

**STATE OF GEORGIA
COUNTY OF HALL**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF HALL COUNTY, GEORGIA IMPOSING A SUSPENSION ON THE ACCEPTANCE OF APPLICATIONS SEEKING TO REZONE PROPERTY TO ANY ZONING CATEGORY THAT AUTHORIZES HIGH-DENSITY RESIDENTIAL USES, AS DEFINED HEREIN AND TO PROVIDE FOR THE ADMINISTRATION OF HIGH-DENSITY RESIDENTIAL REZONING APPLICATIONS IN PROCESS AND PREVIOUSLY APPROVED HIGH-DENSITY RESIDENTIAL REZONINGS, FOR A PERIOD OF 180 DAYS BEGINNING AUGUST 29, 2025, FOR THE PURPOSE OF ALLOWING THE COUNTY TIME TO REVIEW THE STANDARDS OF ITS CURRENT RESIDENTIAL ZONING DISTRICTS AND THE COUNTY'S ABILITY TO MANAGE ITS HIGH-DENSITY RESIDENTIAL ZONING DECISIONS UNDER ITS UNIFIED DEVELOPMENT CODE AND FOR POTENTIAL CHANGES OR AMENDMENTS THERETO.

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") has been vested with substantial powers, rights, duties, and functions to generally regulate the practice, conduct, or 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") as adopted on November 14, 2024, regulates zoning and the use of property throughout 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, Hall County, Georgia has been and continues to experience unprecedented residential population growth; and

WHEREAS, Hall County's current residential population is estimated to be 226,559; and

WHEREAS, at its current trajectory, the County's population is forecasted to be approximately 371,570 by 2040 with a majority of that growth occurring in the unincorporated areas of the County; and

WHEREAS, the Board is acutely aware of the increasing strain being placed on the County's service and infrastructure demands due to the ongoing rapid residential growth; and

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

WHEREAS, the Board has determined that at its current pace the rapid residential growth and development throughout the County has outpaced the County's ability to provide adequate infrastructure, including roads, sewer, fire protection, police protection, and other public services such that the current version of the UDC is no longer an effective means of regulating future high-density residential growth and that continued growth and development under its existing regulations would be detrimental to the health, safety, and welfare of the County and its citizens; and

WHEREAS, Georgia law recognizes that local governments such as counties may impose moratoria on rezoning 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 suspension on the acceptance of high-density residential rezoning applications 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 zoning districts and standards, as well as 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 zoning districts and the ability to impose review standards for high-density residential rezoning applications and permits, and potential changes, amendments, or modifications thereto, could take up to 180 days or longer 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 zoning and development standards, a suspension on the acceptance of all high-density residential rezoning applications 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, to address the rapid growth

in high-density residential developments in the County, as property owners would be able to institute rezoning actions to high-density residential districts that will lock in performance 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 standards, density allowances, and/or zoning review procedures under the UDC, as amended, would have no impact on high-density residential rezoning 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 rezoning 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 identified above, and (ii) appropriate, reasonably necessary, the least restrictive means available, a reasonable and proper exercise of the County's police powers, and 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

The term "high-density residential" shall be defined for the purposes of this Resolution as including and encompassing the following residential zoning districts in the UDC with certain limitations: Vacation Cottage (V-C) (only if parcel or lots are or will be served by sewer), Residential 1 (R-1) (only if parcel or lots are or will be served by sewer), Residential Two-Family (R-TF), Residential Mixed (R-X), Residential Multi-Family (R-MF), Manufactured Home Park (MHP), Conservation Subdivision (CS), Office Institutional (O-I) (only to the extent of any residential component or uses), Mixed-Use (MU) (only to the extent of residential uses with a density greater than two residential units per acre or a total unit count greater than 30 residential units), Planned Residential Development (PRD), Planned Office Development (POD) (only to the extent of any residential component or uses), and Planned Commercial Development (PCD) (only to the extent of any residential component or uses).

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 zoning district standards and the County's ability to review its high-density residential zoning decisions 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 August 29, 2025, through and including February 25, 2026, of a suspension on the acceptance of any high-density residential rezoning applications is 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 identified and without which the County will become inundated with high-density residential rezoning applications that will lock in performance standards or density standards that are otherwise subject to change.

SECTION 3.

IMPOSITION OF TIME-LIMITED SUSPENSION

1. There is hereby imposed a suspension on the acceptance of all applications to rezone property to any zoning category that authorizes high-density residential uses for a period of one-hundred and eighty (180) days beginning August 29, 2025; and
2. The suspension imposed by this Resolution shall terminate on the earliest of (1) midnight on February 25, 2026; (2) an affirmative act by a majority of a quorum of the Board terminating the suspension; or (3) the adoption of changes, modifications, or amendments to the County's UDC relating to its high-density residential zoning districts and review of its high-density residential zoning decisions to address the current rapid, unprecedented growth identified and recognized by the Board; and
3. This suspension may be extended by the Board prior to its expiration for an additional period of time not to exceed one-hundred and eighty (180) days from the date of its extension; and
4. This suspension shall be effective as of the date above written upon adoption of this Resolution by the Hall County Board of Commissioners; and
5. This suspension shall have no effect on high-density residential rezoning applications that have already been heard by the Hall County Planning Commission with a recommendation of approval or denial and such rezoning applications will be heard and considered by the Board of Commissioners in due course; and

6. All other applications for high-density residential rezoning that fall under the suspended zoning districts defined above, which have been accepted but have not been heard or decided by the Planning Commission with a recommendation shall be deemed withdrawn as of the effective date of the suspension set forth in this Resolution and all application fees previously paid will be refunded to the applicants; and
7. This suspension shall have no effect on the on-going development of high-density residential properties where the Board has previously approved the high-density residential rezoning on or before the effective date of the suspension; and
8. As of the effective date of the suspension following the enactment of this Resolution, no applications for high-density residential rezoning 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 rezoning shall therefore be unreasonable; and
9. This suspension shall have no effect upon any applications for high-density residential preliminary plat approvals or requests for high-density residential land disturbance permits, which are made within twelve (12) months from the effective date of the suspension (August 29, 2025), relating to any properties that were previously approved by the Board for high-density residential rezoning; and
10. This suspension shall have no effect upon applications requesting the amending of conditions of previously approved high-density residential rezonings unless the amending of conditions requests a higher density 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.