



Staff Report

Department: Akela Wright, MPA Development Services
Subject: Text Amendment
Meeting Date: October 13, 2026

REQUEST

Staff requests approval of a text amendment to Appendix C, Zoning Ordinance, that revises how zoning applications are reviewed and heard. The amendment has three purposes:

First, it assigns each application type to the correct review body. Only rezonings and conditional uses in commercial and industrial zoning districts would be heard by both the Planning Board and the Board of Commissioners. All other applications, including conditional uses in residential and agricultural districts, variances, Housing Ordinance exemptions, and text amendments, would be heard by the Board of Commissioners only.

Second, it updates notice, hearing, and appeal procedures to reflect current requirements of the Georgia Zoning Procedures Law (ZPL), O.C.G.A. § 36-66-1 et seq.

Third, it corrects conflicting, outdated, and ambiguous language throughout the ordinance, and includes related revisions to home occupation submittals, nonconforming properties, minimum living area, conditional zoning, and the PD district.

BACKGROUND

Article IX currently requires two public hearings, one before the Planning Board and one before the Board of Commissioners, for any proposed zoning amendment. Other sections of the ordinance route applications inconsistently. Several residential conditional uses, including those in the R-1-A and R-6 districts, schools and churches, rural businesses, agritourism, and family cemeteries, are sent through the Planning Board, while I-1 industrial conditional uses go to the Board of Commissioners alone. PD sketch plans are heard and approved by the Planning Board, and Housing Ordinance exemptions are decided by the Planning Board. Article VII states that the Planning Board may approve or deny rezonings, although its role is advisory.

The ordinance also contains errors that create uncertainty in administration. It cross-references a section 7.1.6 that does not exist and refers to a "planning commission" and a "board of zoning adjustment," neither of which the County has.

State law has also changed. In 2022, the General Assembly amended the ZPL to distinguish quasi-judicial decisions, such as variances and appeals of administrative decisions, from legislative zoning decisions. Quasi-judicial decisions require 30 days' mailed notice to the property owner, and those decisions and special use (conditional use) decisions are now reviewed by the superior court on the record rather than in a new trial.



SUMMARY OF HEARING PROCESS

Section 7.1.4 lists the applications the Planning Board hears, and section 9.2.2 provides that all other applications go to the Board of Commissioners only. The following table compares current practice with the proposed process.

Application type	Current ordinance	Proposed
Rezoning	Planning Board hearing and recommendation, then BOC hearing and decision	No change
Conditional uses in commercial and industrial zoning districts	Inconsistent; most sections route through the Planning Board, but I-1 conditional uses go to the BOC only	Planning Board hearing and recommendation, then BOC hearing and final action
Conditional uses in residential and agricultural zoning districts	Planning Board and BOC in most sections	BOC only
Variances	BOC	BOC only, with 30-day mailed notice to the property owner for the quasi-judicial hearing
Housing Ordinance exemptions	Decided by the Planning Board, with appeal to the BOC	BOC only, after a public hearing under Article IX
Text amendments	Planning Board hearing, then BOC hearing	BOC public hearing only

CONDITIONAL USE CLASSIFICATION

Under sections 2.118 and 7.1.4, the hearing path for a conditional use depends on the zoning district in which it is proposed.

A conditional use proposed in a commercial or industrial zoning district is heard by the Planning Board, which makes a recommendation, and then by the Board of Commissioners for final action. This includes I-1 conditional uses, which currently bypass the Planning Board.

A conditional use proposed in a residential or agricultural zoning district is heard and decided by the Board of Commissioners. Examples include home occupations and residential businesses, rural businesses, agritourism, family cemeteries, and schools and places of worship.

TEXT AMENDMENTS

Because text amendments are not among the applications listed in section 7.1.4, they would no longer be heard by the Planning Board. A text amendment would require a public hearing before the Board of Commissioners, advertised under section 9.3, before the Board takes action.

Text amendments that authorize multifamily uses within single-family classifications, grant blanket permission to deviate from single-family requirements, or abolish single-family

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classifications remain subject to the heightened procedures of O.C.G.A. § 36-66-4(h), which apply regardless of local ordinance.

GEORGIA ZONING PROCEDURES LAW UPDATES

Notice. Published notice is required 15 to 45 days before each hearing, and one notice may cover both the Planning Board and Board of Commissioners hearings when both dates fall within that window. A sign must be posted on the property at least 15 days before each hearing on a site-specific application. Property owners within 200 feet receive mailed notice. For quasi-judicial hearings, the owner of the subject property also receives mailed notice at least 30 days before the hearing, consistent with O.C.G.A. § 36-66-4(g). The amendment also incorporates the additional requirements for drug treatment facilities (§ 36-66-4(f)), military installations (§ 36-66-6), and developments of regional impact.

Hearing procedures. O.C.G.A. § 36-66-5 requires a minimum of ten minutes per side for proponents and opponents. The amendment provides equal time of at least 15 minutes per side. The applicant may reserve up to five minutes of the proponents' time for summary remarks, and any extension given to one side must be given to the other.

Records. Each public hearing must be recorded by audio or video, and the clerk must prepare written minutes. The record and all evidence submitted become a permanent part of the application file. For rezonings, the Planning Board must document written findings on each of the eight checklist criteria.

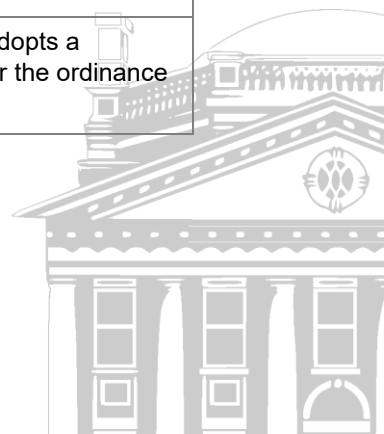
Appeals. Article XI separates the two appeal paths under state law: legislative zoning decisions under O.C.G.A. § 36-66-5.1(a)(1), and quasi-judicial and conditional use decisions, which are reviewed on the record, under § 36-66-5.1(a)(2).

SECTION-BY-SECTION SUMMARY

Section	Change
Article II — Definitions	
2.118 Conditional use	Clarifies that the Board of Commissioners may impose conditions to address the impacts of a proposed use, and states the hearing path: commercial and industrial conditional uses are heard by the Planning Board and the BOC; residential and agricultural-residential conditional uses are heard by the BOC only.
2.390 Planned development	Replaces the definition of "planned single-family home community" with a definition of "planned development" tied to the PD district and an approved master plan.
2.391 Planning board	States that the Planning Board's hearing and recommendation authority is limited to the applications listed in section 7.1.4.
2.410 Quasi-judicial board or agency	Corrects a mislabeled heading (previously "Public use") and adopts a definition of the body that makes quasi-judicial decisions under the ordinance and state law.

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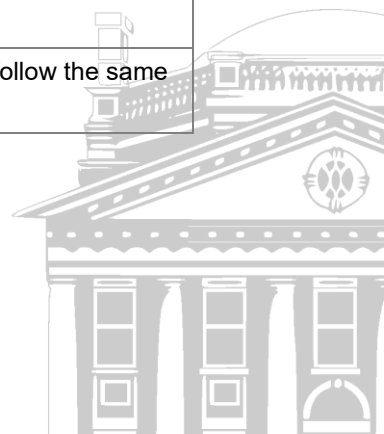
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Section	Change
2.522 Variance	Restates the definition: a variance is granted by the BOC for conditions unique to the property and not created by the owner, may not be contrary to the public interest, and may not authorize a use prohibited in the district.
Article III — General Provisions	
3.6 Family cemeteries	Requires conditional use approval by the BOC at a noticed public hearing under Article IX.
3.7.2 Schools and churches in other districts	Removes the Planning Board step; approval is by BOC conditional use at a noticed public hearing.
3.7A.2 Conditional zoning	States that conditions of rezoning are in addition to ordinance requirements and bind the property and any successor in title.
3.15 Home occupations	Replaces the business plan with an operational statement, removes the photograph requirement, and reduces renewal submittals to a renewal form, a statement of changes, and a certification of continued compliance. The Zoning Administrator may request additional information when needed.
3.15A(5) Nonconforming property	A legally nonconforming lot, structure, or use no longer has to be brought into full compliance as a condition of considering a conditional use or residential business. The proposal may not create or expand a nonconformity, and unrelated violations must be corrected before approval.
3.15B(b) Rural businesses	Removes Planning Board review. The BOC holds the public hearing under Article IX and may impose conditions.
3.17 Excavation, mining, and fills	Assigns review of the activities listed in section 3.17.1 to the BOC rather than the Planning Board, and changes references to the PD-MR district to PD.
3.20 Minimum living area	Removes the 525-square-foot minimum living area. Dwelling units must meet applicable building, fire, health, and development requirements.
5.1.2.13(c) Agritourism	Removes Planning Board review. Approval is by the BOC, which may impose conditions.
Article IV — Zoning Districts and Map	
4.2.02(a) Map amendments	Removes the reference to a "planning commission," which the County does not have. The map is amended by the BOC under the procedures of the ordinance and state law.
4.2.04(g) District boundaries	Assigns boundary interpretations to the Zoning Administrator in place of a "board of zoning adjustment," which the County does not have.
Article V — District Regulations	
5.5.2.1 (R-1-A) and 5.9A.5 (R-6)	Corrects cross-references to section 7.1.6, which does not exist, to Article IX. These residential conditional uses are decided by the BOC.
5.13.1A (I-1)	Adds the Planning Board hearing so that I-1 conditional uses follow the same path as other industrial conditional uses.

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Section	Change
5.16 PD district	Deletes section 5.16 in its entirety. [Staff to describe replacement PD provisions or the reason for deletion.]
Article VII — Planning Board	
7.1.2 Meetings	Corrects "options" to "motions."
7.1.4 Review authority	Limits Planning Board review to rezonings in any district and conditional uses in commercial or industrial zoning districts. Removes the statement that the Planning Board may approve or deny; the Board may recommend approval, approval with conditions, or denial, or forward the application without a recommendation.
Article IX — Amendments to Map or Text	
9.2.1 Applications	Requires each site-specific application to be signed by the owner or an agent with notarized written authorization, assigns the completeness review and scheduling to the Zoning Administrator, and provides that text amendments and County-initiated rezonings may be initiated by the BOC or by the Zoning Administrator at the BOC's direction.
9.2.2 Required public hearings	Provides that the Planning Board holds hearings only on the application types that require one, and that all other applications are heard and decided by the BOC only.
9.3 Notice	Assigns published and posted notice to the Zoning Administrator, allows one published notice to cover both the Planning Board and BOC hearings when both dates fall within the 15-to-45-day window, extends the notice content and posted-sign requirements to all site-specific applications, and adds the requirements of O.C.G.A. § 36-66-4(f), § 36-66-6, and DRI review.
9.3.1 Mailed notice	Requires first-class mailed notice at least 15 days before the hearing to the property owner and owners within 200 feet, and adds the 30-day mailed notice to the property owner for quasi-judicial hearings under O.C.G.A. § 36-66-4(g).
9.3.2–9.3.4 Actions	Limits Planning Board recommendations to applications that require a Planning Board hearing, and provides that an application moves to the BOC without a recommendation if the Planning Board does not adopt one by majority vote. Applications that do not require a Planning Board hearing go directly to the BOC once accepted as complete.
9.4 Hearing procedures	Replaces the "county zoning officer" with the Zoning Administrator, provides equal speaking time of at least 15 minutes per side with up to five minutes reserved for the applicant's summary, requires equal extensions, and requires audio or video recording and written minutes of each hearing.
9.5 Rezoning checklist	Requires rezoning applicants to address the review criteria and the Planning Board to document written findings on each of the eight checklist criteria. "Master plan" is updated to "comprehensive plan."

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Section	Change
Article XI — Appeals	
11.1–11.2	Separates appeals of legislative zoning decisions (O.C.G.A. § 36-66-5.1(a)(1)) from appeals of quasi-judicial and conditional use decisions, which are reviewed on the record (O.C.G.A. § 36-66-5.1(a)(2)).
Housing Ordinance Appendix	
3.2, 3.2.4, 3.3.6, 3.4, 1.3	Exemptions from compatibility and architectural standards are decided by the BOC after a public hearing, rather than by the Planning Board.
3.5, 1.1.7, 4.1, 9.7	Unresolved applicability questions become written Zoning Administrator determinations that may be appealed to the BOC. Nonconforming placement applications and revised planned manufactured housing community plans go to a BOC public hearing.

PROCEDURE FOR THIS AMENDMENT

Until this amendment is adopted, the current Article IX governs, which requires public hearings before both the Planning Board and the Board of Commissioners for a text amendment. Staff has scheduled the amendment as follows: Planning Board public hearing on [date]; Board of Commissioners public hearing on [date]. The revised procedures would apply to applications filed after the effective date.

FISCAL IMPACT

No significant fiscal impact is anticipated. Removing Planning Board hearings for residential and agricultural conditional uses, Housing Ordinance exemptions, and text amendments will reduce advertising, staff preparation, and processing time for those applications. The 30-day mailed notice for quasi-judicial hearings and the audio or video recording requirement will add minor administrative costs.

STAFF ANALYSIS

The proposed text amendments modernize the County's zoning procedures, improve internal consistency, clarify review and decision-making authority, establish more objective review standards, and provide a clearer and more administratively efficient development review process. The amendments are intended to reduce procedural conflicts and provide greater consistency for applicants, staff, the Planning Board, and the Board of Commissioners.

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