

STATE OF GEORGIA

COUNTY OF HALL

RESOLUTION TO AMEND THE HALL COUNTY UNIFIED DEVELOPMENT CODE
WITH REGARD TO ARTICLE 11—ADMINISTRATION
(SECTION 11.1-REVIEW BODIES)

WHEREAS, on November 14, 2024, the Hall County Board of Commissioners adopted the Hall County Unified Development Code ("UDC") to govern zoning, subdivision, stormwater management, and related land development regulations within the unincorporated areas of Hall County; and

WHEREAS, Article 11 of the UDC establishes the administrative procedures and review bodies responsible for the implementation and administration of the Unified Development Code; and

WHEREAS, the Hall County Department of Planning and Zoning and the Hall County Law Department have reviewed Section 11.1 of the UDC and recommended revisions to improve, clarify, and update the organization, appointment, membership, terms of office, procedures, and administration of the Hall County Planning Commission; and

WHEREAS, during the development of the proposed amendments, Hall County received input from citizens and County staff regarding the structure and operation of the Planning Commission; and

WHEREAS, the proposed amendments revise Section 11.1 of the Unified Development Code to establish updated provisions governing the appointment, staggered terms, vacancies, removal, organization, powers, duties, procedures, and administration of the Hall County Planning Commission, while preserving the Planning Commission's role in carrying out those duties assigned by the Unified Development Code, as set forth in Exhibit "A" attached hereto; and

WHEREAS, the proposed amendments further revise the procedures governing the Planning Commission's review and consideration of conditional use permits, subdivision plats, variances, appeals, nonconforming uses, and other matters assigned by the Unified Development Code.

WHEREAS, following the public hearings required by law, the Board of Commissioners finds that the proposed amendments are in the best interests of the citizens of Hall County and promote the public health, safety, and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Hall County Board of Commissioners that the Hall County Unified Development Code is amended as follows:

1.

Section 11.1 of Article 11 of the Hall County Unified Development Code is hereby deleted in its entirety and substituted in lieu thereof with the provisions attached hereto as **Exhibit "A,"** which are incorporated herein by reference.

2.

The amendments adopted herein include, but are not limited to, revisions governing:

- (a) Planning Commission appointments;
- (b) staggered terms of office;
- (c) vacancies and removal from office;
- (d) organization and procedures;
- (e) powers and duties;
- (f) quorum and voting requirements;
- (g) review procedures;
- (h) submission requirements; and

(i) appeals and related administrative procedures.

3.

Except as expressly amended herein, all remaining provisions of the Hall County Unified Development Code shall remain in full force and effect.

4.

This Resolution shall take effect immediately upon its adoption.

SO RESOLVED, this the 27th day of August, 2026.

HALL COUNTY BOARD OF COMMISSIONERS

By: _____
David Gibbs, Chairman

By: _____
Kathy L. Cooper, Commissioner District 1

By: _____
Billy Powell, Commissioner District 2

By: _____
Gregg Poole, Commissioner District 3

By: _____
Jeff Stowe, Commissioner District 4

ATTEST:

Jennifer Rivera, County Clerk

(SEAL)

APPROVED AS TO FORM:

Justin R. Lawhon, County Attorney

Exhibit "A"

Sec. 11.1. Review Bodies

11.1.1. Planning Commission

A. Authority.

The Planning Commission may authorize Conditional Use Permits as expressly identified in Article 7 of this UDC. However, the Planning Commission shall have full authority to deny any request it deems inappropriate in order to protect the general health, safety, and welfare of the County and its citizens.

B. Membership.

1. The Hall County Planning Commission shall consist of five (5) members, ~~appointed by the Board of Commissioners.~~ Each County Commissioner shall appoint one (1) member to the Planning Commission. Each appointment shall be announced at a regular or special voting meeting of the Board of Commissioners and shall become effective immediately upon such announcement without further action by the Board. All Planning Commission members ~~shall~~ must be residents of Hall County ~~the county and~~ shall serve the terms provided in subsection B.2. ~~Each member of the Hall County Board of Commissioners shall appoint one member for a two-year term to the Planning Commission. Each two-year term will begin February 1, and expire January 31, or continue until their successor is appointed.~~

1.2. Planning Commission members shall serve staggered two-year terms. The term of each Planning Commission member shall coincide with either the first two years or the second two years of the term of office of the appointing

County Commissioner, as established by the Board of Commissioners. Each two-year term shall commence on February 1 and expire on January 31, or until a successor is appointed and qualified.

2.3. Any vacancy in membership shall be filled for the remainder of the unexpired term by the County Commissioner authorized to appoint the member occupying that position. ~~must be filled for the unexpired term by the Board of Commissioners.~~

3. Planning Commission members shall serve at the pleasure of the Board of Commissioners. The Board of Commissioners may remove any member at any time, with or without cause. Prior to removal, the Board shall provide the member with written notice of the proposed removal and an opportunity to be heard at a public meeting of the Board of Commissioners. ~~The Board of Commissioners have the authority to remove any member for cause on written charges after a public hearing.~~

4.

4.5. The unexcused absence of a Planning Commission member from three (3) consecutive regularly scheduled meetings without prior notice to the chairperson of the Planning Commission or the Planning and Zoning Department Commission ~~staff~~ office may be considered by the Board of Commissioners as grounds for removal, but shall not limit the Board's authority to remove a member at its pleasure pursuant to subsection

~~B.4.cause for termination of said member's appointment.~~

~~5.6. Members of the Planning Commission may be reimbursed or compensated for their services pursuant to direction and approval of the Hall County Board of Commissioners.~~

C. Organization and Proceedings.

~~The Planning Commission shall elect a chairperson and vice chairperson from among its members. The chairperson and vice chairperson shall each serve a one-year term with eligibility for re-election. The Planning Commission shall appoint a secretary, who may be an officer or employee of Hall County. The Planning Commission shall adopt rules of procedure governing the conduct of its meetings and proceedings and shall establish the time and place of its regular meetings. All meetings of the Planning Commission at which official action is taken must be open to the public in accordance with the Georgia Open Meetings Act, and all records of the Planning Commission shall be maintained in accordance with and subject to the Georgia Open Records Act. The Planning Commission must elect a chairperson from its members to be approved by the Board of Commissioners. The term of the chairperson will be one year with eligibility for re-election. The Planning Commission must appoint a secretary, who may be an officer or employee of the county. The Planning Commission must adopt its own rules of procedure and determine its time of meeting. All meetings of the Planning Commission at which official action is taken must be open to the public and all records of the Planning Commission are considered to be a public record.~~

D. Powers and Duties.

The Planning Commission has the following powers and duties:

1. To accept applications and make findings and recommendations at a public hearing for all amendments to this UDC. Recommendations will be forwarded to the county Board of Commissioners.
2. To grant application for all Conditional Use Permits as specified by this UDC, provided that the standards and requirements of this UDC are met.
3. To review preliminary subdivision plats and grant development approval for same when required by this UDC. The Planning Commission may appoint a secretary from their membership to oversee preliminary plat review. The secretary may delegate this duty to the Department of Planning and Zoning as they see fit.
4. To review final subdivision plats and grant recording and approval permits for subdivision when required by this UDC. The Planning Commission may appoint a secretary from their membership to oversee final plat review. The secretary may delegate this duty to the Department of Planning and Zoning as they see fit.
5. To initiate, direct and review from time to time a study of the provisions of this UDC and to make reports of its findings and recommendations as to amendments to the Board of Commissioners.
6. To investigate and make recommendations to the Board of Commissioners regarding the acceptance and classification of county roads.

7. To accept and determine requests regarding unclassified uses upon recommendation from the Director of Planning and Zoning. Such determinations must be made in accordance with the criteria set forth in Sec. 7.1.4.

8. To hear and decide on appeals of determinations and decisions made by an administrative official as specified by Sec. 11.2.7.

9. The Planning Commission may make such determinations, investigate such matters relating to the planning and development of the county, and take such action as authorized by this UDC and the laws of the state.

10. To authorize upon appeal in specific cases such variances as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this UDC will result in unnecessary hardship and so that the spirit of this UDC is observed, public safety and welfare secured, and substantial justice done.

- a. In cases involving requests for variances from the building setback standards, a plat or survey of the property is required. In cases involving setback variances for commercial or industrial uses of land, a site plan of the property in question prepared by a registered land surveyor, architect, landscape architect or engineer is required.
- b. The authority to grant such variances is limited to variances from the following requirements:
 - i. Setbacks from property lines.

- ii. Planted buffers and vision clearance requirements.
- iii. Off-street parking space requirements.
- iv. Design standards for single-family and two-family dwellings in Sec. 2.2.
- v. Other requirements where the granting of a variance is specifically authorized.

11. Such variances may be granted in individual cases of unnecessary hardship upon a finding of the board that:

- a. There are extraordinary and exceptional conditions pertaining to the particular lot in question because of its size, shape or topography (the hardship must relate to the physical character of the lot and not to a personal or economic hardship);
- b. The application of the requirements of this UDC to this particular piece of property would create an unusual hardship;
- c. Such conditions are particular to the property involved and are not common to other properties in the neighborhood;
- d. Such conditions are not the result of any actions of the property owner; and
- e. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this UDC; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by

this UDC or for a Conditional Use Permit which has been denied by the Planning Commission.

12. To receive and act upon applications for the change, continuance and/or enlargement of a nonconforming use as provided in this UDC.
13. To perform other duties as from time to time may be delegated by the Board of Commissioners.

E. Exercise of Planning Commission Powers.

F. In exercising the above powers, the Planning Commission may, in conformity with the provisions of this UDC, reverse or affirm, wholly or in part, or may have all powers of the officer from whom the application is taken, and may direct the issuance of a building permit, occupancy permit or certificate of zoning compliance. In no case shall the powers of the commission be construed to include authority to reclassify use zones. **Actions by Planning Commission.**

G. In all actions or decisions of the Planning Commission, three (3) members being present shall constitute a quorum with the affirmative vote of at least three (3) members required for any official action or decision of the Planning Commission. Each official action, with the full text of the motion and record of members' votes, must be incorporated in the minutes of the Planning Commission. If an application to the Planning Commission is denied, the same property may not be considered for any zoning application, and no application may be filed, until the expiration of at least six months immediately following the denial of the application. In all actions or decisions of the Planning Commission,

~~three members being present constitutes a quorum with a majority vote of the quorum constituting an official action or decision of the Planning Commission. Each official action, with the full text of the motion and record of members' votes, must be incorporated in the minutes of the Planning Commission. If an application to the Planning Commission is denied, the same property may not be considered for any zoning application, and no application may be filed, until the expiration of at least six months immediately following the denial of the application.~~

H.F. Review Procedures.

1. The Planning Commission must hold a public hearing on all applications for conditional use permits in accordance with Sec. 11.2.6. and consider the merits of the applications as authorized by this UDC.
After hearing testimony from all interested parties, the Planning Commission will have 30 days to render its decision.
- 2.

I.G. Notice of Public Hearing.

The requirements and procedures for notice of public hearing in Sec. 11.2.6. must be followed.

J.H. Submission Requirements.

An application must be submitted to the Department of Planning and Zoning at least 30 days prior to the date of the Planning Commission hearing at which the application is to be considered. The completed application must be accompanied by payment of such fee prescribed in Sec. 11.2. to cover administrative

and advertising costs. The items of information must be supplied by the applicant as set forth in this section.

K.I. Review Criteria.

A conditional use permit may be granted when the Planning Commission finds from a preponderance of the evidence produced at the public hearing that the proposed use is suitable for the subject property considering the general lines of inquiry established in Sec.11.2.6.F.3.

L.J. Burden of Proof.

The applicant for a conditional use permit must have the burden of proof, which must include the presentation of evidence and the burden of persuasion of all questions of fact which are to be determined by the Planning Commission as authorized in this section.

M.K. Conditions of Approval.

The Planning Commission may place any reasonable conditions or stipulations upon an approved Conditional Use Permit as deemed necessary, including but not limited to hours of operation, parking, maximum building size, lot size, outside displays, signs, landscape and buffer improvements, and screens, to further insure the orderly operation of the proposed use and its compatibility with the surrounding properties.

N.L. Appeals to the Board of Commissioners.

Any decision of the Planning Commission may be appealed to the Hall County Board of Commissioners in accordance with Sec. 11.2.7.

