

STATE OF GEORGIA

COUNTY OF HALL

RESOLUTION TO AMEND THE HALL COUNTY UNIFIED DEVELOPMENT CODE
WITH REGARD TO ARTICLE 11—ADMINISTRATION
(SECTION 11.2.6-AMENDMENTS)

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 governing the implementation, review, and enforcement of the Unified Development Code, including procedures applicable to zoning amendments, applications, public hearings, and related development review processes; and

WHEREAS, the Hall County Department of Planning and Zoning has reviewed Section 11.2.6 and recommended revisions to improve, clarify, and update the County's zoning application and development review procedures; and

WHEREAS, during the development of the proposed amendments, Hall County received input from citizens and County staff regarding revisions to Section 11.2.6; and

WHEREAS, the proposed amendments revise Section 11.2.6 to establish additional application requirements for certain commercial, industrial, and major development proposals, including the submission of Trip Generation Memoranda, the preparation of Traffic Impact Studies when warranted, procedures governing the review and approval of Traffic Impact Study scopes, and related administrative revisions, as set forth in Exhibit "A" attached hereto; and

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 11.2.6 of Article 11 of the Hall County Unified Development Code is hereby amended by deleting the existing provisions of Section 11.2.6 in their entirety and substituting in lieu thereof the provisions attached hereto as Exhibit "A," which are incorporated herein by reference.

2.

Except as expressly amended herein, all remaining provisions of Article 11 and the Hall County Unified Development Code shall remain in full force and effect.

3.

This Resolution shall take effect immediately upon its adoption.

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

[SIGNATURES ON FOLLOWING PAGE]

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

11.2.6. Amendments

A. General

All applications, requests and petitions for permits, certificates of zoning compliance, variances, conditional use permits, planned developments, classifications and reclassifications of property, notices of appeal, amendments to this UDC and other similar matters, together with all supporting documents required for such application, request or petition and fees therefor, must be filed with the Planning and Zoning Department in the appropriate form as specified in this Sec. 11.2. All data, drawings, narratives and other supporting documentation required by this UDC must be provided for in an application to be officially received for staff review and scheduling of consideration by the Planning Commission in accordance with the scheduling provisions established herein.

B. Minimum Tract Size and Frontage for Zoning Change

Except in an application for rezoning to a nonresidential zoning district, no tract of land may be considered for rezoning which has an area less than one acre unless such tract abuts a nonresidential zoning district within county or municipal jurisdiction. Application for rezoning may also be considered when a lot of record meets the minimum area and road frontage required by the zoning district in which the rezoning is sought.

C. Initiation of Proposed Amendments

These zoning regulations of the county, including the official zoning map, may be amended from time to time by the Board of Commissioners of the county. Official zoning map amendments may be proposed by the Board of Commissioners of the county, or by the county Planning Commission, or an administrative official, or by any individual, firm, or organization or their duly appointed agent or attorney; provided, however, no amendment may become effective unless it has been proposed by or submitted to the county Planning Commission for review and recommendation. Application for uses subject to the approval of the county Board of Commissioners must have first been submitted to the county Planning Commission for review and recommendation before consideration by the County Commission. Text amendments to the zoning ordinances may be proposed only by the Board of Commissioners of the county, or the county Planning Commission, or the appropriate administrative official.

D. Filing of Proposed Amendments

All proposed amendments, whether an amendment to the text or modification in the district boundaries on the official zoning map, and uses subject to approval of the County Commission, must be submitted to the Planning and Zoning Department of Hall County at least 30 working days in advance of the next regular meeting of the Planning Commission. The Director of Planning and Zoning must arrange a suitable

date for a hearing before the Planning Commission.

E. Submission Requirements

1. Any person or persons requesting a change in the official zoning map or use subject to approval of the County Commission must file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in this Sec. 11.2. to cover administrative and advertising costs, in the Planning and Zoning Department office. Such person or persons or their authorized agent must appear in person at the public hearing held to consider the district change.
2. All applications for a change of zoning classification or use subject to approval of the County Commission must include:
 - a. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in this Sec. 11.2.
 - b. A site plan drawn to scale designating the area covered by the application and identifying existing and proposed buildings and uses, adjacent existing land uses, zoning on contiguous parcels, including those across an abutting public right-of-way, and any other significant site improvements proposed to accommodate the proposed use or buffer adjacent

uses, etc., or a plat of the subject property where no specific land use is proposed. In cases where only a plat or map is provided and no land use is proposed, the Planning Commission and County Commission may evaluate the application based on the most intense possible land use permitted in the proposed district.

- c. For any application for a slow rate land treatment system as defined in 7.6.9.D.1, the following additional requirements apply:

Prior to consideration by the county Planning Commission for their recommendation to the County Commission, the county Engineering Department must have completed a review of the proposal for site acceptability relative to topography, soil classifications, public or private access, proposed effluent treatment levels and natural, undisturbed buffer zones for surface waters, floodplains, wetlands, wells, residential and other protected areas in addition to other criteria deemed appropriate by the Planning Commission or County Commission. The following information must be submitted to the County Engineer for review of a zoning

application and subsequent submittal of a report to the Planning Commission for consideration of the zoning of any land for a wastewater land application system.

- i. The design development report submitted to the Environmental Protection Division certified by a professional engineer experienced in the design of land application systems and registered to practice in the State of Georgia.
- ii. A plan for the disposal of excess biological solids.
- iii. Certification from a professional geologist, registered to practice in the State of Georgia, certifying that the land application site is not located within two miles of a significant groundwater recharge area as defined by the Environmental Protection Division.
- iv. A detailed history of all the owner's previous activities, within the State of Georgia in the field of land application, including every other facility it has operated and including a detailed account of all past violations of federal, state, or county laws or regulations, and all past and pending litigation, favorable or unfavorable.

- d. For any application proposing the development of a commercial or industrial property, a change in use of an existing commercial or industrial property, a major subdivision as defined herein, or any development that triggers a Development of Regional Impact (DRI) review and that proposes access to a county-maintained road, the applicant shall submit a Trip Generation Memo at the time of the pre-application meeting. The Trip Generation Memo shall be prepared in accordance with the requirements established by the Hall County Public Works Department and shall estimate the anticipated average daily traffic generated by the proposed development. For any proposed development with the sole access point being a State Route, the Georgia Department of Transportation will be the entity that determines if a trip generation memo or traffic impact study will be required.
 - i. If the Director of Public Works determines, based upon the Trip Generation Memo, that the proposed development is expected to generate 500 or more gross daily trips, the applicant shall be required to prepare

- and submit a Traffic Impact Study (TIS) prior to consideration of the application by the County Commission.
- ii. Before preparing the Traffic Impact Study, the applicant shall submit the proposed scope of the study, including the intersections, roadway segments, driveways, and other transportation facilities to be evaluated, to the Hall County Public Works Department for review and approval. The scope shall be approved after acceptance of the Trip Generation Memo and prior to preparation of the Traffic Impact Study.
- iii. At the applicant's expense, the Traffic Impact Study shall be prepared by a professional engineer licensed to practice in the State of Georgia in accordance with the requirements established by the Hall County Public Works Department. The Public Works Department shall review the Traffic Impact Study and forward its findings and recommendations to the County Commission as part of the application review process.

~~d. For any application proposing the development of 100 or more residential dwelling units, a traffic impact study must be submitted prior to consideration of the application by the County Commission. At the applicant's expense, the traffic impact study must be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The Engineering Department must review the traffic impact study and forward any comments to the County Commission.~~

F. Planning Commission and Hall County Commission Consideration and Decision

1. The Planning Commission must hold a public meeting on all zoning applications or applications for a use subject to approval of the County Commission. The Planning Commission must hold the required public meeting not less than 30 days, nor more than 60 days, from the date of the filing of a complete application.
2. After hearing testimony from all interested parties, the Planning Commission will have 30 days within which to make its decision to grant or deny the application or make a recommendation to the Board

- of Commissioners. If the Planning Commission fails to make a decision within the specified period, it may be deemed to have carried a recommendation of approval of the application.
3. The Planning Commission must study the need and justification for the change based on a determination of the facts applicable to the particular case, and the following general lines of inquiry must be considered:
 - a. Whether the zoning proposal will permit a use that is suitable in view of the use, development and zoning of adjacent and nearby property.
 - b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
 - c. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
 - d. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities or emergency medical service.
 - e. Whether the zoning proposal is in conformity with the policy and intent of the future land use plan for the physical development of the area.
 - f. The extent to which property values are diminished by the existing zoning restrictions.
 - g. The extent to which the destruction of the subject property's value under the existing zoning promotes the health, safety, morals or general welfare of the public.
 - h. The relative gain to the public as compared to the hardship imposed upon the individual property owner.
 - i. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property.
 - j. Whether there are other existing or changing conditions affecting the use or development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
 - k. Whether the change would create an isolated district unrelated to the surrounding districts.
 - l. Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area.
 - m. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood.

- n. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned.
 - o. Whether the need for rezoning could be handled instead by a variance request to the Planning Commission.
 - p. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted.
 - q. Whether there is reasonable evidence based upon existing and anticipated land use that would indicate a mistake was made in the original zoning of the property.
4. When the application is for site-built houses, modular homes and mobile homes more than seven years old being moved into Hall County for the purpose of permanent or temporary occupancy, in addition to the items listed above, the Planning Commission must also consider the compatibility of the proposed residential unit with the existing housing in the area surrounding the proposed location of that residence in terms of the type of housing, the style of housing, the age of housing and the condition of housing.
 5. When the application is for pre-owned site built houses, industrialized homes or manufactured homes to be moved

into Hall County for the purpose of permanent or temporary occupancy, in addition to the items listed in subsection "3" above, the Planning Commission must consider the compatibility of the proposed residential unit with the existing housing in the area surrounding the proposed location of that residence in terms of the type of housing, the style of housing, and the condition of such housing. Such residential unit must meet the minimal standards of all applicable building and construction codes adopted as a part of the Official Code of Hall County. The Planning Commission must first consider an application for such dwelling unit and make its recommendations to the Hall County Commission. The Hall County Commission, in making its decision, may approve the application, deny the application, or approve the application with conditions.

6. Any manufactured home proposed to be moved into the County into a registered or approved mobile home park, or a manufactured home proposed to be moved into the County for the purpose of upgrading an approved, permitted existing manufactured home, may be exempt from the provisions of review by the Planning Commission or County Commission noted in subsection 5 above. All applicable review and inspection required by

Chapter 15 of the Official Code of Hall County, Georgia, will remain in effect for all manufactured homes to be moved into the county which may include a site inspection by the Hall County Building Inspection Department.

G. Public Hearing Required

- a. The Planning Commission and Board of Commissioners, when taking final action on all applications, must provide for public hearings on the proposed actions. Public meetings related to recommendations made by the Planning Commission to the Board of Commissioners do not require notice provided herein. A notice of public hearings must be published at least 30 days but not more than 45 days prior to said public hearings in a newspaper of general circulation within the territorial boundaries of the county.
- b. The county will follow the additional notice and hearing requirements found in O.C.G.A. § 36-66-1 whenever so required by State law, including any of the following instances when required by State law:
 - a. County-initiated rezoning or text amendments to revise a zoning classification related to single-family residential uses of property so as to authorize multi-family uses on property pursuant to such classifications or definitions, or to grant blanket permission, under

certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning district;

- b. Halfway houses, drug rehabilitation centers, or other facilities for the treatment of drug dependency; or

- c. Annexations.

H. Public Notice of Hearing

1. Contents of Notice. If an application is being considered for a change of zoning for a specifically described tract or parcel of land (amendment to the zoning map), the public notice must, in addition to the requirements of this Sec. 011.2.6., include the following information:
 - a. The location of the property; and
 - b. The present zoning classification; and
 - c. The proposed zoning classification of the property.
2. Posting and Mailing of Notice
 - a. Posted Notice. All zoning map amendments initiated by a party other than the county Planning Commission or the county Board of Commissioners, and applications for uses subject to approval of the County Commission, require a sign placed in a conspicuous location on the property which is the subject matter of the zoning application.
 - b. Mailed Notice. Mailed notice must be made via U.S. Postal

Service mail a least 30 days but not more than 45 days before the date of the public hearing to the following parties:

- i. Property owner notice. Mailed notice must be made to the property owner(s) of record. The applicant must provide the mailing address for property owner(s) with the filing of the zoning petition.
- ii. Applicant.
- iii. Appellant for any filed appeal must also receive mailed notice if not one of the parties already identified as requiring notice.

- 3. Sign Posting Information. The public notice sign must contain the same information described in Sec. 11.2.1.J.11.2.6.H.1.
- 4. Sign Posting Date. The required public notice sign must be posted not less than 15 prior to the date of the hearing.

I. Public Notice of Hearing for Applications Initiated by the County

When an application is brought by or initiated by the Board of Commissioners of the county, or by an administrative official of the county, the only public notice required by these zoning regulations is newspaper advertisement as set forth in O.C.G.A. § 36-66-1 et. Seq. and Sec. 11.2.1.11.2.6.G. and 11.2.1.J11.2.6.H.

J. Action by Board of Commissioners

- 1. The Board of Commissioners must consider applications for uses

subject to approval of the County Commission and all zoning recommendations of the Planning Commission, including conditions of approval and any additional evidence that applicant wishes to present at a public hearing on the date advertised, at which time all interested parties and citizens will have an opportunity to be heard and present evidence regarding the proposed amendment or use subject to approval of the County Commission, or the appeal of the conditional use permit or use subject to approval of the Planning Commission, or other zoning decisions.

- 2. The Board of Commissioners may place any reasonable conditions or stipulations upon any application for a use subject to approval of the County Commission, a proposed amendment or the appeal of a conditional use permit or use subject to approval of the Planning Commission, or other zoning decisions as deemed necessary to further insure the orderly operation of proposed uses and their compatibility with the surrounding properties.
- 3. The Board of Commissioners, in making its decision on the proposed amendment, the use subject to approval of the County Commission, or the appeal of a conditional use permit, or the use subject to approval of the Planning Commission, or other zoning

decisions, must consider the general lines of inquiry established under Sec. 11.2.1.H11.2.6.F and any other relevant factor submitted by the applicant.

The applicant/appellant must have the burden of proof, which must include the presentation of evidence and the burden of persuasion of each factor necessary to receive approval of the Board of Commissioners. Failure of the applicant/appellant to meet this burden may result in a denial of the proposed amendment, the use subject to the approval of the County Commission, or the appeal of a conditional use permit or the use subject to approval of the Planning Commission, or other zoning decisions.

The Board of Commissioners public hearing is to be held as follows (or the Planning Commission, where authorized by this UDC as the final decision-making body):

- a. The public hearing is to be held in conjunction with regular meetings of the Board of Commissioners or Planning Commission, as applicable, with published notice of time and place.
- b. The hearing is conducted by the county attorney or other hearing officer designated by the Board of Commissioners.
- c. The hearing officer introduces the proposed zoning amendments before the Board

of Commissioners or Planning Commission, as applicable. Proposals are considered in the order listed in the published notice. The hearing officer describes each proposed zoning amendment and the party initiating the proposal. Staff is then called upon to report on the Planning Commission's recommendation and summarize its written report.

- d. Persons both favoring and opposing the proposed amendment are provided an opportunity to address the Board of Commissioners. During this period:
 - i. Each speaker must first state his name and address.
 - ii. Comments are accepted first from the party proposing the action and any other proponents of the action, followed by opponents of the action. The party proposing the action may then offer rebuttal.
 - iii. The hearing officer may place reasonable limits on the number of persons who may speak for or against the proposal, on the time allowed for each speaker, and on the total time allowed for comment. No less than ten

minutes may be permitted for all of those speaking in support of an amendment and no less than ten minutes may be permitted for all those speaking against, unless such proponents or opponents take less time than the minimum allowed.

- iv. Comments must pertain only to the merits of the proposed action and must be directed to the Board of Commissioners.

Comments are not allowed that may be construed as personal attacks on any other speaker or are irrelevant to the proposed action. Violators will be first cautioned and then prevented from making further comment.

- v. Petitions, studies, letters, and other material should be submitted prior to the hearing, allowing ample time for study by the Board of Commissioners. Materials submitted at the hearing may or may not be accepted by the board, and if presented orally are subject to time limitations.

- e. The Board of Commissioners may, if necessary, call on previous speakers for clarification, or may call for additional views, studies or

information from any source considered necessary to making a sound decision. The Board of Commissioners may continue the hearing to a later date.

- f. The decision rendered by the Board of Commissioners regarding the proposed amendment, the use subject to approval of the County Commission, or the appeal of a conditional use permit or the use subject to approval of the Planning Commission, or other zoning decisions, will be considered the final action on the application.
- g. No approval or denial of an amendment, use subject to approval of the County Commission, appeal of an administrative official or decision-making body, approval or denial of a use subject to approval of the Planning Commission, or other zoning or quasi-judicial decision by the Board of Commissioners will become effective unless said approval or denial is determined after a public hearing.

K. County Approval for Withdrawal of Applications

An application for any request considered by the Planning Commission may be withdrawn by the applicant at any time prior to the notification by public advertisement of the adjoining property owners. The application may be withdrawn after said public notice is given and before the Planning Commission takes a vote on said application only with the consent of a

majority of the members of the Planning Commission. For applications requiring a recommendation from the Planning Commission for final action by the county Board of Commissioners, after the Planning Commission has taken a vote on the application, the application may only be withdrawn with the consent of a majority of the Board of Commissioners voting to allow the applicant's request to withdraw the application. For appeals to the Board of Commissioners or Planning Commission decisions, the application may only be withdrawn with the consent of a majority of the Board of Commissioners voting to allow the applicant's request to withdraw the appeal. Fees are to be refunded as described in Sec. 11.2.1.

L. Successive Applications

If a use subject to approval of the County Commission or Planning Commission or a rezoning is denied, or if an appeal from the decision of an administrative official or the Planning Commission is affirmed by the Board of Commissioners, then the same property may not again be considered for any zoning application, (rezoning, conditional use, variance, etc.) and no such application may be filed, until the expiration of at least six months immediately following the date of the denial of the use or rezoning or the denial of the appeal. The same property may not be considered for an application of the same type, and no such application of the same type may be filed, until the expiration of at least twelve months immediately following

the date of the denial of the use or rezoning or the denial of the appeal.

M. Appeals of Board of Commissioners Actions

1. Any person with adequate standing to do so under Georgia law may seek review in the Superior Court of Hall County in accordance with the applicable procedures established by the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-5.1.
2. The Director of Community Development and Infrastructure is authorized, without additional board or agency action, to approve or issue any form or certificate necessary to perfect any appeal petition for review of lower judicatory bodies, and is authorized, without additional board or agency action, to accept service or be served in behalf of any lower judicatory board or agency, during normal business hours, at the regular offices of the county.
3. Service of an appeal of any quasi-judicial decision rendered pursuant to this section may be effected or accepted on behalf of the local governing authority, during normal business hours, at the regular offices of the county, by the county attorney when so allowed by the county's service of process resolution, otherwise said service may be effected or accepted on behalf of the local governing authority according to the requirements of O.C.G.A. § 9-11-4(e).

N. Georgia Zoning Procedures Law

The review and approval procedures of this zoning ordinance are intended to comply with the provisions of the Georgia Zoning Procedures Law (O.C.G.A. § 36-66-1 et seq.), which is incorporated by reference in its entirety. If any provision of this zoning ordinance is in conflict with any provision of the zoning procedures law or if this zoning ordinance fails to incorporate a provision required for the implementation of the zoning procedures law, the Zoning Procedures Law (O.C.G.A. § 36-66-1 et seq.) controls.

O. Amendments to Subdivision Regulations

The Planning Commission, upon referral from the Board of Commissioners, may from time to time recommend amendments to the subdivision regulations of this UDC. Any amendment must be heard by the Planning Commission, who must make a recommendation to the Board of Commissioners regarding approval or denial. Prior to acting on any proposed amendment, the Board of Commissioners must hold a public hearing on the amendment, having first published a notice of the time and place of the hearing in a newspaper of general circulation in the county at least 15 days prior to the hearing.