling, handling, or general care of living animals (generally, farm or livestock animals rather than domestic pets), including the raising and production of bison, cattle (beef and dairy), pigs, mules, ducks, emus, horses, goats, llama, poultry, sheep, and similar uses, and equestrian centers and stables.

b. *Exceptions*

1. Commercial uses involving domestic pets, such as veterinary clinics or hospitals, commercial kennels, catteries, breeding, training, animal

grooming, veterinary services, animal shelters, and pet day care are classified as Animal Services.

2. The keeping of animals accessory to a residential use (as defined in Sec. 17-1001) and not for gain or profit is classified as an accessory use.

(C) Residential Use Categories

(1) Household Living

a. Characteristics

Household Living is characterized by the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. Accessory uses commonly associated with Household Living are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles. Home occupations, residential businesses, and rural businesses are accessory uses that are subject to additional regulations (Sec. 17-403.)

b. Examples

Examples include occupancy of single-family detached dwellings, two-family dwellings, multi-family dwellings, townhouse dwellings, and manufactured home parks, and other structures with self-contained dwelling units.

c. Exceptions

Lodging in a dwelling unit or where units are rented on a less than monthly basis is classified in the Visitor Accommodations category.

(2) Group Living

a. Characteristics

Group Living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of "household." The size of the group may be larger than the average size of a household. Tenancy is arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents. The residents may receive care, training, or treatment, as long as the caregivers also reside at the site. Common accessory uses include recreational facilities, dining facilities, and parking of vehicles for occupants and staff.

b. Examples

Examples include group houses, boarding houses, lodging houses, rooming houses, domestic violence shelters, mainstreaming facilities and halfway houses, and Adult Congregate Living Facilities.

c. Exceptions

1. Lodging where tenancy may be arranged for periods of less than 30 days is classified as Visitor Accommodations.
2. Lodging where the residents meet the definition of "household" and where tenancy is arranged on a month-to-month basis or for a longer period is classified as Household Living.

(D) **Public and Institutional Use Categories**

(1) **Community Services**

a. **Characteristics**

The Community Services category includes non-residential uses of a public, nonprofit, or charitable nature providing a local service to people of the community. Generally, they provide the service on-site or have employees at the site on a regular basis. The service is ongoing, and not merely for special events. They include community uses or facilities that have membership provisions that are open to the general public to join at any time (for instance, any senior citizen could join a senior center). The use may provide special counseling, education, or training of a public, nonprofit, or charitable nature. Accessory uses may include offices; meeting, food preparation, health, and therapy areas; parking; and athletic facilities.

b. **Examples**

Examples include libraries, museums, senior centers, community centers, youth club facilities, and social service facilities.

c. **Exceptions**

1. Civic clubs and private or commercial health clubs are classified as Retail Sales and Service.
2. Parks are classified as Parks and Open Space.
3. Ballfields, playing fields, racetracks, and similar outdoor recreation facilities are classified as Outdoor Recreation.

(2) **Day Care**

a. **Characteristics**

Day Care uses provide care, protection, and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day. Accessory uses include offices, recreation areas, and parking.

b. **Examples**

Examples include day care centers (more than 18 persons), group day care homes (7-18 persons), family day care homes (up to and including 6 persons), and nursery schools, kindergartens, or preschools, when not part of an elementary school.

c. **Exceptions**

Day Care does not include public or private schools or facilities operated in connection with an employment use, shopping center, or other principal use where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity. Pre-K, nursery schools, and kindergartens operated as lower grades of an elementary school are considered to be a part of the school.

(3) **Education**

a. **Characteristics**

This category includes public and private schools at the elementary, middle, and high school level that provide state-required basic education. This category also

includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree. Colleges tend to be in campus-like settings or on multiple blocks. This category also includes business or trade schools. Accessory uses at schools include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care. Accessory uses at colleges and universities include offices, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and supportive commercial uses on-site. Pre-K, nursery schools, and kindergartens operated as lower grades of an elementary school are considered to be a part of the school.

b. Examples

Examples include public and private daytime schools, boarding schools, military academies, universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, seminaries, vocational schools, and business or trade schools.

c. Exceptions

Preschools and nursery schools not associated with an elementary school on the same site are classified as Day Care uses.

(4) Government Facilities

a. Characteristics

Government facilities include post offices; emergency response facilities (public safety, fire, and medical); maintenance, storage, and distribution facilities; and other facilities for the operation of local, state, or federal government. Accessory uses include satellite offices; and parking areas.

b. Examples

Examples include post offices; emergency response facilities (public safety, fire, and medical); County-utilized compactor sites; and maintenance, storage, and fueling facilities.

c. Exceptions

1. Offices and courthouses are classified as *Offices*.
2. County or state parks are classified as *Parks and Open Space*.
3. Water, wastewater, gas, electric, and other infrastructure services, whether public or private, are classified as *Utilities*.
4. Waste and recycling services are classified as *Waste Related Services*.

(5) Health Care Facilities

a. Characteristics

This category includes uses providing medical or surgical care to patients. Hospitals offer overnight care, while other medical facilities provide outpatient care only. Accessory uses include offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities, and housing for staff or trainees.

b. Examples

Examples include hospitals, medical centers, health clinics, and health care and dental labs.

c. Exceptions

Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified as Institutions.

(6) Institutions

a. Characteristics

Institutions provide a variety of facilities, including buildings that primarily provide meeting areas for religious activities; auditoriums; cultural centers; housing and care for the elderly or disabled; and housing related to treatment programs. Accessory uses include school facilities, meeting rooms, parking, and staff residences.

b. Examples

Examples include churches, temples, synagogues, and mosques; nursing, convalescent, and assisted living homes; hospices; rehabilitation centers; conference centers, retreat houses, and non-profit camps; some group homes for the physically disabled, mentally retarded, or emotionally disturbed; some residential programs for drug and alcohol treatment; and alternative or post incarceration facilities; funeral homes and mortuaries, excluding crematories.

c. Exceptions

Group home facilities or residential programs where individual units meet the definition of a dwelling unit in Chapter 10 are classified as *Group Living*.

(7) Parks and Open Areas

a. Characteristics

Parks and Open Areas are uses of land focusing on natural areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures. Accessory uses may include club houses, maintenance facilities, concessions, and parking.

b. Examples

Examples include public parks and recreation facilities, lake accesses, commercial or publicly owned golf courses, cemeteries, country clubs, public squares, plazas, recreational trails, botanical gardens, and nature preserves; and cemeteries, columbaria, and mausoleums.

c. Exceptions

Privately owned commercial facilities with game courts, batting cages, archery ranges, ballfields, golf driving ranges, and miniature golf facilities are classified as *Outdoor Entertainment and Recreation* uses.

(8) Transportation

a. Characteristics

This category includes facilities for the landing and takeoff of airplanes and helicopters, including loading and unloading areas. Aviation facilities may be improved or unimproved. This category also includes passenger terminals for surface transportation, such as bus, train, and light rail stations. Accessory uses

include freight handling areas, concessions, offices, parking, and maintenance and fueling facilities.

b. Examples

Examples include airports, heliports, and passenger terminals for surface transportation.

c. Exceptions

1. Bus passenger stations for local service such as mass transit stops are classified as *Minor Utilities*. Park-and-ride facilities are considered additional parking on other than a principal lot.
2. Private helicopter landing facilities that are accessory to another use may be considered accessory uses subject to all the regulations and approval criteria for helicopter landing facilities.

(9) Utilities

a. Characteristics

This category includes both Major Utilities, which are infrastructure services providing regional or community-wide service, and Minor Utilities, which are infrastructure services that need to be located in or near the neighborhood where the service is provided. Communication towers and antennae also are a type of utility. Minor utility uses generally do not regularly have employees at the site. Services may be publicly or privately provided. Accessory uses may include parking and control, monitoring, or data transmission equipment.

b. Examples

1. Examples of Major Utilities include water towers, water and wastewater treatment plants, and slow rate land treatment systems; natural gas, oil, or petroleum product metering, control, and distribution stations; electrical substations; telephone exchanges; and public transit park and ride facilities.
2. Examples of Minor Utilities include utility substations (except electrical substations and gas metering stations), water and sewage pump stations that serve a local or neighborhood area, telephone cabinets, cable TV boxes, and ordinary local utility lines serving individual structures.
3. Examples of communication towers and antennae include facilities for transmitting wireless phones and pager services, and television and radio broadcasting equipment.

c. Exceptions

1. Maintenance yards and buildings are classified as *Industrial Services*.
2. Utility offices are classified as *Offices*.
3. Ordinary on-site poles, lines, pipes, transformers, rights-of-way, and stormwater retention and detention facilities necessary to meet the needs of uses on the site are classified as accessory uses.

4. Surface transportation stops for local passenger bus service are classified as accessory uses.

(E) Commercial Use Categories

(1) Animal Services

a. Characteristics

The Animal Services use category includes uses related to the provision of medical services, grooming, and treatment to animals, including veterinary services, animal hospitals, and the boarding of animals related to the provision of these services. Accessory uses may include offices, laboratory facilities, animal exercise areas or runs, and parking.

b. Examples

Examples include animal hospitals, kennels, catteries, animal grooming, on-call veterinary services, animal shelters, dog obedience schools, and pet day care.

c. Exceptions

An on-call veterinary service is classified as a home occupation.

(2) Eating Establishments

a. Characteristics

This category includes establishments that sell food for on- or off-premise consumption. Accessory uses may include decks and patios for outdoor seating, drive-through facilities, customer and employee parking areas, and valet parking facilities.

b. Examples

Examples include coffeehouses, tearooms, restaurants, drive-ins, fast food establishments, yogurt or ice cream shops, and pizza delivery.

c. Exceptions

1. Nightclubs and bars are classified as *Retail Sales and Service* uses.
2. Restaurants that are accessory to hotels, motels, and bed-and-breakfast inns are classified as *Visitor Accommodation* accessory uses.
3. Cafeterias on the site of a principal use classified as *Manufacturing and Production* or *Office* use are classified as accessory uses.

(3) Indoor Entertainment and Recreation

a. Characteristics

This category includes privately owned uses that provide recreation or entertainment activities in an enclosed structure or structures. Accessory uses may include concessions, snack bars, and maintenance facilities.

b. Examples

Examples include amusement arcades, billiards parlors, bowling alleys, dancehalls, indoor skating rinks, commercial swimming pools, athletic facilities, enclosed skating rinks, private clubs, and theaters.

c. Exceptions

1. Recreational facilities that are reserved for use by residents of particular residential developments and their guests are accessory to those residential uses.
2. Banquet halls that are part of hotels or restaurants are accessory to those uses, which are included in the *Visitor Accommodations* or *Retail Sales and Service* categories, respectively.

(4) Outdoor Entertainment and Recreation

a. Characteristics

This category includes large uses, both commercial and non-profit, that provide recreation or entertainment-oriented activities on an on-going basis. They primarily take place outdoors. They may take place in a number of structures that are arranged together in an outdoor setting. Accessory uses may include restaurants, bars, concessions, parking, and maintenance facilities.

b. Examples

Examples include archery ranges, baseball hitting facilities, outdoor theaters, commercial swimming pools, golf driving ranges, miniature golf facilities, commercial tennis facilities, racetracks, publicly or privately owned active sports facilities such as ballfields and basketball courts, private campgrounds, and travel trailer parks.

c. Exceptions

1. Publicly owned and commercial golf courses are classified as *Parks and Open Areas*.
2. Establishments providing indoor entertainment activities such as theaters, bowling alleys, game arcades, pool halls, dance halls, or indoor firing ranges are classified as "Indoor Entertainment and Recreation" under *Retail Sales and Service*.
3. Recreational facilities that are reserved for use by residents of particular residential developments and their guests are accessory to those residential uses.

(5) Offices

a. Characteristics

This category includes activities that are conducted in an office setting and that generally focus on business, government, professional, or financial services. Accessory uses may include cafeterias, parking, or other amenities intended for the use of employees in the firm or building and their guests.

b. Examples

Examples include business services establishments; professional services such as lawyers, accountants, engineers, or architects; real estate agents; data processing; sales offices; government and public utility offices; and broadcasting studios.

c. Exceptions

1. Offices that are part of and located with a principal use in another category are considered accessory to the firm's primary activity.

Headquarters offices, when in conjunction with or adjacent to a principal use in another category, are considered part of the other category.

2. Offices of contractors and others who perform services off-site are included in the *Office* category if non-office equipment and materials are not stored on-site and fabrication, or similar work is not carried on at the site.
3. Medical and dental clinics, medical and dental labs, and blood-collection facilities are classified as *Health Care*.
4. Short relay communications towers associated with broadcasting studios are classified as *Utilities*.
5. Financial businesses, such as banks, credit unions, mortgage lenders, and brokerage houses; payday lenders, check-cashing services, and pawnshops, are classified within *Retail Sales and Personal Services*.

(6) Parking, Commercial

a. Characteristics

Commercial Parking facilities provide parking that is not accessory to a specific principal use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a *Commercial Parking* facility. Accessory uses may include small structures intended to shield parking attendants from the weather.

b. Examples

Examples include short- and long-term fee parking facilities (both lots and structures) and mixed parking facilities (partially accessory to a specific use, partially for rent to others).

c. Exceptions

1. Parking facilities that are accessory to a principal use, but that occasionally charge the public to park for special events, are not considered *Commercial Parking* facilities.
2. Parking facilities that are accessory to a principal use are not considered *Commercial Parking* uses, even if the operator leases the facility to the principal use or charges a fee to the individuals who park in the facility.
3. Public park-and-ride facilities are classified as additional parking on other than a principal lot.

(7) Retail Sales and Personal Services

a. Characteristics

Retail Sales and Personal Services firms are involved in the sale, lease, or rent of new or used products to the general public. They may also provide personal or household services or provide product repair or services for consumer and business goods. Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale and parking.

b. Examples

Examples include uses from the following groups:

1. Retail Sales

Stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, convenience stores, decorator supplies, dry goods, electronic equipment, fabric, furniture, home gardening supplies, gifts, groceries, hardware, home improvements, household products, jewelry sales and repair, pets, pet food, pharmaceuticals, plants, printer material, stationery, and videos; food sales; and home gardening and temporary seasonal stands.

2. Durable Goods Sales

Stores selling, leasing, or renting retail durable goods including major household appliances; electrical, heating, cooling, plumbing supply, and lumber (other than contractor's materials); carpet and floor covering; office equipment and supply; and medical equipment and supply.

3. Household Services

Laundromats; laundry and dry-cleaning drop-off establishments; mailing and packing services; photo developing; photocopy and blueprint services; tailors and dressmakers; taxidermists; product repair and service businesses, such as repair of small home appliances, bicycles, clocks, watches, shoes, televisions, guns, canvas products, personal computers, and office equipment; locksmith; and upholstering shops.

4. Personal Services

Photographic studios; hair, tanning and personal care services; martial arts schools; dance or music schools; health clubs; and weight loss services.

5. Financial Services

(a) Banks, Credit Unions, and Loan Offices

Banks, credit unions, and loan offices include conventional financial institutions, stockbrokers, and insurance agencies that engage in long-term customer relationships and offer services such as checking, savings, and money market accounts; real property and vehicle mortgages; stockbroker services; insurance; or other similar consumer and business financial services.

(b) Pawn Shops, Payday Lenders, and Check-Cashing Services

Pawn shops, payday lenders, and check-cashing services include financial institutions such as pawn shops and currency exchanges that engage in primarily short-term customer relationships and offer services such as short-term loans on paychecks, vehicle titles, or other personal property; currency exchange functions; and other similar consumer financial services.

c. Exceptions

- 1.** Laundry and dry-cleaning plants are considered *Industrial Services*.

2. Lumberyards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as *Wholesale Sales*.
3. Repair and service of consumer motor vehicles, motorcycles, and light and medium trucks is classified as *Vehicle Sales and Service*.

(8) Self-Service Storage

a. Characteristics

Self-Service Storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property.

b. Accessory Uses

Accessory uses may include living quarters for a resident manager or security and leasing offices. Use of the storage areas for sales, service, repair, or manufacturing operations is not considered accessory to the use. The outside storage of boats and campers and the rental of trucks or equipment are considered as additional principal uses.

c. Examples

Examples include facilities that provide individual, enclosed storage areas for rent. These uses are also called “mini-warehouses.”

d. Exceptions

A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is in the *Warehouse, Storage, and Freight Movement* category.

(9) Vehicle Sales and Service

a. Characteristics

Vehicle Sales and Service uses provide direct sales of and services to passenger vehicles, light and medium trucks, boats, and other consumer motor vehicles such as motorcycles. Accessory uses may include offices, sales of parts, and vehicle storage.

b. Examples

Examples include sales or leasing of consumer vehicles including passenger automobiles, motorcycles, light and medium trucks, boats, and recreational vehicles; auto repair; auto servicing; auto wash and detail shops; full-service, mini-service, and self-service gas stations; car washes; transmission or muffler shop; towing service; auto upholstery shop; tire sales and mounting; taxicab service; towing service; or truck or trailer rental.

c. Exceptions

1. Refueling and/or repair facilities for vehicles that belong to a specific use (fleet vehicles) are considered accessory uses if they are located on the site of the principal use.
2. Vehicle towing and storage yards for vehicles are classified as *Warehouse, Storage, and Freight Movement*.

(10) **Visitor Accommodations**

a. **Characteristics**

This category includes dwelling units arranged for short-term stays of less than 30 days for rent, lease, or interval occupancy. Accessory uses may include pools and other recreational facilities, limited storage, restaurants, bars, meeting facilities, and offices.

b. **Examples**

Examples include bed and breakfast inns, hotels, and motels.

(F) **Service and Industrial Use Categories**

(1) **Industrial Service**

a. **Characteristics**

Industrial Service firms are engaged in the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Firms in this category that service consumer goods do so mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses in this category perform services off-site. Few customers, especially the general public, come to the site. Accessory activities may include retail sales of the businesses product lines, offices, parking, and storage.

1. *Light Industrial Service* is limited to sales-related uses, such as showrooms for goods such as trade items and fixtures, heating, electrical and plumbing contractors (including contractors' yards up to 5,000 square feet), and dealerships.

2. *Heavy Industrial Service* includes repair-oriented uses, uses where fabrication or similar work is carried out on the site, and contractors' yards over 5,000 square feet.

b. **Examples**

Examples include: welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; heavy equipment sales, rental, repair, or storage; heavy truck servicing and repair; tire retreading or recapping; truck stops; building, heating, plumbing or electrical contractors; bulk and direct mail insertion and sealing; document production, printing, engraving, commercial publishing and lithography; exterminators; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; laundry, dry-cleaning, and carpet cleaning plants; photo-finishing laboratories; and research laboratories.

c. **Exceptions**

1. Contractors and others who perform services off-site are included in the *Offices* category, if major equipment and materials are not stored at the site and fabrication or similar work is not carried out on at the site. However, if major equipment (vehicles or other full size or large machinery) and materials are stored at the site, then such uses are classified as this use, or as *Warehouse, Storage, and Freight Movement*, if the use is storage oriented without other activities.

2. Health care laboratories and blood-collection facilities are classified as *Health Care*.

(2) **Manufacturing and Production**

a. **Characteristics**

This category includes firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Custom industry is included (i.e., establishments primarily engaged in the on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment). Goods are generally not displayed or sold on site, but if so, they are a subordinate to the manufacturing activity. Relatively few customers come to the manufacturing site. Accessory activities may include retail sales of company products, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, and caretaker's quarters.

1. *Heavy Manufacturing* is the manufacture or compounding process of raw materials. Heavy Manufacturing is further divided into Class 1 and Class 2, based on the presence of activities or processes necessitating the storage of large volumes of highly flammable, toxic matter, or explosive materials needed for the manufacturing process, or obnoxious effects such as noise, vibrations, smoke, gases or vapors, fumes, odor, dust, glare, fire hazard, nuclear radiation, or other similarly objectionable conditions. Class 2 activities may involve outdoor operations as part of the manufacturing process.
2. *Light Manufacturing* is the mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not create noxious noise, smoke, gases or vapors, fumes, dust, glare, odor, vibrations, fire hazards, nuclear radiation, or other similarly objectionable conditions.

b. **Examples**

1. Examples of *Heavy Manufacturing – Class 1* include: processing of food and related products; weaving or production of textiles; lumber mills, pulp and paper mills, and other wood products manufacturing; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of heavy machinery, equipment, including vehicles, appliances, and communications equipment; and production of prefabricated structures, including mobile homes.
2. Examples of *Heavy Manufacturing – Class 2* include: slaughterhouses, meat packing plants, and stockyards; animal reduction or rendering plants, including tanning, curing, and storage of animal hides; refining or manufacture of tallow, grease, or lard from or of animal fat; production of cement, cement products, concrete, clay products, lime, gypsum, brick,

tile or plaster of Paris; grain elevators; feed mills; distillation; production of glue, gelatin, paint, oil, shellac, turpentine or varnish; manufacture or bulk storage of acid; manufacture or bulk storage of gases, including but not limited to butane, propane, chlorine, or other toxic, noxious, or pyrophoric gases; fertilizer manufacture; concrete batching and manufacture, mixing, or refining of asphalt; asphalt emulsion (water based) plants; manufacture or bulk storage of explosives; mineral extraction, including but not limited to quarrying stone, crushing and mining manufacture; smelting of metal ores, including but not limited to tin, copper, zinc or iron; storage or processing in bulk of chemicals or pharmaceutical products; paper and pulp mills; manufacture, bulk storage or wholesaling of coal or petroleum or related products; foundry, extrusion, or forging of metals; and electric power generation plants;

3. Examples of *Light Manufacturing* include: production or repair of small machines or electronic parts and equipment, precision items, and other electrical items; woodworking and cabinet building; publishing and lithography; computer design and development; research, development, and testing facilities and laboratories; apparel production; and sign making.

c. Exceptions

1. Manufacturing of goods to be sold primarily on-site and to the general public is classified as *Retail Sales and Service*.
2. Manufacture and production of goods from composting organic material is classified as *Waste-Related Uses*.

(3) Warehouse, Storage, and Freight Movement

a. Characteristics

This category includes firms that are involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is no sales activity to on-site customers. Accessory uses include offices, truck fleet parking, and maintenance areas.

b. Examples

Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; parcel services; the stockpiling of sand, gravel, or other aggregate materials; vehicle storage yards, including boat storage; and vehicle towing yards.

c. Exceptions

1. Contractor's offices that do not include on-site storage of non-office equipment or materials are classified as *Offices*.
2. Uses that involve the transfer or storage of solid or liquid wastes are classified as *Waste-Related Uses*.
3. Communication/transmission warehousing or "data warehousing" is classified as *Electronic Warehousing*.

(4) Waste-Related Uses

a. Characteristics

Waste-Related Uses includes uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. This category also includes uses that receive hazardous wastes from others. Accessory uses may include recycling of materials, offices, and repackaging and transshipment of by-products.

b. Examples

Examples include recycling and salvage centers, land-spreading of waste, sanitary landfills, tire disposal or recycling, waste composting, recycling processing facilities, commercial incinerators, energy recovery plants, brine disposal/storage, salvage and junk yards, hazardous waste collection sites, and recycling drop-off centers.

c. Exceptions

Waste treatment plants are classified as *Utilities*.

(5) Wholesale Sales

a. Characteristics

Wholesale Sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or taking of orders and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are secondary and limited. Products may be picked up on-site or delivered to the customer. Accessory uses may include offices, product repair, warehouses, minor fabrication services, and repackaging of goods.

b. Examples

Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; contractor's materials; mail order houses; and wholesalers of food, clothing, auto parts, and building hardware.

c. Exceptions

1. Firms that engage primarily in sales to the general public or on a membership basis are classified as *Retail Sales and Service*.
2. Firms that are primarily storing goods with little on-site business activity are classified as *Warehouse, Storage, and Freight Movement*.

(6) Electronic Warehousing

a. Characteristics

This category is characterized by structures that are primarily occupied by technical and electronic equipment, with operations characterized by electronic functions rather than the movement of physical objects. Typically, only a small number of employees are present on a site primarily for the purpose of servicing electronic equipment. Traffic to and from a communication/transmission warehousing use typically involves very little heavy vehicle traffic for day-to-day

operations, with fiber optic cables or other electronic communications media instead serving as the primary means of connecting the functions of the use to customers and others.

b. Examples

Examples include communication/transmission warehousing, also known as “data warehousing,” electronic switching centers for telecommunications, and mass storage facilities for electronic data.

17-402 USE-SPECIFIC STANDARDS

(A) Agricultural Uses

(1) On-Site Sawmills

Every on-site sawmill shall comply with the following standards:

- a. The sawmill shall be located at least 200 feet from the nearest residence on other property.
- b. No sale of any of the products resulting from the sawmill shall occur on the property.
- c. Hours of operation shall be restricted to 7:00 a.m. to 7:00 p.m., Monday through Saturday.

(2) Poultry Houses and Livestock Barns

No commercial poultry house or structure for the keeping of livestock for commercial purposes shall be constructed closer than 200 feet from any property line, provided that along any boundary with an adjacent property in the CF district, such setback may be reduced to 100 feet. Non-commercial houses or structures for the keeping of more than four birds for personal use shall be set back at least 25 feet from side and rear property lines and shall be not more than 100 square feet in area. Non-commercial livestock barns for four animals or less shall be setback at least 50 feet from all side and rear property lines.

(3) Composting and Waste Handling

Every commercial or on-farm composting operation and every structure for the storage of organic waste shall comply with the following standards:

- a. Commercial and on-farm composting operations and structures for the storage of organic waste must maintain a minimum 200-foot setback from any property line.
- b. Notwithstanding Sec. 17-402(A)(3)a., in the AR-1 and AR-2 zoning districts, the side and rear setback for such structures or composting operations may be reduced to 100 feet from any property line of a property zoned CF.

(4) Equestrian Centers

Every equestrian center shall comply with the following standards:

- a. In an equestrian center, no structure for the keeping of horses, including stables, shall be constructed closer than 200 feet to a property line.

- b. No other structures or facilities of an equestrian center, including but not limited to riding trails, show/training rings, or jumps, shall be located closer than 50 feet to a property line.

(5) Raising of Exotic or Dangerous Animals

Every use involving the raising of exotic or dangerous animals shall comply with the following standards:

- a. In the raising of exotic or dangerous animals, no structure, including outside runs or pens used to house those animals, shall be constructed closer than 200 feet to a property line unless specifically approved as a Minor Conditional Use Permit including a finding, in addition to the other Minor Conditional Use Permit review criteria, that the type of animal being raised does not generate byproducts such as but not limited to noise, odor, disease, or a threat to life.
- b. In the AR-1 and AR-2 zoning districts, the side or rear setback may be reduced to 100 feet when all properties adjacent to the property line from which the setback is measured are zoned CF.

(6) Sale of Agricultural Products

The sale of agricultural products is allowed in the Rural districts as indicated in Table 17-401(B): Use Table – Rural and Residential Districts, so long as at least 75% of the dollar amount of sales are of products directly produced on the farm or site where they are being offered for sale. [New]

(B) Residential Uses

(1) Household Living

a. Single-Family and Two-Family Dwelling Units

1. Applicability

Except as specifically excepted by Sec. 17-402(B)(1)(a)(7), all single-family and two-family dwellings constructed, assembled, moved into, or relocated within the county, including site-built dwelling units, industrialized dwelling units, and manufactured homes, shall meet or exceed the requirements of this section.

2. Foundation

(a) Each dwelling shall be attached to a permanent foundation constructed in accordance with the Official Code of Hall County or applicable regulations.

(b) Upon placement, all wheels, axles, and hitches shall be removed.

(c) The area beneath the ground floor of the dwelling shall either consist of a slab foundation or shall be enclosed around the exterior of the dwelling with a foundation wall or a curtain wall constructed of masonry at least four (4) inches thick, penetrated by openings only for installed vents and access doors.

3. Exterior Siding

Exterior siding materials shall consist of any combination of wood, brick, stone, stucco, or similar materials, or lap siding of hardboard, vinyl, vinyl-covered or painted metal, or similar materials.

4. *Roofs*

- (a) All roof surfaces shall have a minimum pitch of 4:12 (four inches of rise for every twelve inches of run), except that mansard and gambrel roofs must meet this requirement only for those surfaces that rise from the eaves.
- (b) All roof surfaces exposed to view shall be covered with asphalt or fiberglass shingles, wood shakes or singles, standing seam (noncorrugated) metal, or corrugated metal that simulates standing seam or other architectural roof products, clay tiles, slate, or similar materials.
- (c) Minimum roof overhang shall be six (6) inches, excluding gutters, along all sides of the dwelling.

5. *Minimum Dimensions*

The exterior of a dwelling unit shall be greater than sixteen (16) feet in length and in width.

6. *Variance or Administrative Adjustment*

Pursuant to the procedures of Sec. 17-202(E) or 17-202(F), a variance or administrative adjustment from the standards of Secs. 17-402(B)(1)(a)(2) through (5) may be granted from the regulations contained in this section. An administrative adjustment may be granted where no more than two of the requirements listed in the sections above are affected. A variance is required where more than two requirements are affected, or when the Planning Director determines that the deviation from standards is of significance to require a public hearing. No variance or administrative adjustment from the regulations contained in this section shall be given without a finding that all of the following standards are met:

- (a) The materials to be utilized or the architectural style proposed for the dwelling unit will be compatible and harmonious with or superior to existing dwellings in the vicinity; and
- (b) Such variance will provide an adequate balance between the protection of the health, safety, and welfare of the general public and the right to unfettered use of private property.

7. *Compliance With Codes*

- (a) All site-built dwelling units shall be constructed in accordance with all applicable requirements of the Official Code of Hall County.
- (b) All manufactured homes shall meet the standards established by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401, et seq.).

- (c) All industrialized dwelling units shall comply with all applicable provisions of state law.

8. *Application to Existing Situations*

Except as specifically excepted by this section, the standards of Sec. 17-402(B)(1)(a) will be applied to existing conditions as follows:

- (a) **Existing Registered Manufactured Home Parks**
Class B manufactured homes may be utilized in all existing manufactured home parks of twelve (12) units or more that were designated as registered with the Hall County Planning Department, regardless of the underlying zoning of the existing manufactured home park.
- (b) **Replacement of Existing Manufactured Homes**
Any legally permitted manufactured home that on or before July 1, 2002 existed in a zoning district that allowed Class A manufactured homes may be replaced with a Class B manufactured home that is no less conforming to the standards of Sec. 17-402(B)(1)a.2 through 5 than the existing manufactured home to be replaced. Determination of conformity to said standards includes minimum dimension, roof pitch, roof overhang, foundation, and roof and siding material.

b. *Manufactured Home Parks*

Every manufactured home park shall comply with the following standards:

1. *Minimum Design Standards and Restrictions*

- (a) The minimum land area of any manufactured home park shall be five acres.
- (b) Each dwelling in a manufactured home park shall be connected to central sewer and water facilities.
- (c) All manufactured home space lot lines shall be clearly delineated on a site plan prior to approval by the planning commission.
- (d) No manufactured home within the park shall be located closer than 40 feet to adjoining property lines, and the front setback for each manufactured home shall be at least 25 feet from the front lot line.
- (e) Manufactured homes shall be separated from each other and from other buildings and structures by at least 25 feet.
- (f) Off-street parking for the park shall be provided at a rate of two parking spaces per each manufactured home lot.
- (g) All manufactured home lots shall abut upon an interior driveway. All interior driveways shall have not less than a 30-foot right-of-way and have unobstructed access to a public street or highway.

- (h) All interior streets within the park shall be graded, based, and paved in accordance with the typical cross section (see Table [*insert reference to former table 17.310.010*]). If a proposed street is to be greater in length than 300 feet, a plan profile for the road system shall be submitted along with the site plan. The county engineer shall approve all road construction specifications and make a report to the planning commission regarding the finished road at the time the final plat is submitted.
- (i) The park street system shall be adequately maintained and lighted by the owner. The lighting units shall be so spaced and equipped to provide for the safe movement of pedestrians and vehicle traffic at night.
- (j) Parks designed to accommodate 25 or more manufactured homes shall provide one or more recreation areas. The size of the recreation area shall be based upon a minimum of 100 square feet for each manufactured home space. Recreation areas shall be so located as to be free of traffic hazards and should, where topography permits, be centrally located.
- (k) In the event that a swimming pool is developed or planned as a part of the park, this facility shall be enclosed by a chain link, masonry or wood fence not less than four feet high.
- (l) All park grounds shall be maintained with grass, trees, and/or shrubs to enhance the appearance of the park and to prevent soil erosion or the creation of dust during dry weather.
- (m) No individual lot in any park may be sold or control of that lot transferred with the intent or effect of a sale unless that lot and park meet all requirements of the county subdivision regulations and the park owner has an approved and recorded plat.

2. Service Buildings

Accessory structures and community service facilities are permitted for the convenience and well-being of park residents. Such structures may include but are not limited to the following: park management offices, repair shops, and storage; community sanitary facilities; community laundry facilities; community postal facilities; indoor community recreation areas; and commercial uses supplying essential goods or services for the use of park residents.

3. Water Supply and Sewage Disposal

Every park must have a public, community, or private water and sewer system, approved by the county health department and the local water department when appropriate. Water and sewer approval shall be obtained prior to submission of a site plan to the Planning Commission.

c. Multi-Family Dwellings

1. Purpose and Applicability

To prevent the construction of poor quality multi-family uses in the county, to prevent the overcrowding of land, to avoid the undue concentration of population within certain districts and to ensure the adequate protection of the surrounding area, every multi-family development shall comply with the standards of this section.

2. *Standards*

Standards for the construction of multi-family developments are contained in Chapter 5 (Dimensional, Density, and Intensity Standards), Chapter 6 (Development Standards), including without limitation Sec. 17-606.B (Residential Development Standards, Multi-Family Residential).

3. *Public Sewer Facilities Required*

No multi-family use shall be developed unless public sanitary sewer facilities are available to serve the use or will be available at the time of issuance of an occupancy permit.

(2) **Group Living**

a. ***Mainstreaming Facilities***

Every mainstreaming facility shall comply with the following standards:

1. The mainstreaming facility shall be located at least 2,000 feet from any existing mainstreaming facility, as measured from lot line to lot line; and
2. The applicant shall demonstrate prior to issuance of a certificate of occupancy that it has either obtained or is eligible for necessary state or local licensing or certification to operate the proposed mainstreaming facility, or that the proposed mainstreaming facility is licensed or certified or eligible for licensing or certification.
3. The Planning Director may request that the building official revoke a certificate of occupancy for a mainstreaming facility if its license or certification or the operator's license or certification to operate is revoked. No certificate of occupancy for a mainstreaming facility shall be transferable to another operator or to another location.

(C) **Public and Institutional Uses**

(1) **Utilities**

a. ***Utility Substations***

Every utility substation shall comply with the following standards:

1. The substation shall be screened from adjacent uses, other than uses classified as heavy manufacturing pursuant to Sec. 17-401, in accordance with Sec. 17-602(F)(5) in the same manner as for an industrial use with outside storage.
2. The equipment contained on the site shall be enclosed by a locked security fence of a minimum height of six feet. A masonry wall used for screening may also serve as the security fence.

b. ***Telecommunications Antennas and Towers***

1. *Purpose and Intent*

These standards are designed and intended to balance the interests of the residents of Hall County, telecommunication providers, and telecommunications customers in the siting of telecommunication facilities within Hall County so as to protect the health, safety, property values, and integrity of residential neighborhoods and foster, through appropriate zoning and land use controls, a competitive environment for telecommunication carriers that does not unreasonably discriminate among providers of functionally equivalent personal wireless services and shall not prohibit or have the effect of prohibiting the provision of personal wireless services, and so as to promote Hall County as a proactive county in the availability of personal wireless telecommunications service. To that end, this section:

- (a) Provides for the appropriate location and development of telecommunication facilities in Hall County;
- (b) Protects Hall County's built and natural environment by promoting compatible design standards for telecommunications facilities;
- (c) Minimizes adverse visual impacts of telecommunication facilities through careful design, siting, landscape screening and innovative camouflaging techniques;
- (d) Avoids potential damage to adjacent properties from tower or antenna failure through engineering and careful siting of telecommunications tower structures and antennae;
- (e) Maximizes use of any new and existing telecommunication towers and alternative structures so as to minimize the need to construct new towers and minimize the total number of towers throughout Hall County; and
- (f) Encourages and promotes the location of new telecommunications facilities in areas that are not zoned for residential use.

2. *Definitions*

Definitions of certain terms used in this section are defined in Sec. 17-1001, Definitions.

3. *Applicability*

Every telecommunications antenna and tower shall comply with the following standards, except that the following facilities shall be exempt from the provisions of this section:

- (a) Any tower and antenna which is owned, operated and solely used by an amateur radio operator licensed by the Federal Communications Commission; and

- (b) Any telecommunications facilities used for public purposes and located on property owned, leased, or otherwise controlled by Hall County or any other governmental entity, provided a license or lease authorizing the telecommunications facility has been approved by the governing body.

4. Preferred Location Sites

It is the expressed intent of this Code to require the installation of micro telecommunication facilities at the following preferred location sites, rather than permitting the construction of new towers. An exception should be made only when it is clearly demonstrated that no suitable preferred location site exists.

(a) **Co-location Sites**

Any existing telecommunications towers currently being used for transmitting and/or receiving analog, digital, microwave, cellular, telephone, personal wireless service or similar forms of electronic communication shall be a preferred location site regardless of the underlying zoning designation of the site; provided, however, that locations which meet this criteria shall be subject to the design and siting components of this chapter and co-location sites shall not become an "antenna farm" or otherwise be deemed by the director or the county commission to be visually obtrusive.

(b) **Publicly-Used Structures**

Publicly-used structures are preferred locations throughout Hall County because they appear in virtually all neighborhoods, are dispersed throughout Hall County, and due to their institutional or infrastructure uses are generally similar in appearance to, or readily adaptable for micro telecommunications facilities. Therefore, antennae should be less noticeable when affixed to publicly used structures, such as public safety or fire stations, libraries, community centers, civic centers, courthouses, utility structures, water towers, elevated roadways, bridges, flag poles, and schools, than when placed on commercial or residential structures.

(c) **Industrial and Commercial Structures**

Wholly industrial and commercial structures, located in zoning districts permitting telecommunication facilities as provided in Tables 17-400(B) and (C), such as warehouse factories, retail outlets, supermarkets, banks, garages, or service stations shall be preferred locations particularly where existing visual obstructions or clutter on the roof or along a roof line can and will be removed as part of the installation of the telecommunications facility.

(d) **Alternative Structures**

Installation on existing alternative structures such as electric transmission towers or billboards, or construction of alternative

structures appropriate to the proposed location context such as bell towers, church steeples or flagpoles.

5. *Disfavored Location Sites*

Any residentially zoned property or residentially occupied structure, or sites within four tower lengths of a residentially zoned property shall be a disfavored site for the location of telecommunications facilities. Any site having a negative visual impact on historically significant structures or designated scenic views.

6. *Setbacks*

(a) **Setbacks**

Multiple towers that are otherwise justified under the criteria of this chapter may be permitted on the same site provided they meet all setback and separation requirements. The following setback requirements shall apply to all towers:

(i) Telecommunications towers within the AR-1 and AR-2 zoning districts shall be set back a minimum of two tower lengths from the base of the tower to all property lines.

(ii) Telecommunications towers in commercial or industrial districts shall be set back a minimum of two tower lengths from the base of the tower to any residentially zoned property (including the AR-1 and AR-2 zoning districts) and a minimum distance equal to the height of the tower from any other property line.

(iii) All telecommunications towers shall be set back from any residential structure either a minimum of four tower lengths from the base of the tower or 500 feet from the base of the tower, whichever is greater. For residential structures on the same property as the tower, the setback shall be one tower length from the base of the tower to the structure.

(iv) Due to circumstances unique to the specific location, the BOCC may approve a reduction or increase of any required set back based upon the finding(s) that the adjacent land, including its future development pursuant to zoning and the Comprehensive Plan, will or will not be impacted in an adverse manner.

(v) All accessory buildings and facilities to a telecommunications facility installation shall meet the minimum zoning district setback requirements for such buildings or facilities.

7. *Tower Height, Design, and Provisions for Co-Location*

When a new tower is being requested, the following height and configuration requirements must be met:

- (a) **Tower Height**
Maximum tower height in the AR-1 and AR-2 zoning districts shall be 195 feet. There is no maximum height in other permitted zones, as long as the height is justified as the lowest possible in order to meet the intent of this chapter, and the design criteria of this chapter are met.

- (b) **Tower Design Criteria**
 - (i) All new towers shall be of monopole design. Where special circumstances suggest that the construction of a tower of a different design would specifically further the intent of this chapter, the Planning Commission may recommend and the BOCC may approve a tower of a design other than monopole construction.

 - (ii) Towers and antenna support arms shall be of a galvanized steel finish or, subject to any applicable standards of the FAA or other applicable federal or state agency, may be painted a neutral color or color to match the visual background.

 - (iii) No illumination is permitted on telecommunications facilities unless required by the FCC, FAA or other state or federal agency of competent jurisdiction, or unless necessary for air traffic safety. Any required lighting shall be restricted to dual lights (medium intensity white strobe lights daylight mode and red obstruction lights nighttime mode) unless the FAA or state aeronautics division requires some other form of lighting.

 - (iv) No advertising is permitted on telecommunications facilities. However, an antenna installation may be allowed on any legally permitted permanent billboard or outdoor advertising sign as long as the other requirements of this chapter are met.

 - (v) **Provisions for Co-Location**
All new tower installations of 150 feet in height or less shall provide antenna and support space for at least three (3) carriers. All new tower installations of over 150 feet in height shall provide antenna and support space for at least five (5) carriers. Tower installations of less than 195 feet shall be structurally designed to be extended to a height of 195 feet.

8. *Design Criteria for Antenna Installation on Existing Structures*

- (a) If an antenna is installed on a structure other than a tower, the antenna and associated electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

- (b) Where feasible, telecommunications facilities should be placed directly above, below or incorporated with vertical design elements of a building to help in camouflaging.
- (c) Rooftop mounted equipment or cabinets shall be screened from public view by architectural features compatible with the building design or installed so as to be screened by existing architectural features. Ground mounted equipment shelters or cabinets shall be screened from public view by using landscaping or materials and colors consistent with the surrounding backdrop. Shelters or cabinets must be regularly maintained.
- (d) **Nuisances**
Telecommunications facilities, including, without limitation, power source, ventilation, and cooling, shall be operated at all times within the limits of the Hall County Noise Resolution as set out in the Official Code of Hall County, Georgia, chapter 8.80, and shall not be operated so as to cause the generation of heat that adversely affects a building occupant and shall not be maintained or operated in such a manner as to be a nuisance.

9. *Additional Public Notice Requirements*

- (a) Applications for approval of all telecommunications facilities that are to be reviewed as Major Conditional Uses shall meet the following public notice requirements in addition to those that apply pursuant to Sec. 17-201(l) of this Code.
- (b) The applicant shall provide the Planning Department with the names and addresses of all abutting property owners and all owners of property lying in whole or in part within a distance of six tower lengths from the proposed tower, or 500 feet from the property line of the parcel on which the tower is to be constructed, whichever is greater. The owners of record shall be as shown on the Hall County Tax Commissioner's records.
- (c) The Planning Department shall mail the property owners in subsection (b) above a letter postmarked no later than fifteen days prior to the public hearing. The contents shall comply with the requirements of 17-201(l)(1), Content, and the method of mailing and preparation of an affidavit shall comply with the requirements of Sec. 17-201(l)(2), Written (Mailed) Notice.

10. *Visual Simulation*

For all towers, the applicant shall cause a balloon or similar aerial device to be flown at the height of the proposed tower for a period of four (4) hours during daytime hours on a Saturday prior to the public hearing. The applicant shall be responsible for notifying the Planning Commission, BOCC, and property owners who were required to be noticed by this Code of the date and time of the simulation. The applicant shall provide third-party certification to verify that the correct location and height was used in flying the aerial device. The applicant shall provide color photos prior to the public hearing showing a rendering

of the proposed tower at the proposed height from four locations that demonstrate the most significant impact on the view of nearby residents or the traveling public in each general direction from the tower.

11. *Special Review Criteria*

The following special review criteria shall be evaluated in the decision-making body's consideration of every application for development approval of a telecommunications antenna or tower.

- (a) If the proposed site is in the AR-1, AR-2, SS, or HB zoning district and there are alternative sites in the IG or IH zoning districts, the applicant shall justify why those alternate sites have not been proposed. The BOCC will review with special care justifications that rely only upon undue expense and/or undue difficulties in entering into a lease agreement. The BOCC shall carefully weigh such claims, and the evidence presented in favor of them, against a facility's negative impacts at the proposed site and on the surrounding area.
- (b) The applicant shall identify all existing towers and all towers for which there are applications currently on file with the Planning Department that are located within or near the applicant's search area, and shall provide evidence of the lack of space on all suitable existing towers on which to locate the proposed antenna and of the lack of space on existing tower sites on which to construct a tower for the proposed antenna. If co-location on any such towers would result in less visual impact than the visual impact of the proposed tower, the applicant shall justify why such co-location is not being proposed. If co-location on any such tower would result in more visual impact, then the applicant must so state and demonstrate. The BOCC will review with special care justifications that rely only upon undue expense and/or undue difficulties in entering into a lease agreement. The BOCC shall carefully weigh such claims, and the evidence presented in favor of them, against a project's negative impacts at the proposed site and on the surrounding area.
- (c) In all zoning districts, applicants shall demonstrate that they cannot provide personal wireless communication service without the use of a new tower.

12. *Additional General Requirements for Telecommunications Facilities*

- (a) **Building Codes and Safety Standards**
To ensure the structural integrity of a telecommunications facility, the owner shall ensure that it is maintained in compliance with standards contained in applicable local building and safety codes for telecommunications facilities, as amended from time to time.
- (b) **Regulatory Compliance**
All telecommunications facilities shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to

regulate telecommunications facilities. If such standards and regulations are changed, to the extent required by any such regulations, then the owner shall bring the telecommunications facilities into compliance with the revised standards and regulations within the date established by the agency promulgating the standards or regulations.

- (c) **Security**

All towers and supporting equipment shall be enclosed by fencing not less than six (6) feet in height and shall also be equipped with appropriate anti-climbing devices. Fencing shall be of chain link, wood, or other approved alternative and must include a secure gate and lock. Each tower shall have posted on the gate a metal sign measuring one foot by one foot identifying owner's name, address, and telephone number in black lettering on a white background. The sign shall be maintained in a clearly legible condition and shall be immediately updated as needed to reflect accurate information.

- (d) **Landscaping and Buffering**
 - (i) Landscaping shall be used to screen the view of the equipment shelters or cabinets from adjacent public ways, public property, and residential property. Screening and buffering shall be provided as set forth in Sec. 17-602(G)(4), and in compliance with all other requirements of Sec. 17-602. Native vegetation on the site shall be preserved to the greatest practical extent.

 - (ii) The BOCC may waive or modify the landscaping requirement where lesser requirements are desirable for continued operation of existing bona fide agricultural or forest uses such as farms, nurseries, and tree farms, or where an antenna is placed on an existing structure.

 - (iii) Where the visual impact of the tower will be minimal in remote agricultural or rural locations or developed heavy industrial areas, the landscaping requirement may be modified by the BOCC.

- (e) **Maintenance Impacts**

Equipment at a telecommunications facility shall be automated to the greatest extent possible to reduce traffic and congestion. Access to the site shall be provided off the adjacent street with the lowest functional classification.

- (f) **Principal, Accessory, and Joint Uses**
 - (i) Accessory structures which directly support the telecommunications facility are allowed; however, the site shall not be used for offices, vehicle storage, or other outdoor storage. Mobile or immobile equipment which is not used in direct support of a

telecommunications facility shall not be stored or parked on the site of the telecommunications facility.

- (ii) Telecommunications facilities may be located on sites containing another principal use in the same buildable area.

13. *Additional General Requirements for Telecommunications Towers*

The following additional requirements shall apply to every telecommunications towers.

- (a) Site location and development shall preserve the preexisting character of the surrounding buildings and land uses, and the zoning district as much as possible. Towers shall be integrated through location and design to blend in with existing characteristics of the site to the extent practical.
- (b) Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.
- (c) At a tower site the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the tower and related facilities to the natural setting and built environment.
- (d) With the exception of those towers to be located on the same parcel of property, towers shall not be located any closer than 1500 feet from an existing tower unless technologically required or visually preferable, or if the tower has insufficient antennae mounting space or insufficient structural capacity to accommodate co-location.
- (e) Towers shall not be sited where they will negatively affect historic or scenic view corridors as designated by the governing body or any state or federal law or agency, or where they will create visual clutter.
- (f) When two or more towers are proposed on the same site, they may be located as close to each other as technically feasible, provided tower failure characteristics of the towers on the site will not lead to multiple failures in the event that one fails. The clustering of new towers on the same parcel near existing telecommunications facilities is encouraged.
- (g) Towers shall be located in a manner such that all ice-fall or debris from the tower structure or guy wires will not fall outside the parcel under the ownership or control of the applicant and on which the tower is located.

- (h) The use of strobe lights or other visibility lighting shall be the least number and shortest duration of use that is permitted pursuant to requirements of the Federal Aviation Administration or any other agency of the state or federal government with the authority to regulate telecommunications facilities.
- (i) The county shall have the right to co-locate its own antennas on any approved tower, at no cost, if such installation does not interfere with existing or proposed antennas.

14. *Removal of Antennae and Towers*

- (a) The facility owner shall post a bond prior to building permit issuance to cover the costs of tower removal and site restoration. The size of the bond shall be calculated to account for cost escalations, and shall be automatically renewable every five years.
- (b) All telecommunications facilities shall be maintained in compliance with standards contained in applicable building and technical codes so as to ensure the structural integrity of such facilities. If upon inspection by the building official any such telecommunications facility is determined not to comply with the code standards or to constitute a potential danger to persons or property then upon notice being provided to the owner of the facility and the owner of the property if such owner is different, such owners shall have 30 days to bring such facility into compliance, provided the owner of the facility shall have such extended period as may be required beyond the 30 days if the nature of the cure is such that it reasonably requires more than 30 days and the owner of the facility commences the cure within the 30 day period and thereafter continuously and diligently pursues the cure to completion. In the event such telecommunications facility is not brought into compliance within the required time period, Hall County may provide notice to the owners requiring the telecommunications facility to be removed. In the event such telecommunications facility is not removed within 30 days of receipt of such notice, Hall County may remove such facility and place a lien upon the property for the costs of removal. Delay by Hall County in taking such action shall not in any way waive Hall County's right to take action. Hall County may pursue all legal remedies available to it to insure that telecommunications facilities not in compliance with the code standards or which constitute a danger to persons or property are brought into compliance or removed. Hall County may seek to have the telecommunications facility removed regardless of the owner's or operator's intent to operate the tower of antenna and regardless of any permits, federal, state or otherwise, which may have been granted.

15. *Abandoned Towers*

- (a) Any telecommunications facility that is not operated for a continuous period of 12 months shall be considered abandoned, whether or not the owner or operator intends to make use of it or

any part of it. The owner of a telecommunications facility and the owner of the property where the facility is located shall be under a duty to remove the abandoned telecommunications facility. If such antenna and/or tower is not removed within 60 days of receipt of notice from Hall County notifying the owner(s) of such abandonment, Hall County may remove such tower and/or antenna and redeem the bond maintained for such removal and place a lien upon the property for any additional unrecovered costs of removal. Hall County may pursue all legal remedies available to it to insure that abandoned telecommunications facilities are removed. Delay by Hall County in taking action shall not in any way waive Hall County's right to take action. Hall County may seek to have the telecommunications facility removed regardless of the owner's or operator's intent to operate the tower or antenna and regardless of any permits, federal, state, or otherwise, which may have been granted.

- (b) If the owner of an abandoned tower or antenna wishes to use such abandoned tower or antenna, the owner first must apply for and receive all applicable permits and meet all of the conditions of this chapter as if such tower or antenna were a new tower or antenna.

16. *Special Transitional Rules and Nonconforming Rules for Telecommunications Facilities*

(a) **Nonconforming Rules**

- (i) All telecommunications facilities operative on November 14, 2002 shall be allowed to continue their present usage as a nonconforming use and shall be treated as a nonconformity in accordance with Chapter 8: *Nonconformities*.

- (ii) Notwithstanding subsection (i) above, any tower which is nonconforming with respect to setback requirements as a result of the enactment of this Code or of previous zoning regulations may be replaced if destroyed, provided the degree to which the structure is nonconforming does not increase and all other requirements of this Code are met. New construction other than routine maintenance shall comply with the requirements of this chapter.

(b) **Transitional Rules**

A telecommunications facility that has received Hall County approval as of November 14, 2002 in the form of either a building permit or special use permit, but which has not yet been constructed or placed in operation, shall be considered an existing telecommunications facility, so long as the approval is current and not expired.

(c) **Placement of Antenna on Non-Conforming Structure**

Placement of an antenna or co-location on a nonconforming structure, provided the degree to which the structure is nonconforming is not increased, shall not be considered an expansion of the nonconforming structure.

17. *Decisions Regarding Telecommunications Facilities*

Any decision by the Planning Director or the Building Official denying a request to place, construct, or modify a telecommunications facility shall be in writing and supported by substantial evidence in a written record. Any decision by the BOCC denying or approving a request to place, construct, or modify a telecommunications facility shall be in writing and supported by substantial evidence in a written record.

18. *Coordination with Federal Law*

Whenever the governing authority finds that the application of this section would unreasonably discriminate among providers of functionally equivalent personal wireless services or prohibit or have the effect of prohibiting the provision of personal wireless services, it may approve a Major Conditional Use Permit waiving any or all of the provisions of this section.

(2) Day Care

Every day care use shall comply with the following standards:

- a. At least one outdoor play area shall be provided, consisting of at least 100 square feet for each child and enclosed by a fence of at least three (3) feet and six (6) inches in height.
- b. Adequate on-site parking and loading facilities shall be provided so as to ensure that the use does not interfere with traffic on adjacent streets.

(D) Commercial Uses

(1) Animal Services

a. *Commercial Kennels*

Every commercial kennel shall comply with the following standards:

1. No structure, including outside runs, for the keeping of dogs or cats shall be constructed closer than 100 feet to any property line adjoining an IH district or closer than 200 feet to any other property line.
2. Every commercial kennel located in a rural zoning district shall be located on a site consisting of a minimum of five acres of land.

b. *Veterinary Clinics and Animal Hospitals*

Every veterinary clinic and animal hospital shall comply with the following standards:

1. All animals shall be housed within the clinic building. No outside runs are permitted, unless in a district allowing, and approved as part of a commercial kennel.

2. No outdoor exercise yards or runways shall be sited within 200 feet of a residential zoning district or any existing residential use.
3. The structure housing the clinic or hospital shall be insulated and soundproofed to minimize loud or disturbing noises. In the alternative, the structure may be set back at least 100 feet from every property line adjoining a rural or residential zoning district.

(2) Indoor Entertainment and Recreation

a. Fraternal Organizations and Private Clubs

Every fraternal organization or private club shall comply with the following standards:

1. The minimum land area for each such use shall be two (2) acres.
2. Fraternal organizations shall show that they have received recognition and sanction from a parent group or organization.
3. A private club must show that its membership is limited by either:
 - (a) The use and operation of an amateur athletic facility, including but not limited to golf courses, tennis courts, shooting ranges and/or swimming pools; or
 - (b) Residency in a particular subdivision, condominium, multi-family project, or other residential development.

(3) Outdoor Entertainment and Recreation

a. Drive-In Theaters

Every drive-in theater shall comply with the following standards:

1. Off-street storage space shall be provided to accommodate waiting automobiles at the ratio of one space for each three theater accommodations.

b. Travel Trailer Parks

Every travel trailer park shall comply with the following restrictions:

1. *Minimum Design Standards and Restrictions*
 - (a) The minimum land area for each such use shall be five acres.
 - (b) Each space for a travel trailer within the park shall have a minimum area of not less than five thousand (5,000) square feet, with lines clearly delineating the space.
 - (c) Spaces for travel trailers may be set at an angle, set parallel to the street, or varied in other ways as approved by the Planning Commission.
 - (d) Each space for a travel trailer shall have a minimum of 25 feet of street frontage and a minimum depth of 100 feet.

- (e) All spaces for travel trailers shall abut an interior driveway, which shall have unobstructed access to a public street or highway.
- (f) All interior streets within the park shall be graded, stabilized, and covered with a dust-free material which shall be durable and well drained under normal use and weather conditions.
- (g) No permanent structures and no non-motorized vehicles except those falling under the definition of "travel trailer" shall be permitted on any approved lot within the park.
- (h) Parks designed to accommodate 15 or more travel trailers, campers, etc., shall provide at least one recreation area having a minimum of 200 square feet for each travel trailer space. No recreation area shall be smaller than 3,000 square feet.
- (i) Any swimming pool in the park shall be enclosed by a chain link, masonry, or wood fence not less than four feet high.
- (j) All park grounds shall be maintained with grass, trees, and/or shrubs to enhance the appearance of the park and to prevent soil erosion or the creation of dust during dry weather.

2. *Service Buildings*

Community service facilities and accessory structures are permitted for the convenience of park patrons. Such structures may include but are not limited to park management office, community sanitary facilities, community laundry facilities, indoor community recreation areas, and commercial uses supplying essential goods or services for the exclusive use of park patrons.

3. *Water Supply and Sewage Disposal*

- (a) Every park shall have a public, community, or private water and sewer system approved by the county health department and the local water department when appropriate.
- (b) Water and sewer approval shall be obtained prior to submission of the site plan to the Planning Commission.
- (c) If kitchen equipment, toilet, lavatory, or bathing facilities are included in a travel trailer, the trailer shall have a sewage holding tank for sanitary waste.

(4) Retail Sales and Service

a. *Retail Sales and Service Including Making of Articles Sold On Premises*

Every retail or retail service establishment including the making of articles sold at retail on the premises shall comply with the following conditions:

- 1. The making of articles shall be contained entirely within an enclosed building, and no external evidence (such as noise, dust, odor, or other effects) of the manufacturing process shall be created;

2. All materials produced shall be sold only on premises, and the making of articles shall be incidental to the retail business or service;
3. The making of articles shall occupy no more than 40 percent of the floor area used on the site and shall use no more than 1,000 square feet of floor area; and
4. No more than five operators shall be engaged in the making of articles.

b. *Factory or Warehouse Outlet Sales*

All retail sales in conjunction with a factory or warehouse outlet shall comply with the following conditions:

1. Not more than twenty (20) percent of floor area or sales volume of any individual use or tenant may be devoted to retail operations (except for furniture and carpet warehouses which may include up to thirty (30) percent of floor area).
2. All retail sales shall be conducted within the same structure housing the principal warehouse use and no outdoor retail sales activity is allowed.
3. Parking for the retail use shall be provided in accordance with the off-street parking standards for retail uses as set forth in Sec. 17-600 of this Code.

c. *Garden Centers and Retail Nurseries*

Garden Centers may include outside storage and display of merchandise in compliance with the following conditions:

1. Plant materials may be stored and displayed in organized open areas designated on the approved site plan, that do not conflict with required parking areas, buffers or other site features. Grading and drainage shall be provided to preclude the extra irrigation of these areas from impacting adjoining properties.
2. Packaged supplies and other products may be stored and displayed within an outside sales area surrounded by an masonry enclosure combined with fencing, shade cloth or greenhouse panels that is consistent with and represents an extension of the primary building architecture.
3. Limited amounts of bulk landscape materials, such as sand, mulch, and soil may be stored in a yard area enclosed with an opaque fence or wall of a design that is consistent with the primary building architecture.

(5) *Vehicle Sales and Service*

a. *Gasoline Sales*

Every gasoline sales facility shall comply with the following conditions:

1. All structures and buildings, including underground storage tanks, shall be placed not less than 25 feet from any property line.

2. If the service station is located on a corner lot, the means of ingress and egress shall be located not less than 15 feet from any intersection.
3. No gasoline sales facility shall perform any repair or maintenance services on vehicles, unless such activity is located within an enclosed building meeting all standards of this Code, in a zoning district permitting such use.

b. Vehicle Service

Every vehicle service facility shall comply with the following conditions:

1. All structures and buildings, including underground storage tanks, shall be placed not less than 25 feet from any property line.
2. All repair activities shall take place within an enclosed building.
3. No vehicle service facility shall include tire recapping facilities, body work, or engine repair or overhaul.

c. Vehicle Repair Garages

Every vehicle repair garage use shall comply with the following conditions:

1. All repair activities shall be conducted within fully enclosed buildings.
2. The storage of junk, wrecked vehicles, dismantled parts, or supplies shall not be visible beyond the premises except as provided for in Sec. 17-602(G).
3. Except for those vehicle repair garages operated as approved rural businesses, every operative or inoperative vehicle that is visible from beyond the premises shall have a current vehicle registration and a paid ad valorem tax receipt. Notwithstanding the foregoing, a maximum of three (3) vehicles that are inoperative or not registered, that are exempt from registration because they are used for racing or competition events, or that qualify as antique or classic vehicles undergoing restoration, may be stored within view from beyond the premises without having a current vehicle registration.

(6) Parking, Commercial

All commercial parking facilities shall comply with the following conditions.

- a. The commercial parking facility must conform to all dimensional requirements, including road frontage and access, of the zoning district in which it exists.
- b. The commercial parking facility must conform to all criteria concerning the design, layout, division of parking into cells, provision of parking spaces for the disabled, landscaping, buffering, and screening of off-street parking set forth in Sec. 17-600(J).
- c. The commercial parking facility is limited to the parking of operable private passenger vehicles, recreational vehicles and light trucks, unless specifically

approved for other vehicles as part of the conditional use permit. All such vehicles shall bear current and valid license plates.

- d. No commercial parking facility may be used as a towing service storage yard, as a storage area for vehicles over 30 days, as a storage area for other products or materials, or for other commercial activities.
- e. Recreational vehicles may be parked in a commercial parking facility, but shall not be occupied overnight.

(E) Service and Industrial Uses

(1) Truck Terminals

Every truck terminal shall comply with the following standards:

- a. The means of ingress and egress shall be onto a major arterial road, or on a local road in an industrial zoned area having direct access to a major arterial road.
- b. The following activities in connection with a truck terminal site are prohibited within 1000 feet of any residential zoning district or residence in an AR-1 or AR-2 district: Sounding of horns, use of “jake brakes” (compression release engine brakes), and idling of engines overnight.
- c. Signs shall be posted at the entrance(s) and exit(s) of the facility stating that the activities in subsection (b) above are prohibited.

(2) Junkyards

a. *Intent*

These regulations are intended to ensure that junkyards are obscured from view from surrounding occupied properties and the public right-of-way, to mitigate the deleterious impacts of junkyards as outdoor operations, and to protect the surrounding properties from hazardous conditions.

b. *Occupancy Permit Required*

No person, firm, or corporation shall operate, use, or expand a junkyard as defined in this title without a valid occupancy permit having been issued for the site pursuant to a detailed site plan.

c. *Screening and Buffering*

A vegetated buffer strip with a fence behind it shall be installed or retained around the site so as to shield the junkyard from view from surrounding properties and the public right-of-way. The vegetated buffer strip and fence shall meet the requirements of Sec. 17-602(F)(5), except that the species used for screening shall be evergreen. The intent of this section is to require a dense and hardy visual screen during all months of the year. The fence gates shall be of the same material as the fence and shall obstruct vision when closed.

d. *Final Approval*

Where a certificate of occupancy has been issued for a site prior to the imposition of vegetation buffer requirements, a certificate of zoning compliance may be used to indicate approval of a completed vegetated buffer strip.

- e. ***Parking on Public Right-of-Way***
The parking of inoperable motor vehicles or the storage of junk on the public rights-of-way adjacent to a junk yard or outside the fenced enclosure is specifically prohibited and shall be deemed cause for immediate revocation of the occupancy permit by the building official.

- f. ***Modifications***
Modification of the screening requirements of this section may be granted by the Planning Commission for reasons related to the topography of the site or that of surrounding lands, or unusual circumstances pertaining to the site, so long as the requested modification is not contrary to the intent of these regulations. Request for a modification shall be made in writing at the time of application for an occupancy permit.

- (3) **Composting and Waste Handling**
See Sec. 17-402(A)(3) and Title 8, Sec. 8.60 of Hall County Code

17-403 ACCESSORY USES AND STRUCTURES

(A) Additional Parking Other Than On Principal Lot

Every additional parking area other than on the principal lot shall comply with the following standards:

- (1) The vehicle parking or storage area cannot be reasonably provided upon the same lot on which the principal use is conducted.
- (2) The parking area is within four hundred (400) feet of the main entrance to the principal use building.
- (3) The parking area is in a zoning district that would allow the principal use.
- (4) The parking area has frontage on and safe access to a county-maintained road, or is directly abutting the primary use property with internal access to the primary use property.
- (5) The parking area will serve exclusively the principal use(s) described in the application for approval.
- (6) The parking area shall not, after approval, be reduced or encroached upon in any manner except in conformity with the requirements of this Code.
- (7) If the parking area is separated from the principal use by a street or road, provisions shall be made so that pedestrians may safely travel between the principal use and the parking area.

(B) Caretaker or Employee Residence

Every caretaker or employee residence shall comply with the following conditions:

- (1) The lot that contains the caretaker or employee residence shall be a lot of record, and the proposed residence shall meet all setback requirements for the zoning district in which it will be located.
- (2) The proposed residence shall only be occupied by a bona fide caretaker, employee, or owner of the premises.
- (3) Only one caretaker or employee residence shall be located on a piece of property at a time, except that in the rural zoning districts one caretaker or employee residence may be permitted for each five acres.
- (4) The proposed residence shall be of a type allowed in the zoning district in which it is to be located. A manufactured home shall not be used in a district in which manufactured homes are not specifically otherwise permitted except for short term temporary or emergency use (less than 180 days). A manufactured home may be approved as a caretaker residence in the IG and IH zones, if located in a rear service area such that it is not readily visible from the public areas of other properties.
- (5) The proposed residence for security, caretaker, or employee purposes is demonstrated by written documentation to be necessary to the property's orderly operation or safety, in the form of relevant documents (such as law enforcement records or reports of previous incidents). The circumstances of the site or use shall be documented as unique and different from those of other similar uses in the area and warranting the proposed residence; however, in the case of self-service storage facilities and other uses that customarily utilize caretaker residences, the presumption shall be that the living unit shall be allowed so long as all other requirements of this Code are met.

(C) Home Occupations

(1) General

Home occupations are accessory business activities conducted in association with the principal use of a residence. The districts in which home occupations are allowed are indicated in Tables 17-400(B) and (C).

Home occupations are reviewed by the Planning Director in accordance with the general procedures of Chapter 2: *Administration*, the specific procedures of Sec. 17-202(I), Home Occupation Permit, and the standards of this section. The initiation or establishment of a home occupation is not considered an expansion of a nonconforming residential use, and the nonconforming status of a residential use shall not prohibit the otherwise lawful establishment of a home occupation.

(2) Standards

Every home occupation shall comply with the following standards:

- a. The home occupation shall not include the repair or maintenance of motor vehicles, large scale manufacturing, or any use which creates noise, dust, vibration, odor, smoke, glare, or electrical interference that would be detectable beyond the dwelling unit.
- b. No customer or the member of the public transacting business shall come to the premises.

- c. The home occupation must be conducted entirely within the dwelling and there shall be no exterior evidence of a business being conducted on the premises. No outside storage or display shall be allowed. Signs shall comply with Section 17-609 (Signs).
- d. The dwelling must be the bona fide residence of the principal practitioner at the time that application for approval is made.
- e. The home occupation shall be valid only as long as the original principal practitioner resides in the dwelling, is conducting the business, and has a current business license.
- f. No more than 25 percent of the total heated floor area of the residence or 500 square feet, whichever is less, shall be used for the home occupation. The proposed size of the home occupation shall be specified at the time of application and shall not be exceeded thereafter.
- g. Any additions or alterations to the residence which will be used for the home occupation must be of a size and configuration consistent with typical residential structures and must be of consistent materials and style to the existing home.
- h. No employees other than family members residing on the premises shall be permitted.
- i. No more than one home occupation, residential business, or rural business is allowed in the same residence at one time.
- j. One business vehicle used exclusively by the resident is permitted. The vehicle shall be no larger in size than a pick-up truck, panel truck, or van and is limited in size to one-ton carrying capacity. The vehicle shall not have business identification on it when it is parked at the premises, unless it is housed in an enclosed building. No trailers stored on the site may be used as part of a home occupation. No equipment used in the business shall be left on the vehicle in such a manner that it can be seen from the surrounding property.
- k. Pickups from and deliveries to the site in regard to the home occupation shall be made by vehicles having no more than two axles and shall be restricted to no more than two pickups or deliveries per day.

(D) Residential Businesses

Every residential business shall comply with the following standards:

- (1) The residential businesses shall consist of a use that does not include:
 - a. Repair and/or maintenance of motor vehicles;
 - b. Large scale manufacturing; or
 - c. Any use that would create a nuisance, noise, noxious odors, or any other hazard that may endanger the health, safety, or welfare of the neighborhood.

Allowable uses include, but are not limited to, beauty shops, barber shops, professional offices, and minor repair services.

- (2) The residential business shall not involve group instruction or group assembly of people on the premises.
- (3) The occupation or profession shall be conducted entirely within the dwelling and the portion of the residence in which the business is conducted shall be completely enclosed in such a manner that the business is not visible from the surrounding property.
- (4) The dwelling shall be the bona fide residence of the principal practitioner and the residential business shall be valid only if the original principal practitioner resides in the dwelling, conducts the business, and has a current business license.
- (5) Residential businesses shall be limited to no more than 35 percent of the total heated floor area of the residence, with the proposed size of the residential business specified at the time of application.
- (6) Any additions or alterations to the residence that will be used for the residential business shall be of an architectural style compatible with the residence and in keeping with the surrounding residential and agricultural development.
- (7) Only one employee in excess of family members residing on the premises shall be permitted. For uses where no customers/clients are coming to the site, the number of employees permitted at any one time may be increased to three.
- (8) The property on which the residential business is to be conducted shall have frontage on a public road.
- (9) Parking for customers/clients shall be provided on site in accordance with in Section 17-600, with the location of the parking to be approved by the Planning Commission.
- (10) The residential business shall not involve any outside storage or display. Signs shall comply with Section 17-609.
- (11) Access by the public, employees, customers, or clients shall be limited to Monday through Saturday, 7:00 a.m. to 7:00 p.m. only.
- (12) No more than one home occupation, residential business, or rural business shall be located at one residence at one time.
- (13) Parking of commercial vehicles at the residential business shall be limited to allowing the principal practitioner to park one passenger car, van, or light truck (up to one ton) in the approved parking area.
- (14) Any utility trailer needed for the orderly operation of the business shall be specifically requested by the applicant, who shall specify the proposed use and size of the trailer and its parking location for approval by the Planning Commission as part of its review of the application for the residential business.

- (15) Pickups from and deliveries to the site involving the business shall be restricted to vehicles having no more than two axles and shall be restricted to no more than two pickups or deliveries per day, between 7:00 a.m. and 7:00 p.m. only.

(E) Rural Businesses

Every rural business shall comply with the following standards:

- (1) The rural business shall consist of one of the following uses:
- a. Offices;
 - b. Beauty and barber shops;
 - c. Retail sales or services of a specialty nature, antique shops, specialty foods, custom furniture, custom-made sporting goods, and meat cutting as a retail service to the public (provided that no slaughtering or wholesale meat cutting or processing is permitted);
 - d. Small repair shops for appliances, farm and garden machinery and equipment, or automobiles with the following limitations:
 - 1. The small repair shop shall serve a demonstrated need in the rural area in which it is located rather than supplanting services provided in conventional commercial zoning districts.
 - 2. The shop shall not create noise, noxious odors, or any hazard which would adversely affect the health, safety, or welfare of the adjoining property owners or the neighborhood in general;
 - 3. The shop shall operate during daylight hours only, and in compliance with any time limits imposed by the Planning Commission or County Commissioners.;
 - 4. No more than two vehicles shall actually be serviced, actively worked on, or repaired at any one time;
 - 5. Any pieces of machinery, equipment, or vehicles stored for service or awaiting pickup after servicing shall be parked within an area reserved for that purpose and so designated in the approval granted for the rural business. The storage area shall be no more than one thousand (1,000) square feet in area, located to the side or rear of the related shop building. The area shall be screened and buffered from view pursuant to Sec. 17-602(G)(5). Every piece of machinery, equipment, or vehicle awaiting service or pickup shall be tagged, showing the date of service and the name and address of the owner of the vehicle;
 - 6. All spare parts (new or used) shall be stored within a structure, and the storage space shall be included in the total space allocated for the rural business;

7. The shop and storage area shall be located a minimum of 50 feet from any property line.
- e. The use shall not consist of any of the following:
1. Retail sales of gasoline, service stations, or car washes;
 2. Truck terminals or heavy equipment rental or sales;
 3. Uses which require specialized equipment not ordinarily associated with agricultural and residential uses, i.e., forges, large milling machinery, or poultry or meat processing and packing equipment (except as provided above);
 4. Uses classified as “Indoor Entertainment or Recreation” or “Outdoor Entertainment or Recreation” pursuant to Sec. 17-401, eating establishments, or any use that would, as a result of its normal operation, would generate large amounts of vehicular traffic;
 5. Any use which clearly is out of scale or character with an agricultural or residential area.
- (2) The rural business shall be secondary and incidental to the primary use of property for agricultural or residential purposes and shall be primarily directed toward providing local or neighborhood services to rural-residential areas.
 - (3) All activities associated with the rural business shall occur only within structures and/or an area outside of structures screened in compliance with the standards of Sec. 17-602(G)(5), in such a manner that the business is not visible from surrounding properties.
 - (4) The dwelling shall be the bona fide residence of the principal practitioner prior to filing the application for approval of the rural business. The rural business shall be valid only if the original principal practitioner resides in the dwelling, conducts the business, and has a current business license.
 - (5) The rural businesses shall be limited to a total area no more than 1,000 square feet whether inside or outside a structure. If the rural business is within a residence, no more than 45 percent of the heated floor space or 1,000 square feet, whichever is less, may be used for the business. The proposed size of the business shall be specified at the time of application.
 - (6) Any additions or alterations to the residence which will be used for the rural business must be of an architectural style in keeping with the surrounding residential and agricultural development. Any structure built to house the business must be located to the side or rear of the residence, or, if the structure would be in front of the residence, it must be at least 100 feet from the front property line in addition to meeting the applicable side and rear setbacks. The structure must be readily and easily usable for customary agricultural and residential uses.
 - (7) Only one employee in excess of family members residing on the premises shall be permitted.

- (8) Property on which the rural business is to be located shall have frontage on a public road, and shall contain at least three acres of land.
- (9) Parking for customers/clients must be provided on-site in accordance with the provisions of Sec. 17-600, with the location of the parking to be approved by the Planning Commission.
- (10) Access by the public, customers, and/or clients shall be limited to Monday through Saturday, daylight hours only.
- (11) No more than one home occupation, residential business, or rural business is allowed in a residence at one time.

(F) Guest Houses

Every guest house shall comply with the standards of this section.

- (1) There shall be no more than one guest house per lot.
- (2) Neither the principal dwelling nor the guest house shall consist of a manufactured structure or travel trailer.
- (3) The area of the principal dwelling on the lot where the guest house is located shall be a minimum of 1600 square feet.
- (4) The area of the guest house shall not exceed 50 percent of the area of the principal dwelling on the lot.
- (5) The total area of all structures including the guest house shall not be more than 20 percent of the total lot area.
- (6) The guest house shall be located a minimum of 20 feet and a maximum of 100 feet from the principal residence, and connected to the utility services of the principal residence.
- (7) The guest house shall be used only on a temporary basis by a bona fide non-paying guest or relative by blood, marriage, or adoption of the occupants of the primary residence on the premises.
- (8) The guest house shall not be rented or otherwise occupied as a principal residence.

(G) Subdivision Amenities

Subdivision amenities shall comply with the following standards:

- (1) The subdivision amenities shall be for the exclusive benefit of and under the control of a homeowners' association whose membership includes and is limited to all lot owners of the subdivision in which the amenity site is to be located. Memberships may be made available to adjoining or nearby subdivision owners, but memberships may not be granted to the general public.
- (2) If the parcels designated for the amenity site do not conform to the minimum dimensional area requirements of the zoning district in which it exists, that fact shall be noted on the

plans submitted for approval and designated on the recorded plat as a non-buildable lot except as approved for the amenities.

- (3) No improvements shall be located closer than 50 feet from a residential lot line, except that the setback may be reduced to 20 feet (10 feet for parking lots) when a buffer meeting the requirements of Sec. 17-602(F)(3) is provided along the property line.
- (4) Covenants and documents establishing the property owners association shall include provisions assuring maintenance of the subdivision amenities through adequate assessment of the subdivision property and providing for the establishment of a lien against any property failing to pay the assessments. These documents shall be recorded simultaneously with the final plat and/or prior to the sale of any lots within the subdivision. If the subdivision amenities are constructed after sale of any lots within the subdivision, the developer shall also cause amendments to be made to the original covenants and documents applicable to any existing lots after obtaining the consent of all parties thereto, or shall otherwise demonstrate how and by whom the new amenities will be maintained so as to assure compliance with the provisions of this section, including provision for liens against real property. Any amendments so made shall be recorded.

(H) Garage or Yard Sales

Every garage or yard sale shall comply with the following standards:

- (1) Yard sales shall be held no more than four (4) times in a calendar year, with each individual sale lasting no more than three (3) consecutive days.
- (2) All merchandise must be the property of the person(s) holding the sale and shall not have been purchased for the purpose of resale.
- (3) The owner of the property or operator of the garage sale shall notify the Hall County Planning Department each time such a garage sale is held.

(I) Keeping of Animals Accessory to a Residential Use

In rural zoning districts, properties of over 5 acres are considered agricultural uses, and may house animals in accordance with the appropriate regulations of this Code. For lots of under 5 acres in rural zoning districts, and in residential districts, the keeping of animals outside of a residence on an individual lot shall comply with the following standards:

- (1) **Livestock**
In rural zoning districts, horses, cows, pigs, ponies, donkeys, and other domestic livestock may be kept, raised or bred for home use and enjoyment provided that only one such animal shall be permitted for each one acre of land area and shall be adequately contained within the property. No livestock shall be kept in residential zoning districts.
- (2) **Domestic Pets**
Cats, dogs, rabbits, and other generally recognized domestic pets may be kept or bred by persons residing on the property for their use and enjoyment.
- (3) **Fowl**
In rural zoning districts, ducks, quail, chickens, turkeys, squabs, pheasants, and similar domestic fowl may be raised for home use, provided that the fowl are adequately contained within the property. On lots of less than one acre, only one such animal is

permitted per 20,000 square feet of land area. These provisions are not intended to restrict the type or number of animals within a residence.

- (4) Notwithstanding any other provision of this Code that specifies a lesser setback, buildings or other structures that are located in rural or residential districts and are used to accommodate or restrain animals of the type in subsections (1) and (3) of this section shall be located no less than 50 feet from all property lines.

(J) Outdoor Storage and Display

All uses involving outdoor storage and display shall comply with the following standards:

(1) Commercial and Industrial Uses

a. *Inventory Items and By-Products of Operations*

In those industrial zoning districts that allow for outdoor storage, all inventory items, manufacturing scrap, and by-products of operations, if stored outside an enclosed building, shall be stored only inside a fenced enclosure to the rear or to the side of the principal structure on the site. Fencing used for the enclosure shall be no less than six (6) feet and no more than eight (8) feet in height shall be constructed of materials that provide a complete visual screen. Slat, chain-link, and sheet-metal fences are prohibited.

b. *General Scrap Materials*

Old appliances, scrap materials, building materials not in immediate use, machinery parts, and similar items that are not bona fide inventory items shall be stored only inside an enclosed building.

(2) AR-1 and AR-2 Districts

In the AR-1 and AR-2 districts, materials stored outside and not directly related to the use of property for a residence, or part of an ongoing agricultural use shall not be visible from surrounding properties.

(3) Building Materials for Imminent Use

Where structures or additions to structures are under continuing construction pursuant to a building permit, building materials being used or that are being kept on hand for imminent use for such construction are not required to be stored inside an enclosed building.

(4) Inoperable Vehicles

Every vehicle that is mechanically inoperable shall be stored inside an enclosed building in all zoning districts other than AR-1 and AR-2 (see section 17-603(G)(6)), except where such vehicles are located within the confines of a permitted salvage yard.

(K) Group Living Accommodations for Agricultural Workers

All group living or dormitory accommodations for agricultural workers shall comply with the following standards:

- (1) The use shall be located on the site of active agriculture, horticulture, or animal husbandry operations.
- (2) Residents shall be employed on site at an on-going agriculture, horticulture, or animal husbandry operation during their occupancy of the unit.

- (3) Accommodations shall be accessed by internal site roads and shall not have direct access to public roads.
- (4) Accommodations shall be set back 300 feet from off-site single-family dwellings.
- (5) A vegetative buffer meeting the requirements of Sec. 17-602(F)(5) shall be provided to screen group living accommodations as seen from nearby single-family dwellings.

17-404 TEMPORARY USES/STRUCTURES AND SPECIAL EVENTS

(A) Purpose and Intent

This section allows for the establishment of certain temporary uses and structures and conduct of certain special events of limited duration, provided that such uses, structures, and events do not negatively affect adjacent properties or public facilities and provided that such uses, structures, and events are discontinued upon the expiration of a set time period. These uses are classed as temporary structures, temporary sales, and special events. While certain temporary uses do not require a Temporary Use Permit, they must comply with all applicable standards.

The provisions for special events are intended to address potential significant negative impacts to public or private properties from events or event-related activities, not to prevent such activities from occurring or to unduly restrict private events.

(B) Table of Allowed Temporary Uses/Structures and Special Events

Table 17-404(B) summarizes the temporary uses/structures and special events that are allowed and any general or specific regulations that apply. Temporary uses not listed in the table are not allowed under this Code.

Table 17-404(B): ALLOWED TEMPORARY USES/STRUCTURES AND SPECIAL EVENTS			
Temporary Use	Permit Required	Maximum Time Frame	Specific Regulations
TEMPORARY STRUCTURES			
Expansion or Replacement of Existing Facilities	Yes	(A)	17-404(G)
Temporary Sales Office	Yes	(B)	17-404(H)
Construction Trailer	Yes	(C)	17-404(I)
Temporary Hardship Manufactured Home	Yes	(D)	17-404(J)
TEMPORARY SALES			
Sale/Display of Goods Other than Agricultural Products	Yes	(E)	17-404(K)
Sale of Agricultural Products Grown Off-Site	Yes (except no permit required for pre-existing retail use)	(F)	17-404(L)
Temporary Seasonal and Holiday Sales	Yes	(G)	17-404(M)
Garage and/or Yard Sales	No (but must notify Planning Dept. – see regs.)	(H)	17-403(H)

Table 17-404(B): ALLOWED TEMPORARY USES/STRUCTURES AND SPECIAL EVENTS			
Temporary Use	Permit Required	Maximum Time Frame	Specific Regulations
Temporary Not-for-Profit Car Wash	No	(H)	N/A
SPECIAL EVENTS			
County-Recognized Event	No	N/A	Includes only those events specified in Sec. 17-404(N)(1)a.
Not-for-Profit Event, with 100 people or more in attendance	Yes	(I)	17-404(N); applicant shall coordinate with all necessary agencies (e.g., Sheriff, Fire District, etc.), and comply with any conditions required by those agencies
Special Event, with 100 people or more in attendance	Yes	(I)	17-404(N); applicant shall coordinate with all necessary agencies (e.g., Sheriff, Fire District, etc.), and comply with any conditions required by those agencies
Athletic Event at a Sports Facility	No	N/A	N/A
Block Parties	No	(I)	N/A
Other Public Events, with 99 people or fewer in attendance	No	(E)	N/A
Private Event	No	N/A	N/A
(A) Such structures may be in place for no more than three years. (B) See 7-404(H)(8). (C) See 17-404(I)(8), (9), and (10). (D) Such structures may be in place for no more than twelve months, with extensions as approved (see 17-404(J)(3)). (E) Such sales are limited to a maximum of 60 days per calendar year with no more than three occurrences per parcel per year. (F) Such sales are limited to a maximum of 180 days per calendar year with no more than three occurrences per parcel per year. (G) Such sales are limited to a maximum of 40 days per calendar year with no more than two occurrences per parcel per year. (H) Such events are limited to four events per calendar year per parcel, and no more than three consecutive days per event. (I) Such events are limited to seven days total per calendar year.			

(C) General Requirements

All temporary uses or structures and special events that are required to obtain a Temporary Use Permit pursuant to Table 17-404(B) shall obtain the permit pursuant to the procedures and general review criteria of Sec. 17-202(H), Temporary Use/Special Event Permits. Temporary uses specified in this Sec. 17-404 shall comply with the specific standards stated for each temporary use, the general standards applicable to all temporary uses as stated in Sec. 17-404(F), and the review criteria stated in Sec. 17-404(E).

(D) Prohibited Temporary Uses, Structures, and Special Events

Without limiting the provisions and requirements of this Code, the following activities are prohibited in all districts:

- (1)** Retail sales or display of goods, products, or services within the public right-of-way except as part of a permitted special County-recognized event.

- (2) Retail sales or display of non-agricultural goods, products, or services from a motor vehicle, trailer, or shipping container. The sale and/or display of agricultural products is exempt from this requirement.

(E) Review Criteria

- (1) The temporary uses or structure will not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare.
- (2) The temporary use will not have substantial adverse or noise impacts on nearby businesses or residential neighborhoods.
- (3) The temporary use complies with all applicable general and specific regulations of this Sec. 17-404, unless otherwise expressly stated.
- (4) Permanent alterations to the site are prohibited, except that minor alterations specifically approved as part of the permit may be allowed.
- (5) All approved temporary signs associated with the temporary use shall be removed when the activity ends. All signs shall conform to the standards for temporary signs as provided in Section 17-609, Signs.
- (6) The temporary use will not violate any applicable conditions of approval that apply to the principal use on the site.
- (7) If the property is undeveloped, it contains sufficient land area to allow the temporary use to occur, as well as any parking and traffic movement that may be associated with the temporary use, without disturbing sensitive or protected resources, including required buffers.
- (8) If the property is developed, it contains an area that is not actively used that would support the proposed temporary use without encroaching or creating a negative impact on existing buffers, open space, landscaping, traffic movements, or parking space availability.
- (9) On-site screening shall be provided as necessary to mitigate impacts of the temporary use on adjacent properties or rights-of-way.
- (10) Landscaping, including weed removal, may be required based on the decision-making body's determination of need, use, existing character, and existing surrounding uses
- (11) Tents and other temporary structures will be located so as to not interfere with the normal operations of any permanent use located on the property.
- (12) All inspections and permits required by applicable construction codes have been made and approved by the Building Official.
- (13) No temporary structure(s) shall be located in a 100-year floodplain.

(F) Development Standards Applicable to All Temporary Uses, Temporary Structures, and Special Events**(1) Traffic**

The proposed site shall be adequately served by streets or drives having sufficient width and improvements to accommodate the type and quantity of traffic that such temporary use will or could reasonably be expected to generate.

(2) Parking

Adequate parking to accommodate vehicular traffic that the use would reasonably be expected to generate shall be available either on-site or at alternate locations.

(3) On-Site Lighting

On-site lighting shall comply with the standards of Section 17-604, Exterior Lighting Standards, except that full cut-off lighting fixtures are not required so long as all lighting fixtures are located and aimed so as not to shine directly onto road rights-of-way or nearby residential properties.

(4) Trash Removal

The owner of a temporary use shall be responsible for the storage and removal of all trash, refuse, and debris occurring on the site. All trash storage areas shall be screened from view of adjacent rights-of-way.

(5) Building Code

All temporary uses must meet building code requirements adopted by the County as specified in Title 15 of the Official Code of Hall County.

(G) Expansion or Replacement of Existing Facilities**(1) Purpose and Scope**

Factory-fabricated, transportable buildings meeting all building code requirements (DCA commercial units) that are designed to arrive at the site ready for occupancy, except for minor unpacking and connection to utilities, and designed for removal to and installation at other sites, may be placed on a property to serve as the following:

- a. Expansion space for existing religious institutions, health care facilities, and government offices, provided that plans for the permanent expansion of the existing facilities have been submitted to and approved by the County;
- b. Temporary classroom space to augment an existing school facility, as defined by this Code;
- c. Temporary offices for construction and security personnel during the construction of a development for which the County has issued a grading permit or building permit;
- d. Temporary quarters for recreational facilities which are being provided in conjunction with a new residential development, provided that the County has approved a site plan or subdivision plan for the development;
- e. Temporary quarters for a non-residential use when the permanent building has been destroyed by a fire or other physical catastrophe, provided that a building permit for the permanent facility is obtained within 90 days after approval of the

modular building. The Planning Director may approve a written request for an extension of an additional 90 days for good cause shown. Failure to obtain a building permit within the time frame allowed will revoke approval for the modular building; and/or

- f. One temporary office per site to include, but not be limited to, the following uses: hiring, membership solicitation, apartment office/leasing, and other general office uses. The number of such buildings shall be limited to one, in addition to those already allowed by this section. Such buildings shall not be placed on the property prior to the issuance of a building permit. One sign may be placed on each such office, not to exceed 16 square feet.

(2) Standards and Requirements for Approval

In addition to meeting all other applicable requirements, all buildings approved pursuant to this subsection shall meet the following standards and requirements:

a. Location

Temporary structures allowed under Sec. 17-404(G)(1) may be located anywhere on site, so long as the dimensional standards and development standards of this Code are met.

b. Other Requirements

1. The temporary structure shall be factory-fabricated and transportable.
2. Underskirting shall be installed around all temporary structures requiring site plan approval.
3. In addition to any other off-street parking required on the site, off-street parking shall be provided for the temporary structures listed in subsections (1)(a) and (1)(d) above in accordance with the requirements set forth in Sec. 17-600 (Off-Street Parking) of this Code.
4. All permits required by applicable building, electrical, plumbing, and mechanical codes shall be obtained from the Building Official prior to installation of the temporary structure.
5. For those temporary structures requiring site plan approval, the temporary structure shall be compatible with the existing buildings on the site in terms of exterior color.
6. A sketch plan containing sufficient information to show compliance with the above standards shall be submitted to and approved by the Planning Department prior to installation of the temporary structure.

c. Duration

Temporary structures under this section may remain on the site for no more than 12 months. This period may be renewed for two 12-month periods, for good cause shown, upon approval of a written request, submitted to the Planning Director thirty days prior to the expiration of the permit. In no event, however, shall such extensions allow the temporary structure to remain on the site for more than three years. All temporary structures allowed by Sec. 17-404(G)(1)(a)

through (e) shall be removed from the site prior to issuance of the last certificate of occupancy for the development.

(H) Temporary Sales Office

Every temporary sales office shall comply with the following standards:

- (1)** The lot that contains the temporary sales office shall be an approved, recorded lot within an approved, recorded residential subdivision and shall front a publicly maintained road.
- (2)** The temporary sales office is restricted in use to the sale of approved lots within the boundaries of that subdivision in which the office is located. The office may not be used for any other use other than a sales office. The storage of construction materials or equipment is prohibited.
- (3)** The temporary sales office shall be housed in a structure that meets the following conditions:
 - a.** The structure shall either be a site-built structure or a DCA-approved commercial unit and shall meet all local building codes and health regulations for a sales office.
 - b.** DCA units shall be underpinned. The curtain shall be unpierced except for required ventilation and access and constructed of either masonry or a simulated rock or brick material manufactured for such purpose. It shall be installed so that it encloses the area located under the house to the ground level. The curtain shall meet the standards specified in ANSI A225.1 or county building codes, whichever is the greater requirement.
 - c.** For DCA units, the tongue, axles, transporting lights, and towing apparatus shall be completely hidden by the underpinning or removed after placement on the lot and before occupancy. Bolted-on tongues shall be removed.
 - d.** A porch or landing at least three feet square and in compliance with county building codes shall be provided at each exit door.
 - e.** In the residential and rural zoning districts, the roof shall be finished with a material that is residential in appearance, including but not limited to wood, asphalt composition, or fiberglass shingles, but excluding corrugated aluminum, corrugated fiberglass, or metal.
 - f.** In the residential and rural zoning districts, the exterior siding shall not have a high-gloss finish and shall be residential in appearance, including but not limited to clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles, shakes, or similar material, but excluding smooth, ribbed or corrugated metal, or plastic panels.
- (4)** The temporary sales office shall only be located on one specific lot within the subdivision. Alternative locations on other specified lots or common areas approved for development may be approved by the Planning Director provided those lots meet the requirements of this regulation. Only one sales office may be located within a subdivision at a time.

- (5) One small, unattended kiosk not to exceed 144 square feet is permitted in addition to the sales office on a specified lot. The Planning Director may approve alternate locations on specified lots provided that no more than one kiosk is located within the subdivision at a time. The kiosk is restricted in use to containing sales information (maps, brochures, etc.) for the convenience of the purchaser and shall not have facilities which would allow it to be used as a sales office. The information provided in the kiosk is restricted to information concerning only the subdivision in which the kiosk is located.
- (6) Exterior light sources shall not be directly visible from adjacent residences.
- (7) Off-street parking shall be provided in accordance with Sec. 17-609 (Off-Street Parking).
- (8) The temporary sales office shall not be moved, erected, or established on a site until the date on or after which construction on lots within the subdivision actually commences, and shall remain only until such time as dwellings are constructed on 75 percent of the lots in the subdivision.
 - a. Either simultaneously with the original approval or upon an applicant's request for extension in accordance with the provisions of Chapter 2, the Planning Director may approve an extension up to the time that 90 percent of the lots are developed with homes.
 - b. In no case shall a temporary sales office remain longer than 30 days after completion of construction of homes within the subdivision, even if the Temporary Use Permit allowing the temporary sales office is still valid at that time
- (9) The area around the structure shall be landscaped in accordance with the requirements for residences.
- (10) The site of the temporary sales office shall be returned to its original condition or to the typical condition of a residential lot within the subdivision within 30 days after removal of the temporary sales office.

(I) Construction Trailer

Every construction trailer shall comply with the following standards:

- (1) All building code requirements shall be met.
- (2) No trailer or storage area shall be located within 200 feet of any residence. Any portable toilet facilities shall be located away from residences and road frontage as far as practicable.
- (3) In residential zoning districts and in the AR-1 and AR-2 districts, trailers shall be located to minimize visual impact as seen from existing residences (for example, by locating away from residences and by using existing vegetation as screening where possible).
- (4) Trailers and all accessory structures shall meet all setback requirements for the zoning district in which they are located. In no circumstances shall a trailer or accessory structure be located on any public right-of-way.

- (5) No signs are permitted except a non-illuminated, single wall-mounted sign, a maximum of 32 square feet in area, identifying the construction company.
- (6) No outside lighting is permitted except security lighting designed in a manner so as not to directly illuminate any residential lot or roadway.
- (7) The area around the temporary construction trailer shall be maintained in good condition during the time the trailer remains in place. Yards shall be regularly mowed and weed growth controlled. Trash receptacles shall be provided on the site, and trash pickup and removal shall occur on at least a weekly basis.
- (8) Driveways serving the trailer and/or storage area shall be constructed to meet the requirements of the "Rules and Regulations for Driveway Construction in Unincorporated Hall County" (Chapter 12.40).
- (9) The construction trailer shall be moved, erected, or established on the site no earlier than two (2) weeks prior to the date on which construction actually commences. The trailer, accessory structures, and all storage areas shall be removed from the site and the site returned to its original condition within thirty (30) days of completion of construction or within one week of acceptance of the contracted improvements by the contracting body, whichever occurs first.

(J) Temporary Hardship Manufactured Homes

(1) Where Allowed

A temporary hardship manufactured home is allowed only in the following zoning districts: AR-1, AR-2, and CF.

(2) Standards

Every temporary hardship manufactured home shall comply with the following standards:

- a. The proposed temporary hardship manufactured home shall only be occupied by a relative by blood, marriage, or adoption of the owner of the property, or by a legally appointed guardian of the person upon whose condition the hardship is based.
- b. The proposed temporary hardship manufactured home shall meet the minimum setback requirements of the zoning district in which it is to be located.
- c. The applicant shall have demonstrated that a hardship exists, consisting of one of the following:
 - 1. A debilitating medical condition of the applicant requires medical attendance, and a separate residence in proximity to the applicant's home is needed for the attendant(s), as documented in writing by a letter on professional stationery signed by an attending physician; or
 - 2. Partial or total destruction of the principal residence on the tract makes an alternative temporary residence necessary, as documented by an affidavit by the applicant or other written evidence verifying the circumstances surrounding the destruction of the principal residence and

the length of time during which the alternative temporary residence will be needed.

- d. Only one temporary hardship manufactured home is permitted on a single tract of land.
- e. The manufactured home shall be removed from the property within 60 days of the date the specified hardship ceases to exist and shall not be rented or otherwise occupied once the hardship has ceased to exist.

(3) Time Period for Approval

The initial time period for which approval is granted for a temporary hardship manufactured home shall not exceed twelve (12) months. Extensions for additional periods of twelve (12) months each may be granted based on a demonstration that there is a continued need for the temporary hardship manufactured home.

(K) Sale/Display of Goods Other Than Agricultural Products

Merchants may sell goods in the County on a temporary basis without establishing a permanent place of business, subject to the standards and requirements set forth in this section. (Outdoor sales that are defined as accessory to an established, permanent retail sales use or a personal or household services use and that are conducted in compliance with the standards of this Code are not subject to this section or to the requirement of obtaining a Temporary Use Permit.)

(1) Location

- a. The proposed display and/or sale of goods, products, and/or services for commercial purposes may not occur within 200 feet of an occupied residential dwelling unit.
- b. A temporary sale of goods for commercial purposes shall take place on a developed site where the principal use is retail sales, or on an immediately adjacent out-parcel of such a site. Such temporary sale shall not take place on a developed site not regularly open for business.
- c. A temporary sale of goods for public or institutional purposes may take place on a developed site where the principal use is retail sales, or on an immediately adjacent out-parcel of such a site, or as part of a County-recognized event.

(2) Similar Products, Goods, and Services

A temporary display or sale of products, goods, and/or services for commercial purposes shall be limited in scope to similar or complimentary products, goods, and/or services to those offered by the existing principal use located upon the same site. The temporary sale of non-agricultural products, goods, and/or services that differ from the normal range of those offered by an existing principal use is prohibited.

(3) Submittal Requirements

The operator of the temporary sale of goods shall provide the Planning Director with the following:

- a. Written permission from the property owner; and
- b. A sketch plan showing:

1. The location of any tent or temporary structure to be used;
2. The location of pedestrian, vehicular, and emergency ingress and egress over the entire property, including pedestrian access to streets, driveways, and parking areas, and obstructions of vehicular rights-of-way;
3. The location and number of available off-street parking spaces to serve the temporary sale of goods;
4. The location, size, and design of all temporary signs in accordance with Sec. 17-609; and
5. Electrical power connections, if applicable.

c. *Hours of Operation*

The hours of operation of the temporary sale of goods shall be from no earlier than 7:30 am to no later than 10:00 pm, or the same as the hours of operation of the principal use, whichever is more restrictive.

d. *Duration; Sales Per Year*

1. The temporary sale of goods shall be allowed on a site for no more than 60 total days per year.
2. The number of temporary sales of goods per site per calendar year shall not exceed 3. For the purposes of this section, "site" shall mean the entire parcel, including out-parcels, whether it is a single tenant, multi-tenant, or shopping center use.

e. *Required Findings*

The Planning Director shall issue a temporary use permit for the temporary sale of goods only upon a finding that the proposed use satisfies the following requirements:

1. The property contains an area that is not actively used which would support the proposed temporary sale of goods without encroaching into or creating a negative impact on existing buffers, open space, landscaping, traffic movements, or parking space availability;
2. Tents and other temporary structures will be located so as not to interfere with the normal operations of any permanent use located on the property;
3. Off-street parking is adequate to accommodate the proposed sale of goods;
4. The temporary sale of goods will not likely cause interference with the movement of emergency vehicles to such an extent that adequate public safety, fire, or other emergency services cannot be provided throughout the County and will not likely cause unreasonable or unwarranted disruption to vehicular or pedestrian traffic; and

5. All inspections and permits required by applicable construction codes have been made and approved by the Building Official.

(L) Sale of Agricultural Products Grown Off-Site

(1) Approval Criteria

- a. The temporary sale of agricultural products grown off-site may be allowed subject to issuance of a Temporary Use Permit pursuant to Sec. 17-202(H), except that previously established retail sales uses may conduct such temporary sales without such a permit so long as all the requirements of subsections (b) through (f) below are met.
- b. Temporary sales of agricultural products shall meet all requirements for temporary sale of goods set forth in Sec. 17-404(K) above;
- c. The temporary sale of agricultural products grown off-site is exempt from the requirement for similar products, goods, or services to those offered by an existing principal use as required under Sec. 17-404(K) above.
- d. The temporary sale of agricultural products grown off-site may be accomplished from a vehicle or trailer, provided the location of the vehicle or trailer complies with the locational requirements of Sec. 17-404(K) above.
- e. The temporary sale of agricultural products grown off-site shall be allowed on an individual parcel or site for no more than 180 total days per calendar year.
- f. The number of individual episodes of temporary sales of agricultural products grown off-site shall not exceed three (3) per calendar year per site.

(M) Temporary Seasonal and Holiday Sales

All temporary seasonal and holiday sales shall comply with the following standards:

(1) Locations Permitted

Temporary seasonal and holiday sales shall be permitted temporary uses only in the following zoning districts: SS and HB.

(2) Permit Required

Temporary seasonal and holiday sales may be allowed subject to issuance of a Temporary Use Permit pursuant to Sec. 17-202(H).

(3) Term of Permit

The term of the temporary use permit shall not exceed 40 days, with no more than two occurrences per parcel per year, unless otherwise specifically authorized by the Planning Director.

(4) Setbacks

Permitted sales activities may occur within required setbacks, provided the following conditions are satisfied:

- a. No activity or display shall encroach into a setback by more than 50 percent of the required setback;

- b. No activity or display shall be located within 25 feet of an abutting residential lot or use; and
- c. No activity, display, or related equipment shall be located within a required intersection or driveway sight triangle.

(N) Special Events

(1) Types of Events

a. *County-Recognized Event*

A County-recognized event is one that is in part or wholly sponsored by the County, formally recognized by the County, or proclaimed as a County-recognized event by the BOCC.

b. *Not-for-Profit Event*

A not-for-profit event is any event (except for carnivals, circuses, and events that may be expected to attract more than 100 persons) that is requested by, or held for, a recognized non-profit organization or other charitable organization, with at least 51 percent of the revenue derived from the event intended for a not-for-profit entity or for its programs.

c. *Special Event*

Special events are any organized event, specifically including but not limited to: a circus, carnival, cultural event, fair, celebration, communal camping, ground-breaking, grand opening, religious service, musical or other show, which reasonably may be expected to attract 100 or more persons, but which does not meet the criteria of a County-recognized or a not-for-profit event. Such special events must be directly affiliated with the principal use of the property, or with an recognized business or institutional use within the County. A commercial special event proposed for a non-developed site may only be held on a property zoned for commercial or industrial use.

d. *Private Event*

Private events are any organized events that is not open to members of the general public, typically having a duration of less than 12 hours, and that are not expected to have significant negative impacts on surrounding properties. Examples of such events include, but are not limited to wedding ceremonies, funerals, private parties, or other similar gatherings.

(2) Permit Required

- a. No special event or not-for-profit event shall be permitted unless a Temporary Use Permit has first been obtained in accordance with Sec. 17-202(H), unless otherwise specified in this section.
- b. The requirement for a permit may be waived in whole or in part, upon the Planning Director's findings that the proposed event creates little or no risk of non-compliance with those factors set forth in this section.
- c. Every application to hold a special event or not-for-profit event shall be made sufficiently in advance of the event to allow for review of the proposal by appropriate agencies, and to allow for alternative plans should a permit not be issued.

- d. A permit to hold a special event or not-for-profit event issued to one person or organization shall permit any person to engage in any lawful activity in connection with the holding of the permitted assembly.

(3) No Permit Required

- a. The following types of events do not need to obtain Temporary Use Permits, but may be subject to maximum allowable time frames, temporary signage requirements pursuant to 17-609, and specific regulations as listed in Table 17-404(B):
 - 1. County-recognized events;
 - 2. Athletic events held at approved sports facilities;
 - 3. Temporary not-for-profit car washes held on developed sites;
 - 4. Garage and/or yard sales;
 - 5. Block parties occurring entirely upon the grounds of a private residence or common areas of a multi-family residential development;
 - 6. Special or non-profit events, otherwise permitted through administrative approval, on the site of an existing institutional use, including schools and churches.
 - 7. Other events with 99 people or fewer in attendance, provided there is little likelihood of damage to public or private property, injury to persons, public disturbances or nuisances, unsafe impediments to pedestrian or vehicular travel, or other significant adverse impacts upon the public health, safety, or welfare; and
 - 8. Private events.
- b. The Planning Director may require any of the proposed events listed above to obtain a Temporary Use Permit upon the finding that such event poses significant risk of damage to public or private property, injury to persons, public disturbances or nuisances, unsafe impediments to pedestrian or vehicular travel, or other significant adverse impacts upon the public health, safety, or welfare.
- c. No Temporary Use Permit is required for events that occur or take place entirely within the boundaries of a parcel or parcels that possess site and/or subdivision plan approval for such activities or conducted at sites or facilities typically intended and used for such activities (e.g., assembly halls, convention centers, amphitheaters, or event centers). Examples of such exempt activities include, but are not necessarily limited to, sporting events and tournaments conducted on courses or fields intended and used for such activities; wedding services or receptions conducted at reception halls or similar facilities; funeral services conducted at funeral homes or cemeteries; and religious, wedding, and funeral services conducted at places of worship.

(4) Term of Events

Table 17-404(B) lists the maximum allowable time frame for all allowed events. The Planning Director may extend the consecutive-day limit or the annual limit upon approval of a written request for such an extension, and upon a finding that there will be no substantial adverse impact upon surrounding property, public facilities and services, or the community at large.

(5) Additional Planning Requirements

In addition to meeting the general standards of this section, all special and not-for-profit events shall also meet the planning requirements set forth below. The Planning Director shall be responsible for determining the adequacy of submitted plans.

- a. An adequate plan for security and safety shall be implemented on and around the site of the event, including sufficient staffing, provision for pedestrian safety and traffic routing;
- b. An adequate plan for public health, safety, and welfare on, around, and outside the site of the event shall be implemented, including a showing that the event will not likely cause interference with the movement of emergency vehicles to such an extent that adequate sheriff, fire, or other emergency services cannot be provided throughout the County and will not likely cause unreasonable or unwarranted disruption to vehicular or pedestrian traffic.

(6) Submittal Requirements

All applications for special and not-for-profit events shall include such information and supporting materials as are required by the Planning Director, including, but not necessarily limited to, the following:

- a. A description of the proposed event, including the event's starting date and time, the event's ending date and time, the date and time preparatory activities will commence, and the date and time of completed post-event clean-up.
- b. The location of the property on which the proposed event will take place;
- c. A security plan; and
- d. A parking plan.

(7) Standards

Every special and not-for-profit event to which this section applies shall comply with the following standards:

- a. The proposed event shall not create an unreasonable risk of:
 - 1. Damage to public or private property, beyond normal wear and tear;
 - 2. Injury to persons;
 - 3. Public or private disturbances or nuisances;
 - 4. Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel;

- 5. Significant additional sheriff, fire, trash removal, maintenance, or other public services demands; or
- 6. Other adverse effects upon the public health, safety, or welfare;
- b. The proposed location requested can reasonably accommodate the nature, size, and duration of the event.
- c. The time and location requested for the proposed special event has not already been permitted or reserved for other activities.

(8) Term of Permit

A special event authorized pursuant to this section shall be limited to a maximum duration of seven (7) days, unless otherwise specifically authorized by the Planning Director.

(9) Temporary Transient Occupancy of Residences

In the event of Special Events or natural disasters that put a special burden on the transient housing facilities in Hall County, the County Commissioners may by resolution allow for transient occupancy of single-family, two-family, townhouse, and multiple family dwellings generally used for permanent occupancy. Such resolution shall generally specify a period of time during which transient occupancy of any or all such types of dwellings may be permitted, and transient occupancy before or after such time period shall be prohibited.