

ARTICLE 4 GENERAL PROVISIONS

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Sec. 4.1. Use, Occupancy and Erection.

No building, structure, land, or water shall hereafter be used or occupied, and no building or structure or part hereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with the regulations of this zoning ordinance or amendments thereto. All non-residential uses must be conducted inside an enclosed building or structure unless specifically permitted within Articles 6, 7 and 9 of this ordinance. (Ord. 348-11)

Sec. 4.2. Use Prohibited When Not Specified.

If not otherwise stated, any use not specifically permitted as a use by right or specifically indicated as a conditional use in any given zoning district as provided under Articles 6, 7 and 9 of this zoning ordinance shall be prohibited in that zoning district. (Ord. 348-11)

Sec. 4.3. Minimum Requirements.

Within each zoning district, the regulations set forth shall be minimum requirements and shall apply uniformly to each class or kind of building, structure or land, except as may be altered through conditions of zoning applied to specific properties.

Sec. 4.4. Relationship to Private Restrictions.

This Ordinance is not intended to repeal, abrogate, or impair any valid easement, covenant, or deed restriction duly recorded with the Clerk of the Superior Court of Hall County, Georgia.

Sec. 4.5. Validity of Existing Conditions of Zoning.

Notwithstanding the repeal of prior zoning ordinances, if a property was zoned subject to conditions prior to the adoption of this zoning ordinance, the existing zoning conditions shall continue to apply to said property, until or unless amended by the Governing Body.

Sec. 4.6. Group Development Projects.

The standards and requirements of this ordinance may be modified in the case of a plan and program for group development projects or neighborhood unit or planned unit development which are not divided into customary lots, blocks and streets. This Section specifically contemplates and accommodates the desire of a shopping center developer to subdivide the center into tracts which do not meet zoning requirements for lot size, lot width, lot frontage, building setbacks, lot coverage, and other dimensional requirements customarily related to buildings and lot line configurations, so that each tenant shall own their own building and/or lot.

Notwithstanding zoning ordinance requirements to the contrary, the Zoning Administrator may approve a development proposal and approve a final plat for a subdivision or leasing plan that does not meet the requirements for lot size, lot width, lot frontage, building setbacks, lot coverage, and other dimensional requirements customarily related to buildings and lot line configurations, subject to the following:

- (a) The Zoning Administrator finds that the proposed group development project provides adequate public spaces and improvements for the circulation and utility needs of the tract when fully developed or populated.
- (b) When considered as a whole, the group development project does not exceed the density (unit per acre) or intensity specifications (floor-area ratio or lot coverage) permitted by the zoning ordinance for the entire tract to be subdivided or divided into leaseholds; provided, further, the group development project must observe external building setbacks that would apply in the absence of approval of the group development project.
- (c) A set of covenants, conditions, and restrictions, or other legal mechanism, has been submitted by the applicant, and reviewed and approved by the Zoning Administrator and City Attorney, so as to insure conformity to and achievement of the plan.
- (d) In cases where a lot is proposed that does not meet minimum access and/or lot frontage requirements of the zoning ordinance, access easements must be shown on the plat to be recorded and the access easement agreement shall be recorded in the deed records of Hall County, or other arrangement acceptable to the Zoning Administrator and City Attorney.
- (e) In cases where buildings do not observe side yard requirements (i.e., zero lot line attached buildings), the Building Inspector shall certify that applicable fire and/or building code requirements for fire walls have been met.
- (f) Plans for such developments shall be submitted to and approved by the Zoning Administrator whether or not such plat is to be recorded, and no building permits shall be issued until such approval of plans and/or final plat has been given.

The Zoning Administrator may place conditions on the final plat, plan, and/or conditions, covenants and restrictions in order to ensure the purposes of this ordinance are met.