

STATE OF GEORGIA

COUNTY OF HALL

A RESOLUTION TO AMEND THE CODE OF ORDINANCES OF HALL COUNTY
WITH REGARD TO ZONING REGULATIONS

WHEREAS, Hall County has developed comprehensive regulations governing zoning and development in the County found in Title 17 of the Official Code of Hall County, Georgia; and

WHEREAS, the County's Board of Commissioners wishes to alter current regulations to clarify the code relating to zoning uses and to provide the County with more flexibility in addressing growth in the unincorporated areas of the County; and

WHEREAS, the County's Board of Commissioners wishes to allow minor subdivisions to include divisions of parcels into six or fewer lots rather than the current two or fewer lots; and

WHEREAS, the County's Board of Commissioners wishes to designate both minor subdivisions and subdivisions as uses permitted subject to approval of the county commission, rather than permitted uses, in the Vacation-Cottage (V-C) and Residential-I (R-I) zoning districts and to designate subdivisions (other than minor subdivisions) as uses permitted subject to approval of the county commission, rather than permitted uses, Residential-I-Low Density (R-I-L), and Residential-II (R-II) zoning districts; and

WHEREAS, the County's Board of Commissioners desires to remove subdivisions (other than minor subdivisions) as uses permitted subject to approval of the county commission in the Agricultural-Residential III (AR-III) and Agricultural-Residential IV (AR-IV) zoning districts; and

WHEREAS, THE County's Board of Commissioners desires to clarify Section 17.330.010 of the zoning code as to uses which are not listed as permitted by right or subject to

approval of either the county commission or the planning commission in a given district so as to provide that such unlisted uses are prohibited; and

WHEREAS, the County's Board of Commissioners believes that these changes to its zoning and development regulations as described herein are in the best interests of residents and businesses of Hall County, Georgia, and would promote the public health, safety, and general welfare of such residents and businesses.

NOW, THEREFORE, the Board of Commissioners does hereby amend The Official Code of Hall County, Georgia as follows:

1.

Section 17.20.720 (Definitions – Minor subdivisions) is hereby amended by deleting Section 17.20.720 in its entirety and inserting in lieu thereof a new Section 17.20.720 which provides as follows:

“Minor subdivision” means the subdivision of land into a total of no more than six (6) conforming lots, parcels, tracts, or building sites during a 12-month period. The resultant lots must meet all of the requirements (lot size, frontage, access, etc.) of the zoning district in which they are classified and the requirements of the county subdivision regulations. Minor subdivisions which conform to the aforementioned standards may be created on any lot, tract, or parcel which was recorded with the county clerk of superior court prior to January 1 of each calendar year, provided the subject lot and all resultant lots comply with the standards of the county zoning and subdivision regulations. Once any lot, tract, or parcel meeting the aforementioned standards has been subdivided into a total of no more than six (6) lots, tracts, parcels, or building sites, no further subdivision of any of the lots is permitted inherently for the 12-month period after the land was subdivided. Any additional subdivision beyond six (6) lots per 12-month period shall require

consideration by the county planning commission as a use subject to planning commission approval.”

2.

Section 17.20.1210 (Definitions – Subdivision) is hereby amended by deleting Section 17.20.1210 in its entirety and inserting in lieu thereof a new Section 17.20.1210 which provides as follows:

“”Subdivision” means the division of a tract or parcel of land into seven (7) or more lots, building sites, or other divisions for the purposes of sale, legacy, a new street, or a change in existing streets, and includes resubdivision. Where appropriate to the context, subdivision also relates to the process of subdividing or to the land or area subdivided. The term shall also include the opening of a new street or road. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots meet the standards of the county subdivision regulations is not included within this definition.”

3.

Section 17.50.010 (Vacation Cottage District (V-C) – Permitted uses) is hereby amended by deleting Subsection (G) in its entirety.

4.

Section 17.50.040 (Vacation Cottage District (V-C) – Uses permitted subject to approval of county commission) is hereby amended by inserting new Subsections (K) and (L) which provide as follows:

“K. Minor Subdivisions.

L. Subdivisions.”

5.

Section 17.60.010 (Residential-I District (R-I) – Permitted uses) is hereby amended by deleting Subsection (G) in its entirety.

6.

Section 17.60.040 (Residential-I District (R-I) – Uses permitted subject to approval of county commission) is hereby amended by inserting new Subsections (H) and (I) which provide as follows:

“H. Minor Subdivisions.

I. Subdivisions.”

7.

Section 17.70.010 (Residential-I-Low Density District (R-I-L) – Permitted uses) is hereby amended by deleting Subsection (G) in its entirety and inserting in lieu thereof a new Subsection (G) which provides as follows:

“G. Minor subdivisions.”

8.

Section 17.70.040 (Residential-I-Low Density District (R-I-L) – Uses permitted subject to approval of county commission) is hereby amended by inserting a new Subsection (I) which provides as follows:

“I. Subdivisions.”

9.

Section 17.80.010 (Residential-II District (R-II) – Permitted uses) is hereby amended by deleting Subsection (G) in its entirety and inserting in lieu thereof a new Subsection (G) which provides as follows:

“G. Minor subdivisions.”

10.

Section 17.80.040 (Residential-II District (R-II) – Uses permitted subject to approval of county commission) is hereby amended by inserting a new Subsection (L) which provides as follows:

“L. Subdivisions.”

11.

Section 17.110.040 (Agricultural-Residential-III District (AR-III) – Uses permitted subject to approval of county commission) is hereby amended by deleting Subsection E in its entirety.

12.

Section 17.120.040 (Agricultural-Residential-IV District (AR-IV) – Uses permitted subject to approval of county commission) is hereby amended by deleting Subsection E in its entirety.

13.

Section 17.330.010 (Determination of unclassified uses – Procedure; criteria) is hereby amended by deleting Section 17.330.010 in its entirety and inserting in lieu thereof a new Section 17.330.010 (Prohibition of unclassified uses – Unclassified uses prohibited) which provides as follows:

“17.330.010. – Unclassified uses prohibited.

Any use not specifically permitted either by right (inherent use) or subject to approval of either the county commission, the board of adjustment, or the planning commission (conditional use) in a given district is prohibited in that district.”

The remaining provisions of Title 17 (Zoning Regulations) of the Hall County Code of Ordinances shall remain as they were, unchanged by this amendment.

SO RESOLVED, this the 13th day of January, 2022.

HALL COUNTY BOARD OF COMMISSIONERS

By: 
Richard Higgins, Chairman

ATTEST:


Lisa A. Ritchie, County Clerk



APPROVED AS TO FORM:


Van Stephens, County Attorney