

STATE OF GEORGIA

COUNTY OF HALL

RESOLUTION TO AMEND THE HALL COUNTY UNIFIED DEVELOPMENT CODE
WITH REGARD TO ARTICLE 11—ADMINISTRATION
(SECTION 11.5-REVERSION OF ZONING APPROVAL)

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 and enforcement of the Unified Development Code; and

WHEREAS, the Hall County Department of Planning and Zoning has reviewed Article 11 and recommended the adoption of procedures governing the review of certain rezoning approvals where meaningful progress toward development has not occurred within the time prescribed by the Unified Development Code; and

WHEREAS, during the development of the proposed amendments, Hall County received input from citizens and County staff regarding the administration of zoning approvals and the long-term implementation of approved developments; and

WHEREAS, the proposed amendments establish new Section 11.5, entitled "Reversion of Zoning Approval," which provides standards governing vesting, extensions, notice, administrative review, and procedures by which the Board of Commissioners may consider whether a rezoning should remain in effect or be considered for rezoning through the standard zoning procedures established by the Unified Development Code, while preserving applicable constitutional and statutory vested rights and due process protections, 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.

Article 11 of the Hall County Unified Development Code is hereby amended by **adding** new Section 11.5, entitled "Reversion of Zoning Approval," as set forth in **Exhibit "A,"** attached hereto and incorporated herein by reference. The new section establishes procedures governing the review of certain rezoning approvals that have not vested within the applicable timeframes, standards for vesting and extensions, notice and administrative review procedures, and consideration by the Board of Commissioners in accordance with applicable law.

2.

Except as expressly amended herein, all remaining provisions of 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

Sec 11.5. – Reversion of Zoning Approval

11.5.1. Intent

- A. The intent of this section is to prevent the indefinite retention of zoning entitlements for approved developments without meaningful progress toward construction.
- B. This section is to ensure that zoning approvals granted by the County are implemented in a timely manner and remain consistent with the Comprehensive Plan, infrastructure planning, and community development goals. This section establishes procedures for reviewing zoning approvals where development activity has not occurred within a specified timeframe and provides a process by which the County may consider reverting the zoning classification.
- C. Nothing in this section shall result in the automatic reversion of zoning. Any change to the zoning classification of property shall occur only through formal action by the Board of Commissioners following the procedures established herein.
- D. Nothing in this section shall create a presumption in favor of rezoning or reversion, and any rezoning shall be considered de novo based on the totality of the circumstances, the Comprehensive Plan, and all applicable constitutional and statutory standards.
- E. This Section shall be construed in a manner consistent with the Constitution and laws of the State of Georgia, including protections afforded to property owners under applicable vested rights and due process doctrines.

11.5.2. Definitions

- A. **Development.** For purposes of Section 11.5, “development” means any rezoning approval granted by the Board of Commissioners that authorizes a project-specific use or plan, including residential with sewer whether implemented in a single phase or multiple phases.
 - B. **Vesting.** For purposes of Section 11.5, vesting for development shall require compliance with Section 11.5.4 and shall not occur solely through conceptual planning, engineering studies, or informal site preparation. The establishment of vested rights generally requires the commencement of substantial site work and issuance of applicable permits consistent with the approved rezoning. Vesting shall not occur through grading or land disturbance activities undertaken solely to preserve zoning entitlements. This definition shall be interpreted consistent with vested rights under Georgia law, and nothing herein shall be construed to limit or impair vested rights established through substantial expenditures made in good-faith reliance on a validly issued permit or approval.
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- C. **Land Disturbance Permit (LDP).** An official permit issued by Hall County authorizing grading, clearing, excavation, or other land-altering activities in accordance with approved development plans.
- D. **Preliminary Plat.** A preliminary subdivision layout approved by Hall County that depicts the arrangement of lots, streets, utilities, stormwater facilities, and other infrastructure but does not authorize recordation or construction without further approvals.
- E. **Substantial Evidence.** Objective, documented, and verifiable information, which may include permits, approved plans, executed contracts, construction activity, or financial commitments, demonstrating meaningful progress toward vesting.
- F. **Substantial Site Work.** For purposes of vesting, substantial site work means physical construction activity that:
 - 1. Is authorized by a valid Land Disturbance Permit and/or Preliminary Plat; and
 - 2. Includes installation of permanent infrastructure such as:
 - a. Public or private roadways and associated base or paving;
 - b. Stormwater management facilities; or
 - c. Water and sanitary sewer lines; and
 - 3. Does not include clearing, grubbing, erosion control installation, or test grading performed in isolation.
- G. **Multi-Phase Development.** A development approved through rezoning that is proposed to be constructed in two or more distinct phases over time, as identified on an approved preliminary plat, site plan, or development plan. Each phase shall:
 - 1. Be clearly delineated on approved plans;
 - 2. Include necessary infrastructure to function independently or as part of an integrated development; and
 - 3. Be capable of being developed in a logical sequence.

11.5.3. Applicability

- A. This section shall apply to all development rezoning approvals granted by the Board of Commissioners on or after the effective date of this ordinance that involve a residential component supported by public sewer.
 - B. All rezoning approvals governed by this section and granted on or after August 27, 2026 shall be subject to the reversion provisions herein.
 - C. Nothing in this section shall be construed to impair or revoke any rezoning approval subject to this ordinance that has been vested or not vested prior to the effective date of this ordinance.
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11.5.4. Vesting

- A. Development approved through a rezoning subject to this section shall be considered vested when substantial development activity, as defined herein, has commenced within forty-eight (48) months of the date of rezoning approval.
 - B. A development shall be deemed vested when one of the following has occurred pursuant to the approved rezoning:
 1. Residential Development (served by public sewer):
 - a. Issuance of a Land Disturbance Permit or Preliminary Plat, followed by commencement of substantial site work, including grading, installation of utilities, stormwater infrastructure, and/or roadway improvements.
 2. Administrative Determination:
 - a. Other development activity approved in writing by the Planning and Zoning Director or their designee that clearly demonstrates substantial reliance on the rezoning approval and irreversible commitment of resources.
 - C. Once vested, the rezoning approval shall not be subject to reversion due to lapse of time except as otherwise provided by law. Failure to achieve vesting within the required timeframe may subject the property to review under this section.
 - D. Multi-Phase Development Vesting.
 1. For developments approved as multi-phase projects, vesting shall be determined on a phase-by-phase basis, not for the development as a whole.
 2. Completion or vesting of one phase shall not constitute vesting of subsequent phases.
 3. Each phase shall be subject to the vesting requirements and timeframes set forth in this section.
 4. The vesting period for each subsequent phase shall begin on the earliest of the following:
 - a. Recording of the final plat for the preceding phase;
 - b. Approval of a phase-specific development plan or permit; or
 - c. Another clearly defined milestone as established in the approved development plan.
 5. Failure to vest a subsequent phase within the required timeframe may subject that phase, or the unconstructed portion of the development, to review and potential reversion in accordance with this section.
 6. Where a portion of a multi-phase development is subject to reversion, the Board of Commissioners may consider rezoning only the unconstructed phases or undeveloped portions of the property
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7. For “phased” planned developments approved after August 27, 2026, the vesting of any individual phase shall constitute the vesting of all subsequent phases, as authorized by the Board of Commissioners. All other planned developments shall be subject to section 11.5.4.D.1-6.

11.5.5. Extensions

- A. The reversion period may be extended for a period of Twelve (12) months upon written approval by the Planning and Zoning Director or their designee and notification to the County Administrator. Applicant must be able to demonstrate that substantial progress toward vesting is being made and that vesting may reasonably be expected to occur within the extension period.
 - B. An additional extension of up to Twelve (12) months may be granted only upon a finding of extreme hardship. It shall be the Applicant’s responsibility to demonstrate such extreme hardship. A request for a second Twelve (12) month extension shall require a recommendation by the Planning and Zoning Director or their designee and final approval by the county administrator.
 - C. The total reversion period, including all extensions, for a development with residential component served by public sewer cannot exceed seventy-two (72) months from the date of the rezoning approval.
 - D. For multi-phased residential developments subject to this section, the property owner or applicant may appeal to the Board of Commissioners for additional time beyond the maximum seventy-two (72) month reversion period.
 - a. Any such appeal shall be supported by an economic impact analysis or comparable documentation demonstrating anticipated public benefit, job creation, or strategic economic value of the proposed development, in addition to the criteria set forth in Section 11.5.4.F of the UDC. Approval of any extension beyond seventy-two (72) months shall be at the sole discretion of the Board of Commissioners based on the evidence of record and consistent with the standards set forth in this section.
 - E. For each extension request, the Planning and Zoning Director or their designee shall prepare a written report that shall document the Planning and Zoning Director’s or their designee’s findings, evidence submitted by the applicant, and the basis for recommending the approval or denial of the extension request. Such documentation shall be retained as part of the official record.
 - F. In every application for an extension, the owner(s) shall provide an affidavit documenting at least one of the following:
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- a. A delay resulting from court action involving the zoning and/or use permit or a previous extension on the property for which an extension is sought. Extensions approved in connection with court action shall remain valid for one year beyond the granting of an order or the expiration of an appeal period before any court with jurisdiction.
 - b. Non-availability of utilities or facilities resulting from government inaction. In those instances where wastewater facilities are available for a fraction of the desired capacity, or when capacity was available at some time during the three-year period, but not during the 60 days prior to expiration, the Planning & Zoning Director or their designee shall evaluate such case's qualifications for an extension on their individual merits considering any evidence that might indicate a diligent effort to proceed with development.
 - c. A delay in development resulting from wetlands or other environmental regulatory procedures requires the applicant to provide a copy of the application acknowledgment letter as evidence. Said application should have been filed at least 12 months before zoning and/or use permit expiration.
 - d. An inability to obtain financing, despite documentation of the owner's efforts during the first year after zoning and/or use permit approval and continuing until one week prior to consideration of the extension request. Documentation shall consist of two official denials signed by officers of two different lending institutions who have final jurisdiction over such financing transactions.
- G. All extension determinations shall be supported by written findings and included in the administrative record.

11.5.6. Reversion Procedure

- A. Notice of pending reversion. If a rezoning approval subject to this section has not vested within forty-eight (48) months, the Planning and Zoning Director or their designee shall issue written notice to the property owner of record and applicant, if different.
 - 1. Inform the property owner that the rezoning approval has not vested;
 - 2. Provide the property owner ninety (90) days to demonstrate vesting, request extension or submit documentation showing that qualifying development activity has occurred; and
 - 3. Inform the property owner of the potential for zoning reversion consideration by the County.
 - B. Administrative confirmation of reversion. Following the expiration of the ninety (90) day notice period, the Planning and Zoning Director or their designee determines that the rezoning approval has not vested and no extension has been granted, the Director or the
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designee shall prepare a written report documenting such findings with recommendation regarding reversion of the zoning district and submit the report to the County Administrator for review and direction. The Planning and Zoning Director's report shall be advisory only and shall not constitute a zoning decision.

- C. Consideration by Board of Commissioners. If County Administration determines that further action is appropriate subject to the standards outlined in this ordinance, the matter shall be scheduled for consideration by the Board of Commissioners. The Board of Commissioners consideration will be the final action.
1. Any change to the zoning classification shall occur only upon approval by the Board of Commissioners through the standard zoning procedures required by this Code. The Board of Commissioners may consider whether the property should:
 - a. Retain the existing zoning classification;
 - b. Be rezoned back to the previously held zoning district; or
 - c. Be rezoned to another classification consistent with the Comprehensive Plan.
 2. In determining whether or not to rezone the subject property to another district, in addition to the standards for the exercise of the zoning power, the Board of Commissioners shall consider the following factors:
 - a. the reasons asserted for the delay in development or use of the property pursuant to the zoning district;
 - b. any hardship to the property owner, including any economic impact or frustration of investment-backed expectations, if the property is rezoned;
 - c. whether the prior or proposed zoning classification would provide a reasonable and economically viable use for the property; and
 - d. whether the prior or proposed zoning classification is consistent with the Comprehensive Plan and surrounding land uses.
 3. Any rezoning decision by the Board of Commissioners shall be supported by findings of fact recorded in the minutes based on the evidence of record and applicable zoning standards.
- D. Recordation. The Planning and Zoning Director or their designee shall cause the reversion determination, including any final rezoning action, to be documented in the County's official zoning map and records.

11.5.7. Severability

If any provision of this section is held invalid or unconstitutional, such invalidity shall not affect the remaining provisions, which shall remain in full force and effect.
