



Findings & Directions Report

*Habersham County
Unified Development Ordinance*

TABLE OF CONTENTS

SECTION 1 - EXECUTIVE SUMMARY.....2

SECTION 2: TOWN HISTORY3

SECTION 3: TOWN PLANS 4

3.1. TOWN OF GRAND ISLAND COMPREHENSIVE PLAN (2016)4

3.2. TOWN OF GRAND ISLAND LOCAL WATERFRONT PROTECTION PROGRAM (TENTATIVE 2025)..... 5

3.3. TOWN OF GRAND ISLAND MARKET ANALYSIS STUDY (2022) 5

3.4. TOWN OF GRAND ISLAND RESOURCE GUIDE FOR THE PROTECTION AND
PROMOTION OF AGRICULTURE AND FARMING, (2020) 5

SECTION 4: EXISTING CODE CHALLENGES..... 12

4.1. STAKEHOLDER FEEDBACK.....12

4.2. CODE REVIEW.....13

4.3. CODE REVIEW.....17

4.4. SETBACK AND DENSITY CONSISTENCY WITH PLANS.....19

SECTION 5: NEXT STEPS 22

SECTION 1 - EXECUTIVE SUMMARY

This Findings Report highlights the identified challenges within the current Habersham County zoning code. Zoning codes serve as the principal regulatory instrument used by governments to manage incremental changes in the built environment. From setting infrastructure standards to guiding housing design and regulating business practices, effective zoning codes play a vital role in promoting public safety, health, and the overall well-being of a community.

It is essential that zoning code documents are easily navigable, comprehensible, and establish a logical, equitable, and consistent decision-making framework for the review and issuance of various land development and building permits.

While Habersham County's zoning code has some successful aspects that have resulted in beneficial growth and development, there are numerous areas of the code that do not accurately reflect the vision of the community as outlined in the County's Comprehensive Plan. This diagnostic report generally addresses the following key areas of the code for enhancing the document:

- ▶ Document Format and Organization: Current standards must be streamlined for ease of use while integrating relevant state level protections for stream buffers, watersheds, and erosion management.
- ▶ Districts and Uses: The various districts and overlays should be adjusted to better reflect the desired community development within the Future Land Use map. Uses and standards should reflect market conditions as well as best engineering and design practices.
- ▶ Process and Administration: Current standards require a new numbering convention that better supports future staff redlines and adjustments, eliminating redundancies to prevent embedded conflicts.
- ▶ Enforcement: Violations, permit close out, inspections and other administrative regulations should be coalesced and made easier to find in their own chapters.
- ▶ Regulation Content: Identified regulatory or procedural issues will be addressed as part of the code rewrite.
- ▶ Consistency: Bring together the various master plans, design standards, and other related documents and codify specific elements to fulfill the intent and vision of those efforts.

USE THIS DOCUMENT...

**FOR EASE OF
REFERENCE**

**TO PROVIDE A
VISUAL GUIDE**

**TO ADDRESS
FREQUENTLY
ASKED QUESTIONS**

SECTION 2 - COUNTY PROFILE

2.1 HISTORY AND RESOURCES.

Nestled in the heart of the northeast Georgia mountains, Habersham County offers residents and visitors access to rich natural beauty, rolling rural landscapes and trails, historical small towns and opportunities for outdoor activities, such as hiking or camping. Only an hour's drive north of Atlanta and Athens, the county is a primary gateway to beloved national and state parks including the Chattahoochee-Oconee National Forest, Francis Marion and Sumter National Forests, Tallulah Falls and Gorge, Panther Creek and Waterfall, and the Soquee River prized by locals for its excellent trout fishing.

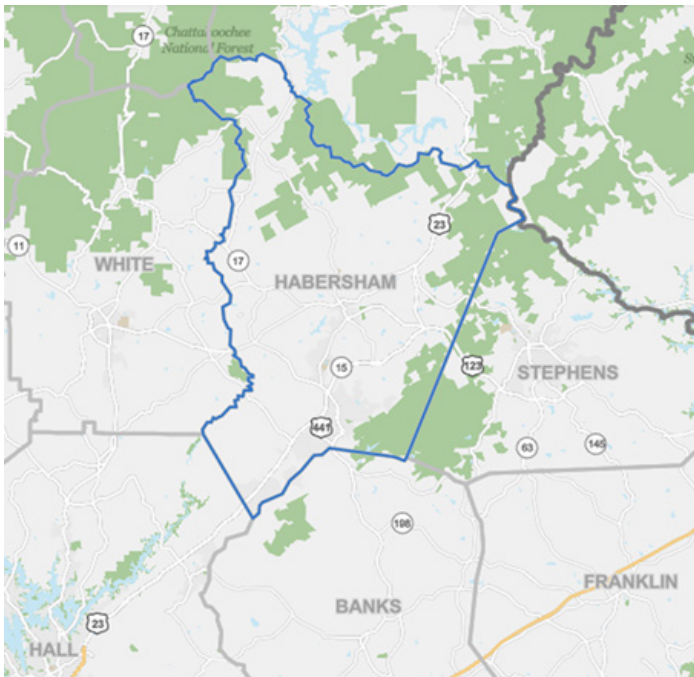


Image 1: Location of Habersham County in Georgia Region.

Towns located within Habersham's limits include Alto, Clarkesville, Cornelia, Demorest, Mt. Airy, and Tallulah Falls. These towns offer access to a thriving art scene(s), retail, dining, higher education (e.g., North Georgia Technical College and Piedmont College) and medical services (e.g., Habersham Medical Center). Clarkesville, Demorest, and Mt. Airy are particularly known for their charming historical architecture and historic downtowns. Proximity to forests and parks provides them with a competitive economic advantage in short-term rentals and other tourism services. There is interest in growing the existing tourism industry by establishing a regional development strategy and strengthening economic partnerships among these communities.

2.1 COMMUNITY VISION AND WISH LIST

Towards this goal, in 2021, the Carl Vinson Institute of Government together with Partnership Habersham solicited feedback from the community about the economic future of the county. In general, participants expressed strong optimism in the economic future of the county, but cited concerns that young adults were not returning home after their post-secondary education due to perception of limited employment opportunities or low wages, and lack of affordable housing. To address this, the community supports attracting new employers and to allow construction of a variety of small to medium scale residences and other supportive uses near county's southern limit and along State Route 365. However, community heritage is strongly tied to the conservation of native wildlife and natural habitats, the community strongly feels that the rural character of corridors and areas adjacent to national and state parks should be protected from overdevelopment.

In recognition of these existing conditions and community feedback, CPL's changes to Habersham County's Unified Development Code (UDC) will prioritize :

- ▶ Conservation. To be done by establishing protection for small to medium scale agricultural uses, scenic rural corridors and unique vistas, and by establishing site design measures to protect wildlife habitats and vulnerable areas adjacent forests and water resources.
- ▶ Mobility. To be done by strengthening standards for footpaths and non-motorized connections among parcels, extending trail systems, strengthening pedestrian facility requirements across all new developments, and adopting standards to support use of e-bikes, golf-carts, and equestrian uses near downtown areas and emerging activity centers.
- ▶ Construction*. To be done by establishing new overlays to support increased density and variety of housing and building types along select corridors, and by reviewing current land use permissions to remove barriers to attracting higher wage industries.

It shall be the general function of the new UDC to implement the policy objectives described by the 2024 Comprehensive Plan.

2.3 DEVELOPMENT CHALLENGES

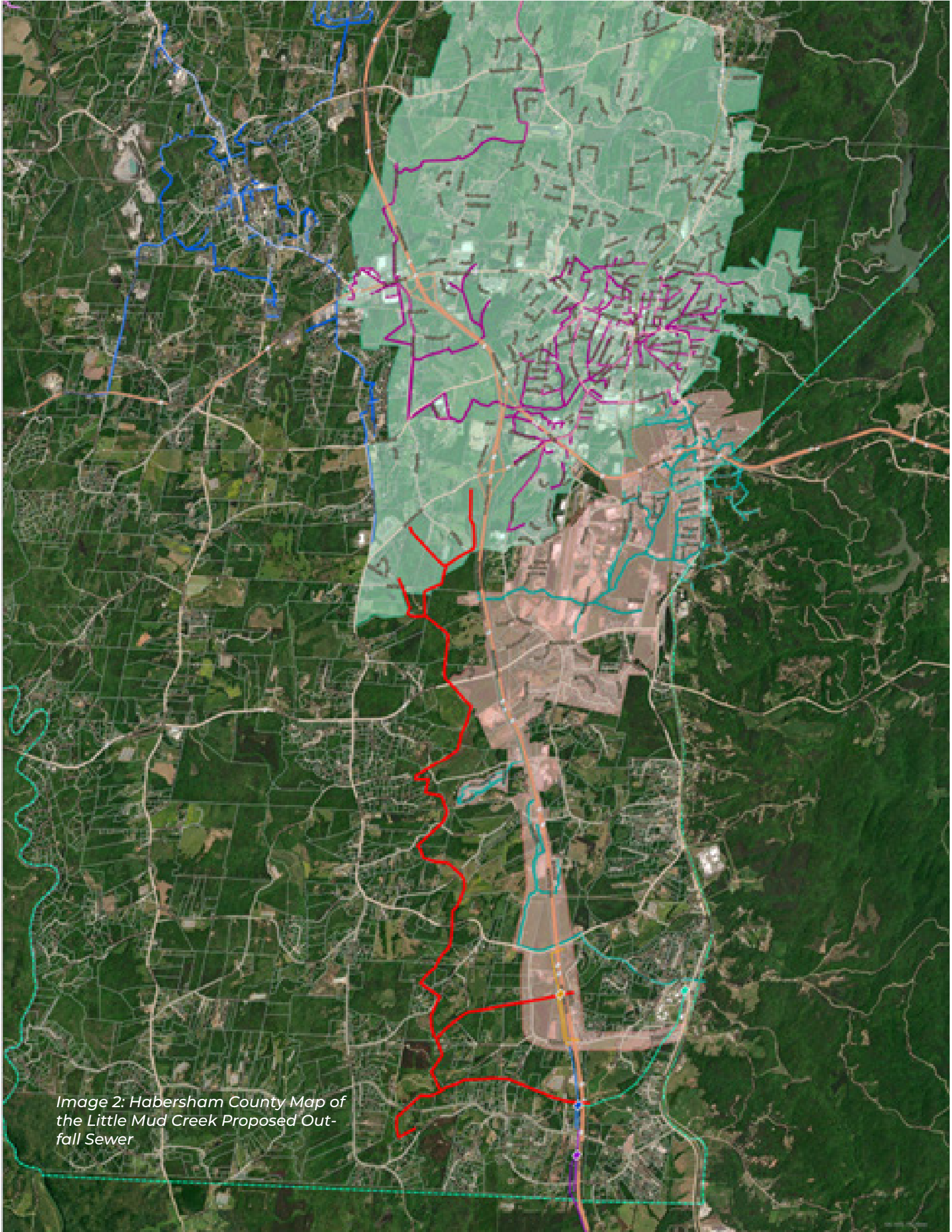
Drinking Water Challenges

The majority land area in Habersham County rests in the Upper Chattahoochee Watershed that is part of the Apalachicola-Chattahoochee-Flint River System (ACF). The ACF supplies water to metro Atlanta and to agricultural operations in central and South Georgia. Many local streams and creeks which flow into this system are considered impaired. Impaired health has direct bottom line impacts on county budgets – increasing costs of water treatment, reducing an already limited supply of clean water for drinking or other uses, and increasing reliance outside parties to meet rising consumer demand . To address this challenge, the UDC should integrate water conservation and land use strategies to help mitigate potential causes of pollutant flows. Sample solutions to explore include:

- ▶ Introduction of Conservation/Scenic Corridor Buffers.
- ▶ Rework Open Space standards to prioritize preservation of natural areas.
- ▶ Strengthen maintenance requirements for privately-owned stormwater facilities.
- ▶ Strengthen land use standards to reduce run-off and illicit discharge.
- ▶ Increase minimum pipe size or pipe material standards used in new construction.

Sewer Challenges

Habersham County can be roughly divided into quadrants serviced by sewer line connections provided by Baldwin, Cornelia, and Demorest. These areas are depicted in the map below. Further this map identifies the tentative location of the Little Mud Creek Proposed Sewer Outfall in red. This new outfall would be designed to serve the 365 Corridor area between Cornelia and southern county limits. Medium to large scale development should be directed towards this new outfall alignment. New development areas located beyond the limits of existing service and the planned outfall may be reasonably anticipated to require reliance on septic systems or other private facilities in the foreseeable future.

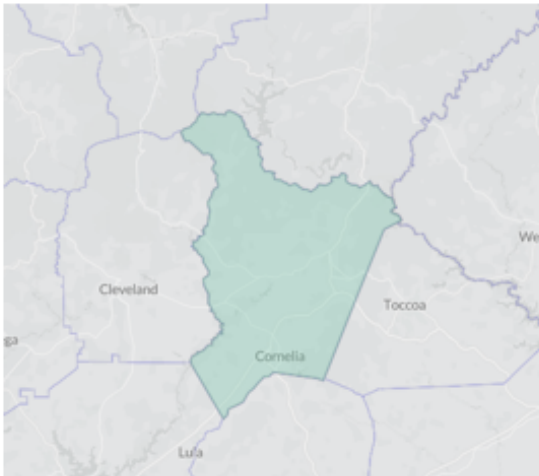
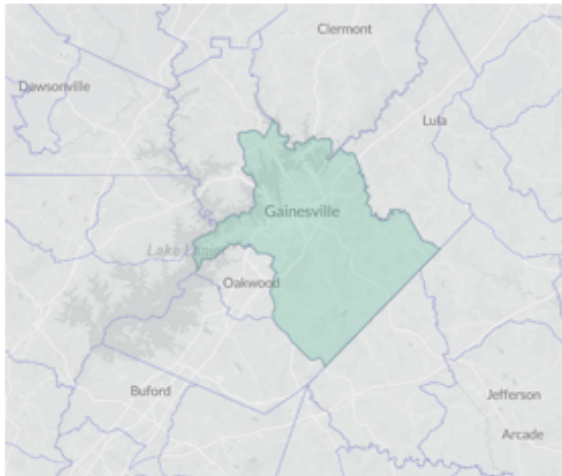


*Image 2: Habersham County Map of
the Little Mud Creek Proposed Out-
fall Sewer*

SECTION 3 - COUNTY GROWTH PATTERNS

3.1 POPULATION GAINS

Habersham County is the 110th largest in Georgia – with 276.9 square miles of land and 2.3 square miles of water. Since 2017, Habersham's average growth rate has been slightly higher than that of the Gainesville Census County Division area. This appears driven by Habersham's tendency for steady population gains over time, compared to Gainesville's more volatile pattern. The Gainesville CCD includes those areas known for their recent development and construction of new industrial enterprises. As of 2023, Habersham is home to 48,757 people.

Table 3.1.-Population Gains, 2017-2023						
Location	Habersham County			Gainesville CCD in Hall County, GA		
						
	276.9 sq. mi. land or 176 people per sq.mi.			119.1 sq.mi. land or 828.6 people per sq.mi.		
Year	Population	Net Change	Percent Change	Population	Net Change	Percent Change
2017	43,878	--	--	94,639	--	--
2018	44,289	+411	0.93%	95,870	+1,231	1.3%
2019	44,626	+337	0.76%	96,592	+722	0.75%
2020	45,204	+578	1.29%	98,839	+2,247	2.32%
2021	45,767	+563	1.24%	96,432	-2,407	-2.43%
2022	46,326	+559	1.22%	98,685	+2,253	2.33%
2023*	48,757	+2,431	5.24%	Not available		
Gainesville CCD median growth rate (excluding 2021): 1.67% Habersham median growth rate: 1.78%						

3.2 POPULATION DISTRIBUTION

Habersham population is presently concentrated in Census Tract 5.02 consisting of Demorest and its surrounding areas located north of Cannon Bridge Road, and in Census Tract 6.01 consisting of properties along that portion of Tommy Irvin Parkway located south of Duncan Bridge Road. Notably, Census Tract 4 falls within the second highest tier of population. Special considerations may be required for Census Tract 4 to ensure residential development is compatible with protections for Sumter National Forest abutting the shared boundary line with Stephens County.

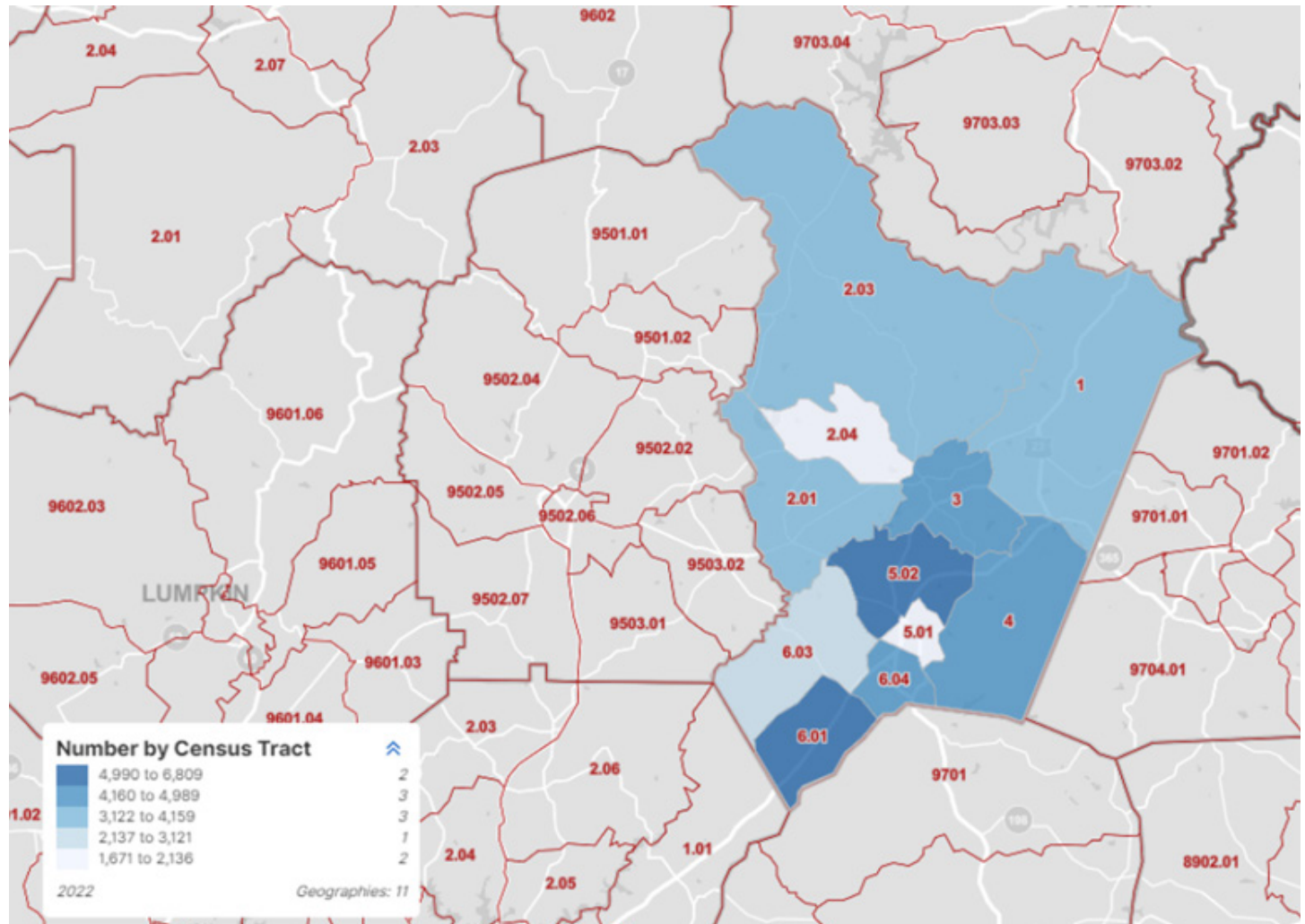


Image 3: Population by Census Tract (2022 ACS 5-year)

3.3 HABERSHAM ECONOMY AND USES

Habersham County economy consists of 940 employer establishments and 11,374 total workers. Slightly less than half of the county's total population (i.e., 48 percent) is working age, which the Census formally defines as people between the ages of 25 and 64. To increase their market competitiveness, the pursuit of higher education has risen among Habersham residents. The percentage of people with a high school degree is 80 percent and with a bachelor's degree is

22 percent, up from 78 percent and 18 percent in 2017. The median age is 39 years old. Bureau of Labor Statistics studies indicate that earnings peak between ages 45 to 54 , so some gains in the population's overall earnings may be seen within the next five years . Currently, the average household income in Habersham County is \$81,009 and the median household income is \$61,000.

Most Habersham workers commute to work by driving alone (77 percent), carpooling (12 percent), or work from home (7 percent). The popularity of carpooling is a condition unique Habersham, exceeding the state average of 9 percent for said option. Average travel time to work is 26 minutes, which is in line with regional trends. As a result of current development patterns, approximately 97 percent of Habersham households have a car. Among car-owning households, 67 percent have access to two or more vehicles.

In general, Habersham's current economy is heavily dependent on small firms. An estimated 75 percent of county businesses consist of 9 employees or fewer. The average annual payroll per employee is \$38,770. The average weekly wage is \$841. The pandemic most heavily impacted mid-size firms consisting of 50 to 99 employees. Seven firms of this size closed between 2020 and 2021.

Table 2.3.A-Habersham County Firms by Size, 2023		
All Employer Establishments	Number of Firms	Percent
Less than 5 employees	526	55.9%
5 to 9 employees	181	19.2%
10 to 19 employees	132	14.0%
20 to 49 employees	74	7.8%
50 to 99 employees	12*	1.2%
100 to 249 employees	10	1.0%
500 to 999 employees	3	0.3%

The highest paying industries in the county are:

- Utilities (\$91K)
- Finance and Insurance (\$63K)
- Professional, Scientific and Technical (\$60K)
- Transportation and Warehousing (\$58K)
- Agriculture, Forestry, Fishing and Hunting (\$56K)
- Wholesale Trade (\$55K)

The total percentage of workers in these sectors is 11 percent. These employers typically hire an average of 8 or fewer employees, with the exception of the Utilities sector which on average has 24 workers per employer. If the objective of the county is growing the quantity of these higher wage firms, Unified Development Code changes should consider flexible zoning approach for these land uses, with careful review of any supplemental use restrictions which may affect their operations.

The industries which employ the greatest number of workers are:

- Health Care and Social Assistance (\$49K)
- Manufacturing (\$44K)
- Retail (\$28K)
- Education (\$26K)
- Other Services (\$25K)
- Accommodation and Food Service (\$19K)

The total percentage of the workforce in these sectors is 78 percent. These employers typically hire 12 or more employees, with the exception of education and manufacturing which on average hire 69 or more employees. Due to the significant quantity of people employed in these sectors, Unified Development Code changes among these uses have the potential to have a widespread and direct community impact. Carrying over existing use controls and reviewing/removing barriers to existing facilities expansion may be appropriate here.

The industries with the greatest number of total employers are:

- Professional, Scientific, Technical (\$60K)
- Healthcare and Social Assistance (\$49K)
- Construction (\$47K)
- Retail (\$28K)
- Other Services (\$25K)
- Accommodation and Food Service (\$19K)

An estimated 67 percent of employers are from these industries. Their high presence suggests Habersham County may have a competitive advantage in these sectors that could fuel long-term economic growth. Better understanding use and building design needs may be important for long-term sustainable growth. Notably, although known as a rural county, Census records indicate that there are only three known active agricultural farms in Habersham County. Regardless, due to their historical importance and impact on area character, accommodating small to mid-scale poultry farming needs will be important as part of this rewrite.

Primary take aways from this section are:

- Permitted land use matrix should prioritize flexibility for the highest paying industries in the county.
- Incremental property redevelopment tools should be reviewed for expansion or modernization of buildings or sites for uses which employ the greatest number of Habersham employees.
- Controls to ensure that properties with agricultural operations cannot be used for vehicular sales or repair should be integrated. The only mechanical repairs allowed should be for vehicles that are employed in the active agricultural operation of the property.
- Home office uses should be expanded to support subcontractor offices for construction industry related uses.

Table 2.3.B.-Habersham Industry Breakdown⁵

Industry	Total Employers	Percent of Employers	Average Workers per Employer	Total Workers	Percent of Workforce	Average Payroll per Employee
Accommodation and Food Service	87	9.25%	14	1,446	12.71%	\$19,028
<u>Administrative</u> and Support	55	5.85%	6	271	1.90%	\$27,936
Agriculture, Forestry, Fishing, and Hunting	3	0.31%	8	32	0.28%	\$56,563
Arts, Entertainment, Recreation	8	0.85%	10	64	0.56%	\$16,233
Construction	94	10.00%	3	338	2.97%	\$47,828
Education	10	1.06%	81	546	4.80%	\$26,137
Finance and Insurance	51	5.41%	6	328	2.88%	\$63,470
Health Care and Social Assistance	91	9.68%	12	1,205	10.59%	\$49,029
Information	19	2.02%	21	372	3.27%	\$43,082
Manufacturing	56	5.95%	69	3,163	27.80%	\$44,481
Other Services	117	12.44%	5	561	4.93%	\$25,375
Professional, Scientific, Technical	78	8.29%	4	327	2.87%	\$60,344
Real Estate and Rental / Leasing	40	4.25%	2	95	0.83%	\$38,798
Retail Trade	174	18.5%	12	2,028	17.83%	\$28,088
Transportation and Warehousing	21	2.23%	8	141	1.23%	\$58,551
Utilities	6	0.63%	24	232	2.03%	\$91,527
Wholesale Trade	28	2.97%	8	217	1.90%	\$55,888
ALL SECTORS	940 <i>Margin error ±2 firms</i>	99.69%	12	11,374 <i>Margin error ±8 employees</i>	99.38%	\$38,770

3.4 Households by Census Tract

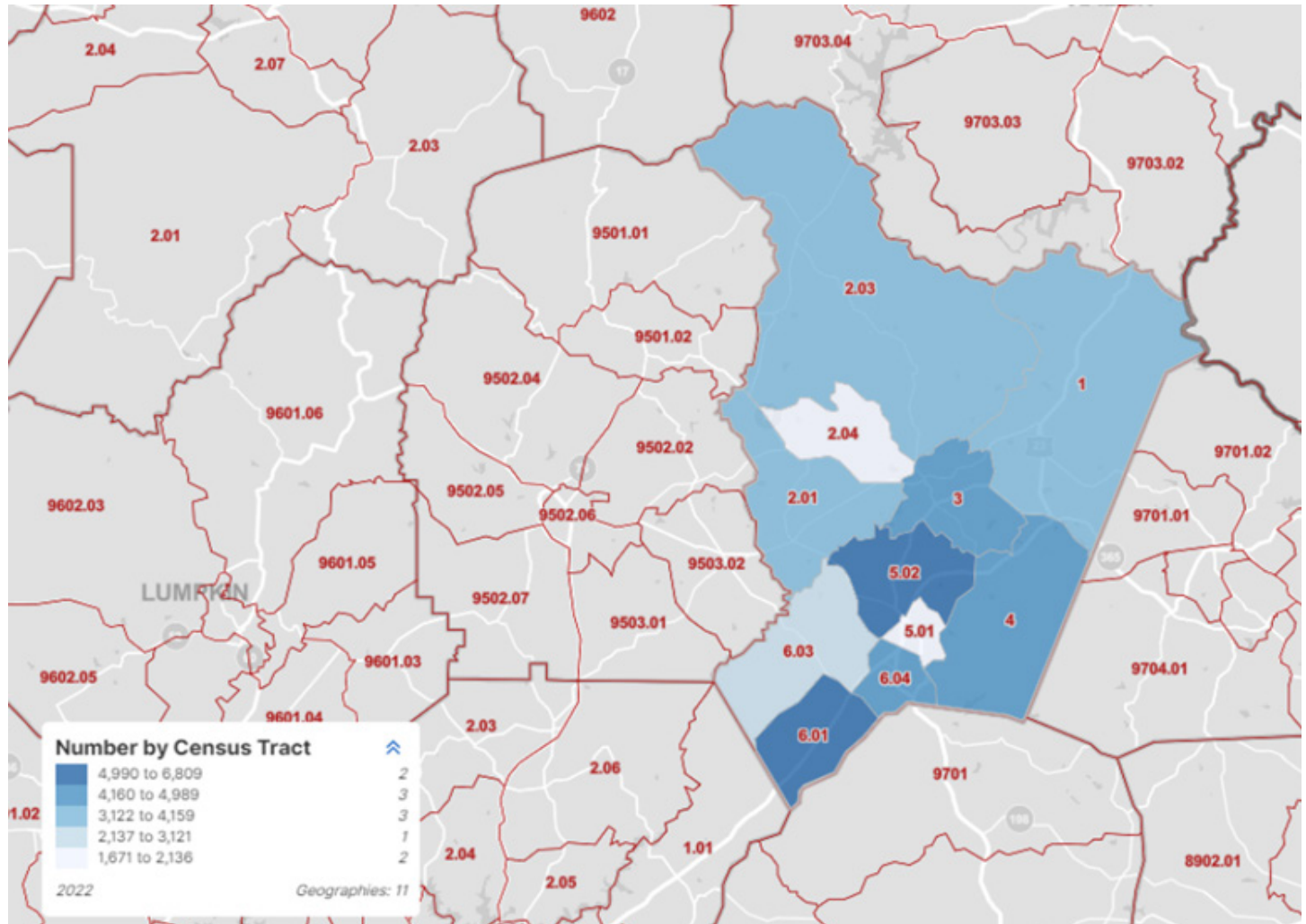


Image 3: Population by Census Tract (2022 ACS 5-year)

Census tracts with the highest market demand for new housing, as indicated by an occupancy rate exceeding 90 percent or more are Census Tracts 5.01, 6.01, and 6.04. The geographic mobility rate for these areas is higher than in other parts of Habersham. However, this mobility may be driven part out of need, rather than a true lifestyle preference, as per capita incomes for these tracts are the three lowest in the county, ranging from \$18K to \$26K.

One housing stock trend that is unique to Habersham is the use of mobile homes across all census tracts as the second most popular dwelling type. Mobile homes make up on average 20 percent of county occupied housing stock whereas multi-unit buildings on average account for just 7 percent. The highest percentage of multi-family buildings are found on Census Tracts 3, 5.01, and 5.02, where they make up 11% of housing units, and Census Tract 6.04 where they make up 39% of housing units.

Census tracts with the highest median housing values are Census Tracts 2.03 and 2.04 located northwest of Clarkesville. Median owner-occupied housing values here are \$255-\$256K. Census Tract 2.04 has a significantly high fertility rate of 15.7 percent. This fertility rate is five times higher

than the overall Habersham County rate of 2.9 percent and about three times higher than the overall Georgia rate of 5.1 percent. Among new births for households in this tract, 73 percent were to women aged 20 to 24.

Census Tract	Persons Per Household	Fertility ⁷	Mobility ⁸	Per Capita Income	Total Units	Occupied Units	Median Value of Owner-Occupied Unit
1	3	1%	7.2%	\$40,057	1,737 Single Unit: 69% Mobile Home: 27% Multi-Unit: 4%	74% By Owner: 85% By Renter: 15%	\$212,900
2.01	2.5	4.6%	6.5%	\$31,897	1,912 Single Unit: <u>71%</u> Mobile Home: 26% Multi-Unit: 4%	88% By Owner: 73% By Renter: 27%	\$186,100
2.03	2.4	n/a	8.3%	\$33,171	2,203 Single Unit: 85% Mobile Home: 15% Multi-Unit: 1%	72% By Owner: 90% By Renter: 10%	\$256,800
2.04	3.1	15.7%	9.9%	\$29,401	697 Single Unit: 90% Mobile Home: 10% Multi-Unit: 0%	76% By Owner: 94% By Renter: 6%	\$255,100
3	2.7	6.9%	9.5%	\$34,364	2,008 Single Unit: 75%	85%	\$208,500

⁷ Women 15-50 who gave birth in last year, 2022 5-year ACS

⁸ Percentage of population who moved since previous year

Census Tract	Persons Per Household	Fertility ⁷	Mobility ⁸	Per Capita Income	Total Units	Occupied Units	Median Value of Owner-Occupied Unit
					Mobile Home: 14% Multi-Unit: 11%	By owner: 77% By Renter: 23%	
4	3	1.8%	5.7%	\$33,881	1,938 Single Unit: 77% Mobile Home: 21% Multi-Unit: 2%	86% By Owner: 82% By Renter: 18%	\$191,900
5.01	3.1	n/a	16.3%	\$26,684	758 Single Units: 69% Mobile Home: 18% Multi-Unit: 13%	92% By Owner: 75% By Renter: 25%	\$140,300
5.02	2.7	3.5%	10.3%	\$27,944	2,244 Single Units: 78% Mobile Home: 11% Multi-Unit: 11%	89% By Owner: 72% By Renter: 28%	\$181,600
6.01	3.3	3.5%	16.7%	\$20,292	1,749 Single Units: 60% Mobile Home: 39% Multi-Unit: 1%	93% By owner: 74% By Renter: 26%	\$153,900
6.03	2.6	n/a	11.1%	\$29,793	1,479 Single Units: 82% Mobile Home: 18% Multi-Unit: 0%	80% By Owner: 75% By Renter: 25%	\$203,600
6.04	3	0.7%	39.3%	\$18,718	1,766 Single Units: 42% Mobile Home: 26% Multi-Unit: 31%	92% By Owner: 46% By Renter: 54%	\$116,400

SECTION 4: COUNTY PLANS

Several County Plans were evaluated as part of this diagnostic. The purpose of evaluating these plans was to identify the recommended goals, strategies, and actions that could be achieved or supported through Code Changes. For ease of reading the goals below may not necessarily be verbatim.

4.1.- HABERSHAM COUNTY JOINT COMPREHENSIVE PLAN (ADOPTED JAN 2024)

A.Community Vision

The Habersham County Comprehensive Plan (CP) is the master policy document for the county. The purpose of this Unified Development Code is to advance the CP master vision statement developed by the community. It reads as follows:

“Habersham County will continue to provide a healthy, appealing, and safe quality of life to residents and tourists, serving as a role model community for rural Georgia.” (CP, pg.8).

To achieve this vision, the County seeks to redirect growth towards its southern boundary while concurrently strengthening its rural area protections and conservation incentives in the north, especially where abutting protected state and federal parks. This approach seeks to tap into current market demand for housing, industrial, office, and commercial uses with ease of access to I-985 and the rapidly urbanizing Gainesville metro. While concurrent conservation of features such as rural vistas, natural open spaces, trout streams are regarded by Habersham residents as an essential form of heritage and cultural preservation. Economic growth is desired in so far as it is compatible with rural character. Samples of desirable uses in protected areas may be include family farms, tourism related services, outdoor sports (e.g., hunting, fishing).

B.Future Character Areas

The Comprehensive Plan contains a future land use map which is intended to guide annexation, rezoning, and development policies across all portions of the County. Descriptions of the desired development approach for each area are summarized below:

1. US 441 Throughway

Vision: Scenic corridor abutted by agricultural and natural open areas.

Limits: US-441 from Antioch Church Rd to Tallulah Falls, Portion of SR17

Strategies:

- Recreational trails may be appropriate (see: Tallulah Falls Railway)
- Implement strong buffer and access management standards.
- Mitigate curb cuts and median cuts, as feasible.

2. State Route 365 Corridor

Vision: Commuter-freight corridor abutted by commercial, corporate, industrial uses.

Limits: I-985 portion that provides access to North Georgia, Gainesville, and Atlanta.

Strategies:

- Maintain as auto-dependent corridor.
- Auto-centric [regional] commercial and industrial uses appropriate here.
- Residential uses shall be neither encouraged nor discouraged here.
- Implement access management and parcel connectivity standards.

3. Industrial

Vision: Industrial uses of all intensities with easy access to truck/rail routes.

Limits: As per Future Land Use Map.

Strategies:

- Prohibit intrusion of trucks into residential areas.
- Permitting allowances for site expansion as business matures.
- Set standards for landscaping and protect sensitive resources (e.g., wetlands)
- Screen truck docks, dumpsters, and abutting uses.
- Establish standards to support site maneuverability of oversized vehicles.
- Incentivize tech, industrial parks and corporate HQs with cohesive aesthetic.
- Prohibit residential uses.

4. Institutional

Vision: Major institutional facilities/educational campuses and their surrounding related uses.

Limits: North Georgia Tech, Habersham Medical Center and other areas.

Strategies:

- Provide complete streets that accommodate pedestrians and bicyclists.
- Connect campuses to nearby activity centers.
- Support campus-compatible aesthetics (of varied height and sizes).
- Set standards for off-site parking, accessory uses, open spaces, recreational amenities and neighborhood scale shops, restaurants, services.
- Rezone lands adjacent to UNG campus.

5. Gateway Corridors

Vision: Two to four lane arterials linking rapidly urbanizing Demorest-Clarkesville-US 441.

Limits: US 441 between Cornelia and Clarkesville, Demorest-Mt Airy Highway, SR 147

Strategies:

- Maintain current blend of uses and development patterns.
- Commercial uses (larger scale) should be master planned.
- Set streetscape and internal pedestrian circulation standards.

6. Commercial

Vision: Large, auto-centric commercial centers with big box anchor or offices.

Limits: As per Future Land Use Map.

Strategies:

- Promote infill developments.
- Provide compatible zoning requirements.
- Maintain area's design and architecture standards.

7. Village Center

Vision: Neighborhood scale retail node with pedestrian friendly areas and minimal parking. Limits: Corridor that includes City of Alto civic core and Main Street in Mt. Airy

Strategies:

- Multi-family and mixed-use may be appropriate if master planned.
- Prohibit strip development but incentivize small, local retail and office uses.
- Develop a Traditional Neighborhood Development Ordinance or Infill Ordinance.
- Develop street connection requirements for new projects.

8. Suburban Transition

Vision: Compact, walkable, master-planned communities with public amenities and facilities. Limits: Existing single family detached lots and undeveloped lots anticipated to be used for SF-D.

Strategies:

- Moderate to high density construction is appropriate here
- Lot size range: 0.3 acres to 2.5 acres, smaller for attached products.
- Blend residential uses with schools, parks, retail, childcare, etc.
- Encourage a compact pattern that encourages trips, discourages auto uses.
- Connect subdivisions to each other and to neighborhood retail
- Narrower streets, traffic calming, and on-street parking are appropriate.
- Preserve existing trees or ensure replacement trees are planted.
- Develop policies for decentralized wastewater treatment.

9. Rural

Vision: Prioritize preservation of rural lands and place strong controls on development. Future Land Use Map.

Limits: As per

Strategies:

- Preserve farmland, pastoral views, large lots, and open landscapes
- Rural cluster or conservation subdivisions principles may be appropriate
- Raise minimum lot size in the area without water and sewer
- Preserve cultural and historic sites
- Low density desired and large lots (min 2.5 to 20 acres) desired.

10. *Parks and Greenways*

Vision: Parks, greenways, open spaces designed to draw users outdoors.

Limits: US123, Wilkins Park, and any other area it can be accommodated.

Strategies:

- Use planned parks and facilities as Gateways into Habersham County.
- Passive use parks with on-site facilities may be appropriate in specific areas.

11. **Conservation**

Vision: Protected natural features and areas accessed by sparsely settled rural roadways. Limits: As per Future Land Use Map. Chattahoochee National Forest.

Strategies:

- Preserve farming through TDR, Conservation Easements, Restrictive Covenants.
- Protect historical sites and facilities, and natural features (vistas, meadows, slopes)
- Widen roadways only as last resort and minimize their visual impact.

4.2.- Highway 365 Corridor Assessment (Amended June 2016)

Habersham County is part of the transitional buffer separating the Gainesville and Atlanta metro areas to the south and the north Georgian countryside. Highway 365 (also known as State Route 365) is an essential north-south arterial relied upon for access throughout Habersham County and north Georgia municipalities (e.g., Baldwin, Cornelia, Demorest, Tallulah Falls). It consists of four travel lanes in each direction, separated by a median strip and traverses 16 traffic intersections. Recommendations for improving level of service and implementing desired land uses include:

- Upgrade Strategic Intersections
- Remove Select Intersections
- Install Frontage and Access Roads
- Restrict Installation of New Curb Cuts
- Expand and Improve Utilities
- Buffers and Screening
- Provide Signage Controls
- Provide Lighting Controls
- Establish Building Design Guidelines
- Establish Land Use Policies that Preserve Open Space
- Restrict Industrial Nuisances or Policies to Mitigate Nuisance Risk

SECTION 5: PROPOSED CODE SOLUTIONS

5.1.-GENERAL OBSERVATIONS

Modern zoning codes incorporate best practices that are currently absent from the Habersham Code. See below for general changes and new tools recommended to improve the code's structure and enforceability.

A.Improve Formatting and Language. Zoning Codes are not intended to be read from cover to cover. They are technical resources which should be broken up into easily digestible pieces that enable users to 'scan' for the rules they seek. Current section headers are numbered by their order in the chapter as a whole, with little regard to their location beneath a specific article. By anchoring headers to their article (i.e., a general theme) will enable users to better navigate the document. Otherwise, the numbering system in place is intuitive and should preserved, as it alternates use of capital letter, number, lowercase letter, number that is the current norm. Use of color and different font sizes can also help staff and users to distinguish headers more clearly from regulatory content.

ACTION(S): Improve numbering system, use color and font size to guide user eyes to headers first, utilize bullets and illustrations, introduce hyperlinks to simplify navigation

B.Consolidate and Update Definitions. Definitions are currently distributed among different chapters. Having definitions in multiple locations makes the document difficult to navigate and, in some cases, results in unnecessary duplication of terms. Consolidating all definitions in one location can help to streamline the document and allow a single term to have a consistent definition across sections.

ACTIONS: Consolidate all terms (for zoning, subdivision, uses, planting, and signs) in a stand-alone article, remove regulatory language from definitions and relocate to appropriate sections, and integrate graphics where necessary to facilitate understanding of term.

C.Update Dimensional Standards to Reflect Desired Development. In response to CP recommendations, updating lot dimensional standards will be necessary to emulate the desired rural small to moderate scale development patterns and to incentivize desired uses and density in southern limits of the County and along Highway 365. Scenic Overlays shall be explored for US 441. Stakeholder engagement will be used to refine the Gateway Vision and design standards wanted along northern corridors leading to national and state parks and forests.

ACTION: Update dimensional and use standards to align with desired lot sizes, common variances, and general best practices.

D.Clarify Application Completion and Acceptance Criteria. The current application processes do not distinguish between when a submitted application has been deemed complete and when the application is accepted by staff. An application that has been submitted does not necessarily mean that the submittal includes all required details and documentation for staff to complete their review of the submittal and therefore considered complete. This distinction determines when staff has received the application submittal and when staff is required to begin their review. This is especially important in reference to plat submittals to clearly establish when the application has been accepted and initiating the period for a determination to be made on the plat.

ACTION: Set clear metrics for application intake requirements, expiration of plan review comments, expiration of issued permits where no substantive site work is performed within specified period of time, and thresholds to determining when a permit has been actually issued. Explicitly codify that receipt of approval from a single reviewer or Board of Commissioner Approval for a variance or rezoning does not mean said permit has been formally issued. Require payment of all fees prior to permit issuance.

E.Enhance Enforcement Authority. The current language does not clearly outline the enforcement of the regulations in many instances within the text. In sections where a penalty for non-compliance is identified, the procedures to enforce the regulation are not provided. This results in a lack of compliance, difficulty enforcing the Ordinance, and overall poor-quality developments.

ACTION: Establish clear procedures and penalties to support Code Update enforcement. Clarify the general framework for inspections, warnings, and procedural repercussions.

5.2.-SPECIFIC OBSERVATIONS

There are certain Zoning Code changes unique to Habersham County which should be carried forward with further refinement. This section provides a list of recommended actions to specific standards. Articles which are not listed below were excluded because they will require significant amendment and restructuring. Proposed changes for said articles will be presented and discussed at monthly recurring Project Management Teams Meetings.

[Blank on purpose]

SPECIFIC CODE CHANGES

ARTICLE 1.-IN GENERAL

Section 68-101.-Title: Consider updating the title to “Habersham County Comprehensive Land Use and Development Ordinance” or “Habersham County Unified Development Ordinance.” Add that it may be referred to herein as “UDO.”

Section 68-102.-Authority. Change to: This Code is enacted based on the authority vested in the Habersham County by the State of Georgia, including but not limited to the Georgia Constitution Article IX, Section 2, Paragraph IV, the Zoning Procedures Law, O.C.G.A. Chapter 36-66-1 et seq.

Section 68-103.-Seperability. Change to: “Invalidation. It is the intent of the Board of Commissioners to adopt each and every provision of this Code. In the event any provision is found to be overbroad or unenforceable, it is the intent of the Board of Commissioners that the reviewing Court give said provision the broadest legally permissible interpretation. In the event that a provision is found to be unconstitutional or unlawful and not otherwise amenable to a narrowing constriction, it is the intent of the Board of Commissioners that the offending language be severed, and all remaining and independent provisions of this Code remain in full force and effect.”

Section 68-104.-Purpose and Intent. Update to reflect compliance with 2024 Comprehensive Plan objectives and vision. Carry over extant police powers statement.

Section 68-106.-Relationship to Comprehensive Plan. Retain this Section and strengthen its language.

Section 68-107.-Rules for Interpretation. Retain only those standards specific to the computation of time, word usage, or graphics. Relocate the remaining standards.

Other: Introduce new Transitional provisions that outline the vesting rights for permits at different points of development which were in pipeline prior to the adoption of the UDC.

Other: Establish controls prohibiting the establishment of split-zoned lots and clarify application of standards on split-zoned properties. Discuss whether County wants to apply standards applicable to the zoning district which occupies the greatest portion of the property.

Other: Establish the Community Development Director as the person responsible for final Zoning Map interpretations and clarify how boundaries of zoning districts shall be determined.

ARTICLE 4.-OFF STREET PARKING, LOADING AND ACCESS REQUIREMENTS

Section 68-402.-Minimum number of...spaces: Carry over the current table and reduce total spaces for most uses to reduce impacts of overparking. Base standards on rate of per unit or per 1000 gross square footage of active space, rather than varying standards of measurement.

Section 68-403.-Handicap Parking Requirements. Retain the ADA spaces table but add a cap on the total ADA spaces required after 200 parking spaces are provided upon a property. Discuss (do you have any uses which require an excess of 100 spaces in the County given that most businesses employ an average of 12 persons?). Add ADA parking design standards to this section.

Section 68-404.-Eliminate this section. Redundant.

Section 68-405.-Parking and Loading Design Requirements. Carry over and strengthen, adding improved standards for restriping, maintenance, and introduction of additional tree islands and screening buffers.

ARTICLE 9.-SIGNS

Section 68-903.-Intent and Purposes. Combine (e) and (h).

Section 68-905.-Application Information. Should site setbacks in (h) (different than Sec. 68-911. – Setback) be included as a “limiting feature” OR are signs allowed in setbacks?

Section 68-907.-Display of Permit. Update to provide readily accessible standards, with administrative flexibility for non-conforming building types.

Section 68-912.-Prohibited Signs. Carry over current wall façade maximums.

Section 68-913.-Restrictions in LI-R, LI-C, and MR-I. Change to increase sign area cap from 8 to 16 SF.

Other: Introduce signage type graphics to definition section.

ARTICLE 11.-PLANNING COMMISSION

Section 68-1103.-Powers and Duties. Clarify residency requirements for members. Establish that the Planning Commission will host public meetings, not public hearings, to introduce procedural flexibility.

Other: Carry over other existing standards. Reallocate BOC petitions to driveway variances to PC*.

ARTICLE 12.-APPEALS AND VARIANCES

Section 68-1201.-Appeals. This section lacks detail on application requirements, effects of an appeal, record of decision, actions of BOC and County Manager. These details should be added along with description of the appeals review process, including clear timelines.

Section 68-1202.-Variances. This section lacks a comprehensive framework for variances, including clear criteria for evaluation, detailed application procedures, and specific conditions under which variances can be granted. These details should be added. Text will be simplified.

Section 68-1203.-Administrative Variances. This section lacks specific criteria for reviewing administrative variances. Needs clarity on the validity period of granted variances. Lacks a detailed process for handling denied applications. These details will be added.

ARTICLE 13.-AMENDMENT, APPLICATION, AND PROCEDURAL REQUIREMENTS

Section 68-1301.-Initiation of Amendments. Combine statements about who can initiate applications to avoid redundancy.

Section 68-1302.-Application for Amendment. Emphasize providing a complete application. Applications for text amendments must include the section of the code to amend, new text to be added or text to be removed, and reasons for the text amendment.

Section 68-1303.-Public Notification. Add detailed requirements for mailing, posting, and publishing, including specific timelines.

Section 68-1305.-Governing Body public hearing. Text amendment applications should be considered by the Planning Commission at a public hearing prior to the scheduled BOC hearing. (Discuss. Is County ok with requiring a public meeting, or do they wish to retain public hearing at PC? Clarify cases in which it is desired that a straight to BOC option be provided.)

Section 68-1306.-Standards governing exercise of zoning power. Add standards to ensure that rezoning considers community need, consistency with adopted plans, and that properties retain reasonable use.

Section 68-1307.-Standards for granting conditional uses. Missing standards. Include detailed standards for consistency, that no special privilege has been given, Consideration of special conditions specific to the property, etc.

Section 68-1309.-Reapplication. Establish minimum 1 year time (up from 6 months) limit on reapplication for denied rezoning petitions, with exemption if the applicant is able to establish that significant changes to the original proposal or application package has occurred.

ARTICLE 14.-ADMINISTRATION, ENFORCEMENT, PENALTIES, AND REMEDIES

Section 68-1401.-Administration and Interpretation. Combine with section 68-1402 to streamline and avoid redundancy. Standards for design review board needed.

Section 68-1403.-LDP required. Lacks comprehensive requirements for fees, detailed application and review processes, specific inspection and enforcement protocols, and explicit penalty provisions for violations. Needs clear definitions and examples of what constitutes a land disturbing activity. Changes needed to specify documentation required for the application process.

Section 68-1405.-Building Permit required. Lacks detailed procedures and conditions for various permits and amendments. Define the process for renewing or extending permits. Must hyperlink to external applicable chapters.

Section 68-1405.-COs Required. Missing standards that must be met for a certificate of occupancy to be issued and Rules about the visibility of the certificate of occupancy on the premises clarify the process for temporary or conditional certificates.

Other: Lacks comprehensive details on enforcement actions, including stop work orders, withholding certificates of occupancy, suspension/revocation/modification of permits, and both civil and criminal penalties. This article to be significantly expanded.

ARTICLE 15.-OVERLAY DEVELOPMENT STANDARDS

Section 68-1503.-Overlay District Boundaries. (a)(6) – Provide clarification on “any vehicular use area”. Does this mean driveways, parking lots or ride share areas, or specific vehicular uses like service and repair, tire store, etc.

Section 68-1505.-Overlay District development standards. (d) - Provide details on secondary materials and their percentage to provide clarification.

Section 68-1505.-Overlay District development standards. Flip Table 1232 and Table 1233 so the user is able to see the requirements of each buffer type before the uses they are assigned to.

Other: The following Comp. Plan discrepancies need to be addressed:

- There aren't any parking requirements provided for this overlay.
- The Habersham County Joint Comprehensive Plan includes implementing access management and parcel connectivity standards as one of the strategies for SR 365.
- Highway 365 Corridor Assessment (amended June 2026) suggests restricting installation of new curb cuts as one of the recommendations.
- COD could make use of inter-parcel connectivity standards to reduce curb cuts, and shared parking standards, if needed. Especially in areas where higher density is desired.

Section 68-1513.-Airport Zones. First paragraph states that "... zones are shown on the Habersham County Airport zoning map consisting of one sheet, prepared by the Habersham County Planning and Development Department..." This map is nowhere to be found online. The zones and height limitations in Sec. 568-1514. – Airport zone height limitations are difficult to understand without the map. Hyperlink to a visual will be required here.

EXTERNAL CHAPTER 20.-DRIVEWAY CONSTRUCTION

Section 20-2.-Purpose of design standards. (5) Replace 'pedestrians' with 'vulnerable road users (VRUs)' or add reference to 'VRUs'.

Section 20-6.-General Design Standards. (2) Maximum two driveways are permitted serving a single property frontage. Can this be reduced to "only one" OR based on the different uses? This will encourage more inter-parcel connectivity and reduce the number of driveways in some areas (especially commercial areas).

Section 20-6.-General design standards. (3) Provide clarification on whether this is for a driveway permit for driveways along both frontages or multiple on one or one or one? It isn't clear to me what it wants to say.

Section 20-9.-Angle of entry and exit. Provide diagrams for clarification for all five (5) instances referenced herein.

Section 20-11.-Maximum frontage for driveway use. Potentially eliminate this section. Sec. 20-8 provides minimum and maximum driveway widths for different uses.

Other: Introduce language on inter-parcel connections, joint driveways, and frontage road standards where abutting major or minor arterials. Establish standards for controlled access points.