



Staff Report

Department: Akela Wright, MPA Development Services
Subject: Ordinance Amendment
Meeting Date: November 3, 2026

REQUEST

Staff requests approval of an ordinance amendment to Appendix C, Zoning Ordinance, to clarify and revise the procedures governing the review and consideration of zoning applications. The proposed amendment has two primary purposes:

First, it clarifies the review authority and public hearing requirements for different application types. All rezonings and only conditional uses proposed within commercial and industrial zoning districts would be reviewed by the Planning Board, which would provide a recommendation to the Board of Commissioners for final action. Conditional uses within residential and agricultural-residential zoning districts, variances, and text amendments would proceed directly to the Board of Commissioners, subject to applicable procedural requirements.

Second, it updates public notice, hearing, and appeal procedures to better align the County's ordinance.

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.



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
Text amendments	Planning Board hearing, then BOC hearing	BOC public hearing only

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CONDITIONAL USE CLASSIFICATION

Under Sections 2.118 and 7.1.4, the proposed ordinance clarifies the public hearing process for conditional use applications based on the zoning district in which the use is proposed.

Conditional uses proposed within commercial or industrial zoning districts would be reviewed by the Planning Board, which would provide a recommendation to the Board of Commissioners for final consideration. This includes conditional uses proposed within the I-1 zoning district.

Conditional uses proposed within residential or agricultural-residential zoning districts would proceed directly to the Board of Commissioners for a public hearing and final decision, without a Planning Board hearing.

TEXT AMENDMENTS

The proposed revisions to Sections 7.1.4 and 9.3 clarify the Planning Board's review authority and the procedures for considering amendments to the Zoning Ordinance.

Because text amendments are not included among the applications requiring Planning Board review under Section 7.1.4, they would proceed directly to the Board of Commissioners for a public hearing and final action, subject to applicable notice and hearing requirements.

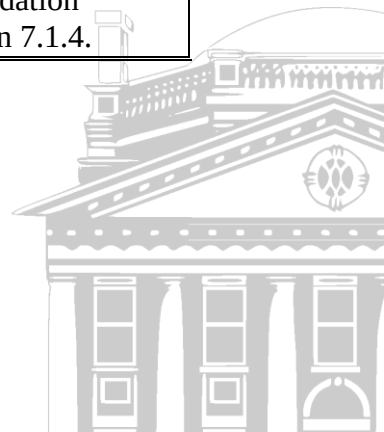
Any text amendment subject to additional procedural requirements under the Georgia Zoning Procedures Law, including O.C.G.A. § 36-66-4(h), must continue to comply with those statutory requirements.

SECTION-BY-SECTION SUMMARY

Section	Change
2.118 Conditional use	Clarifies that the Board of Commissioners may impose conditions to address the impacts of a proposed use. Establishes that conditional uses in commercial and industrial districts are heard by the Planning Board and Board of Commissioners, while conditional uses in residential and agricultural-residential districts are heard by the Board of Commissioners only.
2.390 Planned development	Replaces the definition of “planned single-family home community” with a definition of “planned development” tied to the PD zoning district and an approved master plan.
2.391 Planning board	Clarifies that the Planning Board's hearing and recommendation authority is limited to the applications identified in Section 7.1.4.

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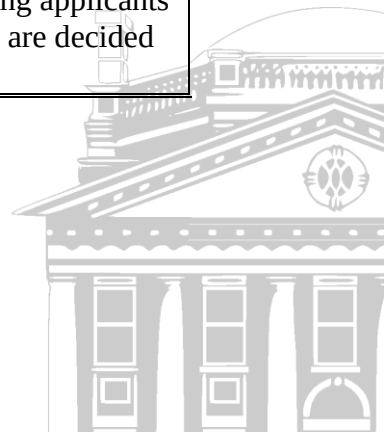
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2.410 Quasi-judicial board or agency	Corrects the previously mislabeled heading, “Public use,” and establishes a definition for the body responsible for making quasi-judicial decisions under the ordinance and applicable state law.
2.522 Variance	Clarifies that variances are granted by the Board of Commissioners based on conditions unique to the property that are not self-created, must not be contrary to the public interest, and cannot authorize a use prohibited within the applicable zoning district.
Article III — General Provisions	
3.6 Family cemeteries	Requires conditional use approval by the Board of Commissioners following a noticed public hearing under Article IX.
3.7.2 Schools and churches in other districts	Removes Planning Board review and establishes that conditional use approval is granted by the Board of Commissioners following a noticed public hearing.
3.7A.2 Conditional zoning	Clarifies that conditions imposed through rezoning are in addition to the requirements of the ordinance and remain binding on the property and subsequent owners.
3.15B(b) Rural businesses	Removes Planning Board review and establishes that the Board of Commissioners conducts the public hearing and may impose conditions of approval.
3.17 Excavation, mining, and fills	Assigns review of activities identified in Section 3.17.1 to the Board of Commissioners rather than the Planning Board and updates references from the PD-MR district to PD.
5.1.2.13(c) Agritourism	Removes Planning Board review and establishes that approval is granted by the Board of Commissioners, which may impose conditions.
Article IV — Zoning Districts and Map	
4.2.02(a) Map amendments	Removes references to a “planning commission,” which the County does not have, and clarifies that zoning map amendments are adopted by the Board of Commissioners in accordance with the ordinance and state law.
4.2.04(g) District boundaries	Assigns zoning district boundary interpretations to the Zoning Administrator rather than 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 references to nonexistent Section 7.1.6 by directing applicants to Article IX and clarifies that residential conditional uses are decided by the Board of Commissioners.

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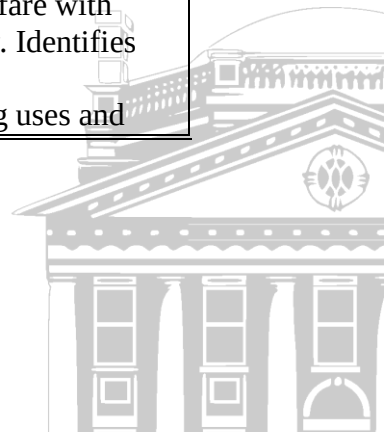
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5.13.1A (I-1)	Adds Planning Board review to ensure conditional uses within the I-1 district follow the same hearing process as other industrial conditional uses.
Article VII — Planning Board	
7.1.2 Meetings	Corrects the term “options” to “motions.”
7.1.4 Review authority	Limits Planning Board review to rezonings in all zoning districts and conditional uses in commercial and industrial districts. Clarifies that the Planning Board serves in a recommending capacity and may recommend approval, approval with conditions, denial, or forward an application without a recommendation.
Article IX — Amendments to Map or Text	
9.2.2 Required public hearings	Clarifies that Planning Board hearings are required only for designated application types, while all other applications are heard and decided by the Board of Commissioners.
9.3 Notice	Assigns responsibility for published and posted notices to the Zoning Administrator, allows one published notice to cover both Planning Board and Board of Commissioners hearings when both dates fall within the required 15-to-45-day notice period, extends notice content and posting requirements to all site-specific applications, and incorporates applicable requirements of O.C.G.A. §§ 36-66-4(f) and 36-66-6.
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.
9.4 Hearing procedures	Replaces references to the “county zoning officer” with the Zoning Administrator. Establishes equal speaking time of at least 15 minutes per side, allows up to five minutes for the applicant's summary, provides for equal extensions of speaking time, and addresses audio or video recordings and written minutes of public hearings.
9.5 Rezoning checklist	Requires rezoning applicants to address the applicable review criteria and the Planning Board to document written findings on each of the eight checklist criteria. Updates references from “master plan” to “comprehensive plan.”
9.6 Standards and criteria for zoning decisions	Establishes review criteria for rezonings, text amendments, and conditional use applications to balance the County's interests in protecting public health, safety, morality, and general welfare with property owners' rights to reasonable use of their property. Identifies factors for consideration, including consistency with the Comprehensive Plan and land development plans, existing uses and

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	zoning of nearby properties, impacts on adjoining residents, effects on surrounding property values, and the most advantageous use of the property.
9.7 Standards and criteria for variances	Clarifies that variances may be granted only upon demonstration of an extreme hardship that is not self-created. Establishes that prospective sales, economic considerations that can be addressed through other means, and restrictions known at the time of purchase do not independently justify a variance. Requires relief to be narrowly tailored to the demonstrated hardship without causing substantial detriment to the public or undermining the ordinance. Prohibits variances that authorize uses not permitted by the property's zoning classification and requires applicants to possess at least 51% ownership or written, notarized authorization from the property owner.
Article XI — Appeals	
11.1–11.2 Appeals	Distinguishes appeals of legislative zoning decisions under 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 under O.C.G.A. § 36-66-5.1(a)(2).
11.3 Quasi-judicial hearing procedures	Establishes procedures governing quasi-judicial hearings to provide a consistent framework for reviewing applications and making decisions.
11.4 Formal proceedings for quasi-judicial hearings	Establishes formal procedures for conducting quasi-judicial hearings, including the presentation and consideration of evidence and testimony, to promote procedural consistency and transparency in the decision-making process.

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 10/13/2026; Board of Commissioners public hearing on 10/20/2026. The revised procedures would apply to applications filed after the effective date.

STAFF ANALYSIS

The proposed amendment modernizes the County's zoning procedures, improves internal consistency, clarifies review and decision-making authority, establishes more objective review

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standards, and provides a clearer and more administratively efficient development review process.

The amendments are intended to reduce procedural conflicts, promote transparency, and provide greater consistency for applicants, staff, the Planning Board, and the Board of Commissioners.

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