

Staff Report

Subject: Ordinance Revision
Author: Chelsie Fernald, Planner II
Department: Development Services
Meeting Date: July 18, 2023
Item Description: Consideration of an **amendment** to the Code of Ordinances **Part II – Official Code: Appendix C – Articles I - X** of the Effingham County Code of Ordinances, responding to the changes of Title 36 of the Official Code of Georgia, Zoning Procedures Law.

Summary Recommendation

In order to conform with Title 36 of the Official Code of Georgia, Zoning Procedures Law, Staff recommends **approval** of the ordinance revision which will comply with State law.

Executive Summary/Background

- House Bill 1405 is an amendment Title 36 of the Official Code of Georgia that revised provisions related to judicial review of zoning decisions, definitions, requirements for zoning decisions by boards or agencies using delegate powers, additional notice and hearing provisions, judicial review of zoning decisions, appeals of quasi-judicial decisions, provide for related matters, to provide an effective date and applicability, repeal conflicting laws, and other purposes.
- The definitions for *Legislative Zoning Actions* and *Quasi-judicial officers, boards, or agencies* has been added.
- Additions to *7.1.4 Review Authority* that gives the Planning Board the ability to hear and render decisions on applications for variances, special administrative permits, special exceptions, plat procedures and processes, and other processes not considered a zoning action.
- *7.1.8.3* under *Variances* explains that financial hardship is not considered by State Law as grounds for granting a variance.
- The addition to *7.2 Administration* complies with the State regulations for a property owner to appeal administrative, quasi-judicial, and zoning decisions.
- There is a change to the public notice timeline for quasi-judicial decisions; and a change in the responsibilities of the Zoning Administrator.

Alternatives

1. **Approve** an **amendment** to the Code of Ordinances **Appendix C – Zoning Ordinance, Article I-X:**
2. **Deny** an **amendment** to the Code of Ordinances **Appendix C – Zoning Ordinance, Articles I-X.**

Recommended Alternative: 1

Other Alternatives: 2

Department Review: Development Services, County Attorney

FUNDING: N/A

Attachments: 1. Draft of Code of Ordinances **Part II – Official Code: Appendix C – Articles I - X** Ordinance