

HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT

**Applicant** ..... Hall County Planning Staff

**Request** ..... Text Amendment

**Proposed Use** ..... Clarify the Code provisions relating to Planned Development Districts(17.180)

**Zoning** ..... Applicable to all PRD developments

**Location** ..... **Throughout Hall County**

**Commission District** ..... One, Two, Three, and Four

**Planning Commission Date** ..... April 3, 2023

**Staff Recommendation** ..... Approval to provide clarity in the regulations.

**Planning Commission Recommendation**..... Approval with modification. Modifications presented as separate document.

**Vote: 4-0 (Sosebee absent)**

**Public Forum:**

*There were no comments in support or opposition.*

**Summary Analysis**

Staff and legal have discovered areas of the Planned Residential Development regulations that were ambiguous and often contradictory to other portions of the regulations. This proposed amendment will correct those items.

**When considering a text amendment, the Planning Commission must follow the same procedural guidelines as for a rezoning request (17.380.040), this includes public notice. The proposal was advertised in the Gainesville Times but since the proposal is not related to a specific parcel, no signs were posted.**

**The proposal is as follows:**

1. Section [17.180.010](#) (Planned Development District - Intent) is hereby amended by deleting subsection (B) in its entirety and inserting in lieu thereof a new subsection (B) which provides as follows:

“B. This district is to be utilized as a “floating zone” which shall mean that areas will not be pre-designated as planned development districts but rather each such designation shall result from a

specific and separate application for amendment. Planned development districts are separate zoning districts and shall follow the same amendment procedures as other districts.”

- 2. Section [17.180.040](#) (Planned Development District – Administrative procedures for planned development districts) is hereby amended by deleting Section 17.180.040 in its entirety and inserting in lieu thereof a new Section [17.180.040](#) which provides as follows:

“A. Any request pertaining to the establishment of a planned development district shall be administered and processed in accordance with the regulations set forth in chapter [17.380](#).

B. All data, plans, and specifications presented as part of the planned development district application shall, if approved, be the standards of development for that particular planned development, but only to the extent that they do not conflict with the provisions of the Code. To the extent that they conflict with the provisions of the Code, all data, plans, and specifications become the standards of development for that particular planned development only if they are set forth as a specific condition of zoning or approved as a zoning variance.

C. To the extent that the approved standards are consistent with the Code, set forth as specific conditions, or approved as a zoning variance, all further development on the property shall conform to the standards adopted for the district regardless of any change in ownership. Any proposed changes to those same approved standards must be considered in accordance with the procedures set forth in chapter 17.380. Appeals based upon hardship or an alleged misinterpretation of the ordinance by the building official shall be processed in accordance with the procedures set forth in chapter 2.40.

In no case shall the approved land uses be appealed.

D. The violation of any provision of the planned development standards as submitted and approved under the provisions herein shall constitute a violation of these regulations.”

3. A new Section 17.180.042 (Planned Development District – Application) is hereby inserted into chapter 17.180 immediately following Section [17.180.040](#) which provides as follows:

*“A. Submission of application. Any application for a planned development district shall be submitted to the Planning Commission through its Planning Director or other designated staff member. B. General requirements.*

1. All applications for zoning of property to a planned development district must conform to all requirements of chapter 17.380 except as may otherwise be required by this section. All applications that do not comply with the requirements of chapter 17.380 shall be returned to the applicant unfiled with notice of the deficiency or deficiencies.

2. No application to rezone property to a planned development district shall be accepted until after a pre-application meeting is held between the applicant, appropriate staff of the Planning Department, appropriate staff of the Public Works Department, and any other applicable local or state agencies.”

4. The remaining provisions of Title 17 (Zoning Regulations) of the Hall County Code of Ordinances shall remain as they were, unchanged by this amendment.

➤ **Excerpts from the minutes of the April 3, 2023 meeting**

**Applicant’s Presentation:**

**Randi Doveton, Planning Director,** presented a summary of the request.

**Public Forum:**

*There were no comments in support or opposition.*

**Planning Commission Comments:**

Mr. Braswell stated that concerns with the amendments were addressed and discussed with staff. Mr. Braswell stated that the code sections would be voted on separately. Mr. Braswell discussed edits made with staff.

**Motion: A motion to approve 17.180.010 was made by Ms. Pilcher and seconded by Mr. Varner. Vote: 4-0 (Sosebee absent)**

**Motion: A motion to approve 17.180.040 was made by Ms. Pilcher and seconded by Mr. Varner. Vote: 4-0 (Sosebee absent)**

**Motion: A motion to approve 17.180.042 was made by Ms. Pilcher and seconded by Mr. Hunt. Vote: 4-0 (Sosebee absent)**