

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... Hall County Planning Staff

**Request** ..... Text Amendment

**Proposed Use** ..... Update related regulations for compliance with updates to state Zoning Procedures Law (ZPL)

**Zoning** ..... Applicable to all PRD developments

**Location** ..... **Throughout Hall County**

**Commission District** ..... One, Two, Three, and Four

**Planning Commission Date** ..... June 5, 2023

**Staff Recommendation** ..... Approval to comply with state regulations.

**Planning Commission Recommendation**.....Approval

**Vote: 3-0 (Sosebee & Varner absent)**

**Public Forum:**

There were no comments in support or opposition.

**Summary Analysis**

Two bills recently adopted by the state legislature, HB 1405 and HB 916, affect the County’s zoning procedures. Known by the State Statute, the “Zoning Procedures Law” (ZPL), outlines the minimum required notice and hearing procedures local and county governments are required to follow in carrying out zoning and quasi-judicial decisions. Georgia municipalities have until July 1, 2023 to adopt these new regulations into their local ordinances.

Per the Georgia General Assembly, the revisions to the ZPL, HB 1405, are as follows:

A BILL to be entitled an Act to amend Title 36 of the Official Code of Georgia Annotated, relating to local governments, so as to revise "The Zoning Procedures Law"; to revise provisions related to judicial review of zoning decisions; to revise definitions; to provide for requirements for zoning decisions by boards or agencies using delegated powers; to require review procedures for decisions made by boards or agencies using delegated powers; to provide for judicial review of zoning decisions; to require certain designations relating to appeals of quasi-judicial decisions; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1405 specifically lays out additional public hearing and public notice requirements for county-initiated rezonings for specific changes to multi-family uses in single-family zoning districts. The new ZPL dictates

that signs are required every 500 feet in the affected area, specifies the size of the required newspaper ads, requires additional public hearings, and specifies a new timeline for approval by the City Council. Additionally, HB 1405 updated the public-notice requirements for quasi-judicial proceedings.

Separately, the Georgia Assembly has revised the appeals process, as follows:

A BILL to be entitled an Act to amend Title 5 of the O.C.G.A., relating to appeal and error, so as to provide for a unified procedure for appealing decisions of a lower judicatory to a superior or state court; to repeal and reserve Chapter 4 of said title, relating to certiorari to superior court; to amend various titles of the Official Code of Georgia Annotated, so as to provide for conforming changes; to correct cross-references and remove obsolete or improper references; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

HB 916 lays out a new process for appealing zoning decisions. Rather than requiring a “writ of certiorari,” appeals can be made as a “petition for review.”

Lastly, the proposed redlines address a third bill, SB 213, approved by the legislature in the current session; therefore those updates related to allowing existing manufactured homes to be replaced have been incorporated as well.

In response to these statutes, staff has recommended amendments to *Title 17 Zoning Regulations*:

- 17.10.010 Zoning regulations adopted; authority.
  - Deleted references to zoning board of adjustments
- 17.20.1061. Special exception.
  - Clarified that the Hall County special exception process is a legislative process, not a quasi-judicial process
- 17.20.1062. Special use.
  - Clarified that the Hall County conditional use process is a legislative process, not a quasi-judicial process
- 17.240.110. Lot density exceptions
  - Removed references to special exception and zoning board of adjustments
- 17.340.010. Criteria for continuation of nonconforming use.
  - Sub-section C addresses the requirements of SB 213 that requires the County to allow manufactured housing to be replaced without regard for nonconforming uses, lots, or characteristics.
- 17.350.010. - 17.350.070. and 17.350.090.
  - Removed references to zoning board of adjustments
- 17.350.080. Expiration of approval. and 17.380.130. Board of commissioners' action.
  - Expirations of ZPL-related review processes cannot expire by its own terms, so this section has been deleted.
- 17.360.020. Appeals.
  - There are multiple subsections that outline portions of appeals proceedings. Those have been consolidated into Chapter 17.370.
- Chapter 17.370. Appeals of administrative officials and decision-making bodies
  - Numerous adjustments have been made within this chapter to align with ZPL as well as maintain internal consistencies. In summary, appeals of administrative staff are heard by Planning Commission, and appeals of Planning Commission decisions are heard by the Board of Commissioners.
  - Defined who can file appeals and referenced the required process for an appeal – for quasi-judicial decisions, appeals are made by petition for review (per HB 1405 and HB 916)
  - Appeal deadlines (for appeals at any level) have been set to 30 days (extended from 5 days) to comply with the new ZPL requirements.

- 17.380.030. Initiation of proposed amendments.
  - Clarified who can file amendments
  - Distinguished between owner-initiated and County-initiated rezonings to allow for different noticing standards permitted by ZPL
- 17.380.060. Planning commission and Hall County Commission consideration and decision.
  - Updates for internal consistencies and to outline public input procedures
  - Removed hearing timeline – it is not required by state law and exposes the County to unnecessary procedural errors if that timeline were not followed.
- 17.380.070. - 17.380.130.
  - Adjusted required notice period from 15-45 days to 30-45 days to comply with ZPL
  - Referenced state statute for several application types that require additional processes (e.g.: annexations and incorporating multi-family uses into single-family zoning districts). These statutes will be used rarely and are confusing, so staff have recommended incorporating by reference only.
  - Other minor clean-ups
- 17.380.150. Successive applications.
  - Condensed the successive application provisions into one section for clarity and to avoid internal conflict.
- 17.380.160. Appeals of board of commission actions.
  - Referenced required appeal proceedings outlined in ZPL.
  - Authorized the Director of Planning and Development to accept service in an appeal in compliance with ZPL.
- 17.380.170 Georgia Zoning Procedures Law.
  - Incorporated general catch-all for compliance with state statutes.

Attachments:

1. Adopting Ordinance and revisions to *Title 17 Zoning Regulations*
2. Copy of HB 1405
3. Copy of HB 916
4. Copy of SB 213

**When considering a text amendment, the Planning Commission must follow the same procedural guidelines as for a rezoning request (17.380.040), this includes public notice. The proposal was advertised in the Gainesville Times but since the proposal is not related to a specific parcel, no signs were posted.**

➤ **Excerpts from the minutes of the June 6, 2023 meeting**

**Applicant's Presentation:**

**Beth Garmon, Zoning Director**, presented a summary of the request. Ms. Garmon explained the changes coming from the state and how she is working with the legal department to meet the changes needed.

**Public Forum:**

*There were no comments in support or opposition.*

**Planning Commission Comments:**

Mr. Braswell stated that having appeal periods run longer will cause delays for applicants.

**Motion: A motion to approve was made by Ms. Pilcher and seconded by Mr. Hunt. Vote: 3-0 (Sosebee & Varner absent)**