

STATE OF GEORGIA
COUNTY OF HALL

A RESOLUTION TO AMEND THE CODE OF ORDINANCES OF HALL COUNTY
WITH REGARD TO ZONING REGULATIONS

WHEREAS, Hall County has developed comprehensive regulations governing zoning and development in the County found in Title 17 of the Official Code of Hall County, Georgia; and

WHEREAS, the County's Board of Commissioners wishes to alter current regulations to clarify the Code provisions relating to Planned Development Districts so as to provide clearer guidance regarding compliance with the Code in such districts; and

WHEREAS, the County's Board of Commissioners wishes to clarify the administrative procedures relating to Planned Residential Districts and clarify the Code requirements for Planned Residential District applications; and

WHEREAS, the County's Board of Commissioners believes that these changes to its zoning and development regulations as described herein are in the best interests of residents and businesses of Hall County, Georgia, and would promote the public health, safety, and general welfare of such residents and businesses.

NOW, THEREFORE, the Board of Commissioners does hereby amend The Official Code of Hall County, Georgia 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. The standards of development for a particular application (which includes all data, plans, specifications and land uses) shall be set forth in specific zoning conditions and/or variances and/or conditional uses, if approved.”

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 provisions of the Code. To the extent that they conflict with the provision of the Code, all data, plans, and specifications become the standards of the development for that particular planned development only if they are set forth as a specific condition of zoning or approved as a zoning variance and /or conditional use.

C. To the extent that the approved standards of development are consistent or inconsistent with the Code, as noted in the above Paragraph "B" above, and set forth a specific conditions, or approved as a zoning variance and /or conditional use, 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 of development 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 (this title) by the building official shall be processed in accordance with 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 conform to all requirements of chapter 17.380 except as may otherwise be required in 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 deficiencies.

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 in 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 (20 acres or more) 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 Public Works Department, or any other applicable local or state agencies. Once a pre-application meeting is requested by the applicant, staff shall schedule it within ten (10) business days. Failure to meet this timeline requirement by staff would negate the pre-application meeting requirement. “

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.

SO RESOLVED, this the _____ day of _____, 2023.

HALL COUNTY BOARD OF COMMISSIONERS

By: _____
Richard Higgins, Chairman

ATTEST:

Jennifer Rivera, County Clerk

APPROVED AS TO FORM:

County Attorney