



# Hall County Government

PLANNING & DEVELOPMENT

## MEMORANDUM

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**To:** Hall County Planning Commission  
**From:** Sarah McQuade, Director  
**Date:** February 4, 2021  
**Subject:** Determination of an Unclassified Uses as it relates to the transient occupancy of temporary dwellings

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SARAH MCQUADE, AICP  
Director

§17.330 – Determination of Unclassified Uses outlines the procedures and criteria set forth in the Official Code of Hall County through which the Hall County Planning Commission will use to review the request.

Specifically, §17.330.010 – Procedure; criteria, states the following:

In the event an applicant wishes to use property for a use which is not specifically identified under inherent uses, conditional uses, or uses permitted subject to the approval of the planning commission, or uses permitted subject to the approval of the county commission, and where such use is not specifically prohibited from the district, the following provisions shall apply:

- A. The building official shall submit to the planning commission a written request for a determination of the unclassified use.
- B. The planning commission shall review the request as submitted and determine if the proposed use is of a similar character to the district in which it is proposed.
- C. If the planning commission determines that the use is of a similar character and meets the intent of the uses permitted inherently within the district, then they shall instruct the building official to issue a permit.
- D. In the event that the planning commission determines that the proposed use in the district is consistent with the character and intent of the conditional uses, or uses subject to the approval of the planning commission, or uses subject to the approval of the county commission, within the district, then the applicant shall apply for a conditional use or use subject to approval in the normal manner.

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- E. In no event shall the provisions of this chapter be used to allow an incompatible use or a use specifically prohibited by this title within a certain district.
- F. Once a use has been allowed or disallowed by the planning commission, it shall then be considered classified under the appropriate category in the district.

The Hall County Planning Department has received two requests from individuals who would like to offer the short term rental of “glamping” sites on their residential properties. Glamping is a combination of the words "glamorous" and "camping", and describes a style of camping involving more luxurious accommodation and facilities than those associated with traditional camping.

Specifically, one individual has proposed to develop 8 campsites with 8 luxurious “outhouses”, a common parking area, playground, and dedicated septic area. Each camp site would have a slab or platform on which a canvas style tent would be erected. The sites would have electricity and water, but no plumbing. The luxury outhouses will have traditional plumbing fixtures which will be served by a common septic field. Each rental site would have an associated outhouse.

The subject property is approximately 9.5 acres in size and zoned Vacation Cottage (V-C). The property owner also owns the adjacent parcel, also zoned V-C, which is approximately one half acre in size and developed with a single-family residence constructed in 1945. The property owner is in the process of renovating the adjacent residence and intends to use it as a “caretakers” residence for the glamping sites. In the future the property owner plans on constructing a permanent residence on the 9.5-acre tract. The surrounding area is developed with a mixture of V-C and Agricultural-Residential-III properties.

A second individual has posed a similar request on AR-III zoned property in the area of Winder Highway near Road Atlanta. The property is zoned Agricultural-Residential-IV and surrounded by other AR-IV zoned properties. This individual had not yet developed a site plan and was inquiring as to what the appropriate zoning classification would be.

§17.20.1305 of the Official Code of Hall County defines a *vacation home* as any residential structure used for transient occupancy including but not limited to cabins, single-family dwellings and other such residential structures. Further, §17.20.1200 defines a *structure* as anything constructed or erected the use of which requires permanent or semi-permanent location on the ground, or which is attached to something having permanent location on the ground.

Based on these definitions, the County Attorney has determined that the proposed use is similar in nature to a short-term rental but that the proposed style of dwelling does not meet the definition of a structure. Because the dwelling does not meet the definition of a structure, it cannot currently be permitted under as a short-term rental.

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§17.330.010.C of the Official Code of Hall County states that if the planning commission determines that the use is of a similar character and meets the intent of the uses permitted inherently within the district, then they shall instruct the building official to issue a permit.

In the event that the planning commission determines that the proposed use in the district is consistent with the character and intent of the conditional uses, or uses subject to the approval of the planning commission, or uses subject to the approval of the county commission, within the district, §17.330.010.D of the Official Code of Hall County requires that the applicant shall apply for a conditional use or use subject to approval in the normal manner.

Finally, once a use has been allowed or disallowed by the planning commission, it shall then be considered classified under the appropriate category in the district.

### **Conclusion:**

**Use Classification:** This unique use blends residential and commercial components in a way that is most similar to an RV Park or Campground intended to be used for transient occupancy on a short-term basis. The potential impacts and considerations for like uses in other jurisdictions were used to guide staff as they made their determination and recommendations for applicable standards. No analogous use provisions exist in the present version of the Hall County Zoning Ordinance.

**Classification of dwelling:** Since the accommodation structures are not intended for permanent occupancy, the individual structures should be subject to the existing permitting and inspection process.

**Classification of business:** The development of property for this use should be required to obtain a Hall County Business License if the zoning request is approved.

### **Recommendation:**

It is the recommendation of staff that a new use be added to the *Uses permitted subject to approval of county commission* section of residential and agricultural zoning districts. All requests would be subject to the following standards:

**Standards for Development:** Staff additionally recommends the following standards apply to this specific use:

1. Development shall be connected to a public water supply and a public sanitary sewer system or an on-site sewage management system approved by the Hall County Environmental Health Department.
2. The minimum lot area for the development shall be three (3) acres.
3. The minimum road frontage for the lot shall be 100 feet.
4. There shall be a 50 foot transitional buffer adjacent to all property lines.
5. There shall be a 100 foot setback for any campsite from all property lines.

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6. No campsite shall be located within 50 feet of a county road or state or federal highway right-of-way.
7. Direct access to a county road, state or federal highway shall be required.
8. All access roads within the development shall be private with a minimum easement width of 40 feet and paved with a minimum pavement width of 20 feet.
9. All off-street parking areas or spaces and driveways have direct access to an interior access road. No driveway serving an individual campsite shall be permitted to access a road exterior to the development, except via an approved internal access road.
10. No campsite shall be rented or occupied for a period of more than 30 days.
11. Management offices, passive outdoor recreational facilities, toilets, showers, and other uses and structures customarily incidental to the operation of a campground may be permitted as accessory uses, provided use is restricted to customers.
12. A copy of the managements proposed policies; rules and regulations shall be submitted in writing or included in the project narrative in order for their application to be considered complete. Staff may recommend some or all of the proposed policies, rules, and regulations for inclusion in any zoning action as conditions for zoning approval. Management will be responsible for ensuring that visitors comply with the rules and regulations.