

**STATE OF GEORGIA
COUNTY OF HALL**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF HALL COUNTY, GEORGIA IMPOSING A NEW SUSPENSION ON THE ACCEPTANCE OF APPLICATIONS SEEKING TO REZONE PROPERTY TO ANY ZONING CATEGORY THAT AUTHORIZES HIGH-DENSITY RESIDENTIAL AND/OR PLANNED DEVELOPMENT USES, AS DEFINED HEREIN, AND A SUSPENSION ON THE ACCEPTANCE OF APPLICATIONS SEEKING A SPECIAL USE FOR A DATA CENTER, AS DEFINED HEREIN, FOR A PERIOD OF ONE HUNDRED AND EIGHTY (180) DAYS, COMMENCING UPON THE EFFECTIVE DATE OF THIS RESOLUTION, FOR THE PURPOSE OF ALLOWING THE COUNTY TIME TO REVIEW AND ADOPT AMENDMENTS TO ITS UNIFIED DEVELOPMENT CODE RELATING TO HIGH-DENSITY RESIDENTIAL ZONING AND PLANNED DEVELOPMENT DISTRICTS, DATA CENTER USE PROVISIONS, AND THE COUNTY’S ABILITY TO MANAGE ITS HIGH-DENISTY RESIDENTIAL ZONING DECISIONS; AND FOR OTHER RELATED PURPOSES.

WITNESSETH

WHEREAS, in accordance with Article IX, Section II, Paragraph 1 of the Constitution of the State of Georgia, the Hall County Board of Commissioners (the “Board”) is vested with substantial powers, rights, duties, and functions to generally regulate the practice, conduct, and use of property within its jurisdiction in order to promote the health, morals, safety, security, peace, and general welfare of Hall County and its citizens; and

WHEREAS, the Unified Development Code of Hall County, Georgia, (the “UDC”), adopted on November 14, 2024, regulates zoning and land use within the unincorporated areas of Hall County; and

WHEREAS, the Board is the governing body of Hall County and is therefore responsible for providing appropriate regulation of current and future development within the County so as to best serve the public interest; and

WHEREAS, on August 28, 2025, Hall County, Georgia passed a Resolution for the suspension of the acceptance of high-density residential rezoning applications, as defined therein, for a period of 180 days due to unprecedented residential population growth and high-density residential development in Hall County; and

WHEREAS, Hall County’s current suspension is set to expire at midnight on February 25, 2026; and

WHEREAS, Hall County continues to experience increasing strain on its service and infrastructure demands due to the ongoing rapid residential population growth that continues unabated; and

WHEREAS, the Board has determined that as a result of the rapid residential population growth and development throughout the County portions of the UDC are no longer an effective means of regulating future high-density residential and development growth; and

WHEREAS, the Board acknowledges that data centers can be a valuable economic resource, but their anticipated exponential growth in Hall County will create an unprecedented and immediate strain on its natural resources, environment, and essential public resources, including, but not limited to, the electrical power grid, finite water supply, and local infrastructure such that a study on their effects is warranted to fully understand their impact; and

WHEREAS, the Board has determined that the County's ability under its existing regulations and zoning ordinances to regulate high-density residential and planned developments and data center uses is insufficient and requires amendment to enable the County to provide adequate infrastructure, including roads, sewer, fire protection, police protection, and other public services for the protection of the health, safety, and welfare of the County and its citizens; and

WHEREAS, the Board has identified needed changes to its UDC including, but not limited to, potential changes to the regulation of Planned Development Districts to limit their availability, potential creation of a new single-family zoning district to accommodate developments proposing detached homes on lots smaller than 20,000 square feet that are served by public sewer and water to transition this type of development away from the "Planned Residential Development" classification and instead establish a defined set of standards for these developments, and potential creation of a Starter Home Overlay District to address the growing need for housing attainable for first-time homebuyers; and

WHEREAS, Georgia law recognizes that local governments such as counties may impose moratoria on rezoning and data center use applications and other permits and licenses when exigent circumstances warrant the imposition of such moratoria; and

WHEREAS, Georgia and federal courts generally take judicial notice of a local government's inherent power to impose moratoria on an emergency basis; and

WHEREAS, the Georgia Supreme Court in DeKalb County v. Townsend Associates, Inc., 243 Ga. 80 (1979), has held that moratoria are justified where it appears that the interest of the public generally requires the imposition of a moratorium provided that the means are reasonably necessary for the accomplishment of the purpose for which the moratorium was imposed; and

WHEREAS, the Board believes it is in the best interest of the citizens and residents of Hall County to impose a new suspension on the acceptance of high-density residential and planned development rezoning applications, as defined herein, as well as a suspension on the acceptance of data center use applications, as defined herein, in order to afford the Board, staff, and the County's legal team time to review and consider substantial changes to the UDC with respect to its current high-density residential and planned development zoning districts and standards, use standards for data centers, and to explore ways in which the Board can better manage its high-density residential zoning decisions through a periodic and regular review of those decisions, in

order to maintain the County's policy objectives of promoting the health, morals, safety, security, peace, and general welfare of its citizens by means which are reasonable and not unduly oppressive; and

WHEREAS, a full review of the County's UDC with respect to the standards contained in its high-density residential and planned development zoning districts, use standards for data centers, and the ability to impose review standards for high-density residential rezonings, and potential changes, amendments, or modifications thereto, could take up to an additional 180 days to complete and approve; and

WHEREAS, due to the time required to review, consider, deliberate, and implement potential changes, amendments, or modifications to the UDC with respect to high-density residential and planned development zoning standards and data center use standards, a suspension on the acceptance of all high-density residential and planned development rezoning applications and data center use applications, as defined herein, is warranted during that time; and

WHEREAS, absent a suspension on the acceptance of said applications, the Board will be unable to review and make potential changes to its UDC, as described herein, to address and regulate the rapid growth in high-density residential and planned development rezonings together with the increasing burden on public resources from new data centers, as property owners would be able to institute rezoning actions to high-density residential and planned development uses or data center uses that will lock in performance and use standards or density allowances that are or may be changed; and

WHEREAS, were that to occur, the will of the Board will have been thwarted as newly adopted performance and use standards, density allowances, and zoning review procedures under the UDC, as amended, would have no impact on high-density residential and planned development rezoning applications and data center use applications that were in process prior to those changes; and

WHEREAS, the Georgia Supreme Court has further held in City of Roswell v. Outdoor Sys., 274 Ga. 130 (2001), that a temporary moratorium with respect to application of a zoning ordinance may be put in place for a reasonable period of time without the necessity of complying with the notice and public hearing requirements of the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., as it is not a zoning decision; and

WHEREAS, the Board finds that implementing a suspension (lasting 180 days) on the acceptance of high-density residential and planned development rezoning applications and data center special use applications to be (i) necessary to allow sufficient time to inquire, deliberate, and implement changes to the County's UDC to address the rapid, unprecedented growth and burden on public resources identified above, and (ii) appropriate, reasonably necessary, the least restrictive means available, and a reasonable and proper exercise of the County's police powers, which is in the best interests of the public health, safety, and welfare of the citizens of Hall County;

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF HALL COUNTY, GEORGIA HEREBY RESOLVES AS FOLLOWS:

SECTION 1.

DEFINITIONS

1. The term “high-density residential and(/or) planned development” shall be defined for the purposes of this Resolution as including and encompassing the following residential and planned development zoning districts and uses therein under the UDC with certain limitations: Residential Mixed (R-X), Residential Multi-Family (R-MF), Mixed-Use (MU), Planned Residential Development (PRD), Planned Office Development (POD), Planned Commercial Development (PCD), and Planned Industrial Development (PID); notwithstanding the foregoing, this definition shall not apply to nor suspend the acceptance of any application for rezoning to the above-listed zoning districts that would result in a density of 30 or fewer residential units located in the “urban area,” as defined by the U.S. Census Bureau in the 2020 Census, which will be served by public sewer and water; and
2. The term “data center” shall be defined as a facility, campus of facilities, or array of interconnected facilities dedicated to the housing of telecommunications exchanges, working servers, or computer or data processing, management, storage, equipment or systems, and that is developed to cool, secure, and connect data associated with applications and services. It may also include accessory utility infrastructure such as air handler, power generator, water cooling and storage facilities, and similar infrastructure necessary to the operations at a data center.

SECTION 2.

FINDINGS OF FACT

The Board of Commissioners of Hall County, Georgia hereby makes the following findings of fact:

- (a) The findings, statements, and declarations in the preamble are adopted and made a part of this Resolution as if fully set forth verbatim; and
- (b) It appears that the County’s ordinances, as contained in its UDC, relating to high-density residential and planned development zoning district standards, its ability to review its high-density residential zoning decisions, and the use provisions relating to data centers require review and possible comprehensive amendment by the County; and
- (c) The Board finds that the adoption for a period of one-hundred and eighty (180) days from the effective date of this Resolution through and including August 26, 2026, of a suspension on the acceptance of all high-density residential and/or planned development rezoning applications, as defined above, and data center special use applications, as defined above, are appropriate; and
- (d) The Board further finds this suspension is necessary in order to maintain the status quo and allow the County time to review and consider necessary changes, amendments, or modifications to its UDC to address the rapid, unprecedented growth and burden on public resources identified above, without which the County will become inundated with high-

density residential and planned development rezoning applications and data center use applications that will lock in performance, density, and use standards that are otherwise subject to change.

SECTION 3.

IMPOSITION OF NEW TIME-LIMITED SUSPENSION

1. The suspension on the acceptance of high-density residential rezoning applications for 180 days imposed by the Board through its Resolution dated August 28, 2025, is set to expire at midnight on February 25, 2026; and
2. There is hereby imposed a new suspension on the acceptance of all applications to rezone property to any zoning category that authorizes high-density residential and/or planned development uses, as defined above, and all special use applications for data centers, as defined above, for a period of one-hundred and eighty (180) days commencing immediately upon adoption of this Resolution; and
3. The suspension imposed by this Resolution shall terminate upon the earlier of (1) 11:59:59 p.m. on August 26, 2026; (2) an affirmative act by a majority of the Board terminating the suspension; or (3) the effective date for the adoption of changes, modifications, or amendments to the County's UDC relating to its high-density residential and planned development zoning districts, data center use provisions, and review of its high-density residential zoning decisions, which are necessary to address the current rapid, unprecedented population growth and burden on public resources identified and recognized above; and
4. This suspension shall be effective immediately upon adoption of this Resolution by a majority vote of the Board; and
5. All applications for rezoning to high-density residential and/or planned development zoning districts, as defined above, or special use applications for a data center, as defined above, which have been submitted or accepted anytime within the preceding (7) days of the effective date of this new suspension, as provided above, shall be deemed withdrawn as of the effective date of the suspension and all application fees previously paid will be refunded to the applicants; and
6. This suspension shall not prevent the on-going development of high-density residential and planned development properties where the Board has previously approved the high-density residential and planned development rezoning on or before the effective date of the suspension; and
7. This suspension shall not prevent the continued operation of any existing data center in Hall County that is operating lawfully as of the date of enactment of the suspension, nor

shall this suspension prevent any data center use otherwise allowed without application for a special use under the current UDC; and

8. As of the effective date of the suspension set forth in this Resolution, no applications requesting a rezoning to a high-density residential and/or planned development zoning district or special use application for a data center will be accepted by any agent, employee, or officer of Hall County, and any application so accepted for filing will be deemed in error, null, and void and of no effect whatsoever, and shall constitute no assurance whatsoever of any right to engage in any act applied for or requested, and any action in reliance on any such application for high-density residential and/or planned development rezoning or data center use shall therefore be unreasonable; and
9. This suspension shall have no effect upon any applications for high-density residential and/or planned development preliminary plat approvals or requests for high-density residential and/or planned development land disturbance permits (not to include clearing or grubbing permits that are not tied to a specific residential or planned development improvement plan or project, which shall be issued without limitation and do not serve to establish a vested right in completion of the development or project), which are made within twelve (12) months from the effective date of the Board's prior suspension on high-density residential rezonings (August 29, 2025), relating to any properties that were previously approved by the Board for high-density residential and/or planned development rezoning; and
10. This suspension shall have no effect upon applications requesting the amending of conditions of previously approved high-density residential rezonings, planned development rezonings, or data center uses, unless the amending of conditions requests a higher density or more intense use than previously approved in which case the application will not be accepted.

SECTION 4.

SEVERABILITY

To the greatest extent allowed by law, each and every section, paragraph, sentence, clause, or phrase of this Resolution is severable from every other section, paragraph, sentence, clause, or phrase herein. In the event that any section, paragraph, sentence, clause, or phrase of this Resolution is, for any reason whatsoever, declared invalid, unconstitutional, or unenforceable by the valid judgment or decree of any court of competent jurisdiction, such judgment or decree shall not render invalid, unconstitutional, or unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases herein, which as a result will remain in full force and effect.

SECTION 5.

NATURE

This Resolution is of a temporary nature and shall expire on its terms as described herein.

SECTION 6.

INCORPORATION

The preamble to this Resolution set forth above shall be considered to be and is hereby incorporated by reference as if fully set out herein.

SECTION 7.

EFFECTIVE DATE

This Resolution shall become effective immediately upon its adoption by a majority vote of the Board of Commissioners of Hall County, Georgia.

SO RESOLVED, this 26th day of February, 2026, the public's health, safety, and welfare demanding it.

**HALL COUNTY BOARD OF
COMMISSIONERS**

Chairman, David Gibbs

ATTEST:

Jennifer Rivera, County Clerk

APPROVED AS TO FORM:

Justin R. Lawhon, County Attorney