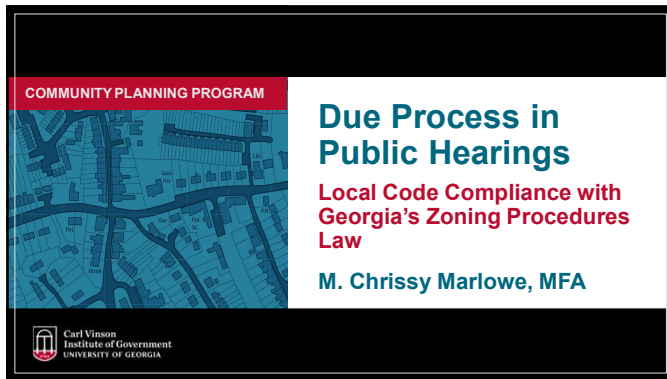
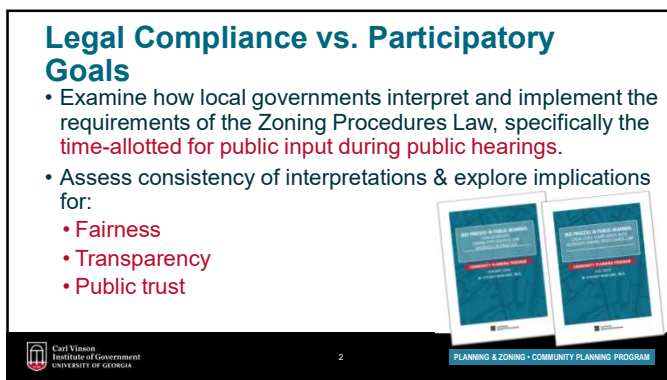
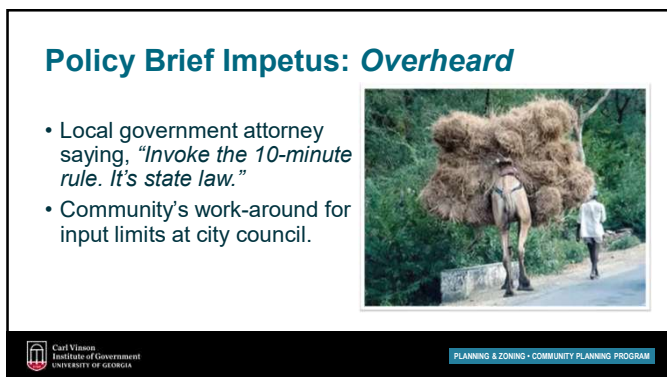




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Zoning Procedures Law

- Local governments shall adopt policies and procedures which govern the calling and conducting hearings.
- Such policies shall specify a minimum time period at hearings for presentation by proponents and opponents of zoning decisions.
- The minimum time shall be no less than ten minutes per side and must be equal for both parties.

O.C.G.A. § 36-66-5(a)

4

Note on Public Hearings



- Lowest bar of public engagement.
- Distribution of power is evident in layout and rules for speaking.
- Not a dialogue.
- Input only at the decision point.
- The way they are conducted still impacts civic healthy and perception of trust in local government.

5

Research Context

- The quality of participation processes directly impacts trust and legitimacy. (Fung, 2006; Innes & Booher, 2004)
- Procedural choices often become flashpoints in already disempowered communities. (Moore & Kleinman, 2010)
- Citizens and stakeholders have information that can improve the quality of decisions. (Fischer, 1993, 2003)
- Declines in civic engagement correlate with diminished quality of life and social cohesion. (Putnam, 2000)

6

Case Law: “Shall” is Commanding

- ZPL procedural requirements are mandatory and failure to follow them invalidates zoning decisions. **McClure v. Davidson, 263 Ga. 710 (1993)**

7

Case Law: Meaningful Opportunity

- Local governments must provide meaningful opportunity to be heard during public hearings-not merely basic notice. Inadequate hearings breach procedural due process. **Schumacher v. City of Roswell, 344 Ga. App. 135 (2017)**
- Hearings must provide meaningful opportunity to be heard and hearing record must be sufficiently detailed. **Hochstetter v. Pickens County, 303 Ga. 786 (2018)**

8

Methodology

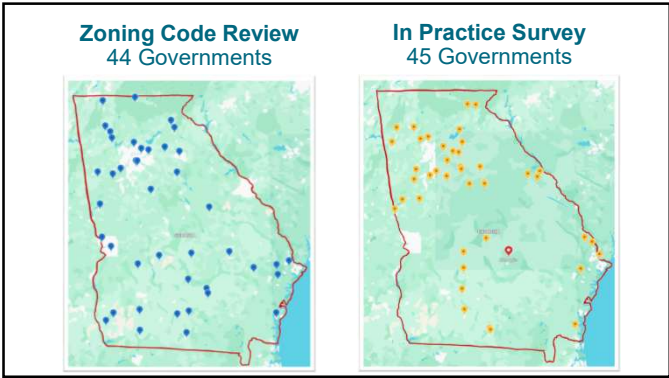
1. Zoning Code Review

- Purposeful sample of 44 local governments.
- Both cities and counties.
- Diversity of population size and geographic regions.

2. Questionnaire

- In Practice questionnaire 45 jurisdictions.
- Comparison of responses to actual code language.

9



10

Summary of Findings
Code Review

Category	Number of Jurisdictions	% of Sample
No less than 10 minutes per side	8	18%
Strict limit of 10 minutes per side	6	14%
No limits mentioned	4	9%
Minimum 10 minutes, discretion to impose limits	12	27%
Maximum 10 minutes, discretion to expand	3	7%
No limits, discretion to impose	6	14%
Limits, everyone allowed to speak	3	7%
No mention of comment times	2	5%

11

Practice vs. Code Alignment

Broader Practice–Code Alignment Across Surveyed Jurisdictions		
Consistency	Count (N = 45)	Percentage
Consistent	9	20%
Inconsistent	31	69%
Unclear	5	11%

12

Discretion to Modify Time Limits		
Does your local code authorize discretion to change speaker time limits?		
Response	Count (N = 45)	Percentage
Yes	32	71%
No	6	13%
Not sure	7	16%
How often is discretion used to change speaker times?		
Response	Count (N = 45)	Percentage
Never	5	11%
Once in a while	34	76%
About half the time	2	4%
Most of the time	2	4%
Always	1	2%

13

Implications:

Discretion in Theory, Not Practice

- The constraint on public input observed here is not driven by statutory limits or ordinance language, but by governance behavior. Risk aversion, control-oriented meeting norms and uncertainty about authority appear to shape practice more than the legal framework itself.
- the authority for discretion can mitigate the limitations of a collective cap, the prevalence of its lack of use points to a governance choice and multiple avenues of improvement in procedures across the state.


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14

Implications:

Discretion in Theory, Not Practice

- Discretion represents effort to manage time effectively and respond to the complexity or scale of individual cases.
- 48% of jurisdictions allow discretion to impose or expand time limits.
- Imposing* limits preferable to *expanding* as it works from a starting place of no limits and effort must be made to limit.
- Lack of emphasis in practice limits the intended flexibility and contributes to the perception of rigid or arbitrary hearings.


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In Practice: Speaker Times (Non-applicant)		
Typical time limit for each speaker other than the applicant during a public hearing?		
Response	Count (N=45)	Percentage
3 minutes	16	36%
5 minutes	1	2%
10 minutes	3	7%
10-minutes per side total	17	38%
No set limit	3	7%
Other	5	11%

16

The 10-Minute Conflation: Floor as Ceiling	
• 38% of the local government respondents use a 10-minute total per side collective cap for public input times. • Of those jurisdictions, 77% were inconsistent with their code. • A mixture of: • "A minimum of 10-minutes per side" • "Reasonable time" or "all afforded opportunity to speak" • No mention of limits at all	

17

Implications: Collective Time Limits	
• Setting ten minutes per side as both a minimum and maximum discourages robust input. • May signal an institutional preference against community voice. • Research shows that overly constrained comment periods correlate with increased public frustration and reduced decision quality (Arnstein, 1969).	

18

Why This Matters

- This review reveals significant variations in interpretation and application of the ZPL provisions for public input.
- Procedural inconsistencies ripple beyond technicalities into civic trust.
- Opaque or constrained processes risk fueling community cynicism, especially in growth and development debates.
- The quality of a public hearing depends on more than legal compliance—it rests on whether it fosters real democratic participation.

19

Why This Matters: Broader Civic Consequences

- These procedural practices contribute to broader civic disengagement.
- The 2023 Georgia Civic Health Index ranks the state 45th for volunteering and 51st for neighborly interaction.
- Since 2013, Georgia's ranking in local election participation and public meeting attendance has steadily declined.
- Local government officials consistently air frustrations that no one shows up to meetings.

20

Why This Matters: Broader Civic Consequences

- Public frustration is especially high in communities navigating rapid growth &/or contentious development.
- Practices may fuel perceptions of favoritism & deepen divides between residents and local institutions.
- Decline in civic engagement, measured by reduced participation in public life, local governance, & community activities.
- These have significant negative consequences on the quality of life, social cohesion, & functioning of the public realm.

21

Public Engagement by Design

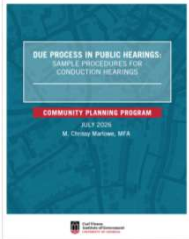
- Given the consequences, local governments have real opportunity and responsibility to take action.
- Even modest efforts to improve transparency, voice, and consistency in procedures enhance legitimacy and voluntary compliance *even when people disagree with the final decision.* (Tyler, Tom R., 1990)
- Small adjustments can improve engagement, reduce confusion, and foster trust in public systems. (Thaler, R. H., & Sunstein, C. R. 2008)

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22

Public Engagement by Design: Recommendations

- Ensure individual access
- Avoid collective time caps
- Codify discretion clearly
- Communicate procedures publicly
- Train staff & officials
- Adopt a public participation policy



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Meaningful Opportunity

- The quality of a public hearing is not measured solely by its adherence to legal requirements but by its **capacity to foster meaningful democratic participation.**
- In an era of declining civic trust and engagement, **small acts of procedural fairness and transparency** can play an outsized role in restoring legitimacy and public confidence.

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24

1. Due Process in Public Hearings:
Local Code Compliance with
Zoning Procedures Law

2. Due Process in Public Hearings:
How ZPL Operates in Practice

3. Sample Requirements for
Conducting Hearings





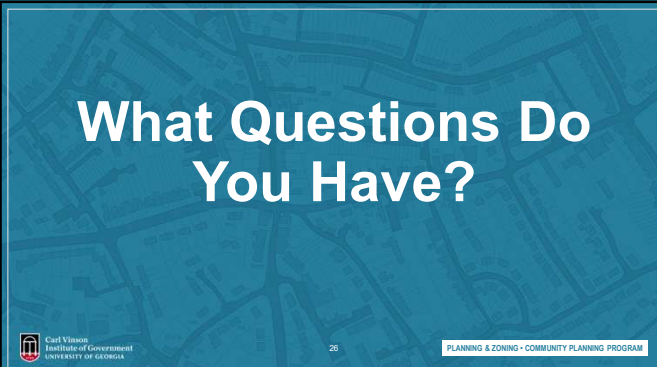
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What Questions Do
You Have?





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26

THANK YOU!

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27

- Lawrence, R. L., Daniels, S. E., & Stankey, G. H. (1997). *Procedural justice and public involvement in natural resource decision making*. **Society & Natural Resources**, 10(6), 577–589. <https://doi.org/10.1080/08941929709381054>
- Arnstein, S. R. (1969). A ladder of citizen participation. *Journal of the American Institute of Planners*, 35(4), 216–224.
- Smith, G., & Wales, C. (2000). Citizens' juries and deliberative democracy. *Political Studies*, 48(1), 51–65. (Note: Smith & Smith (2006) likely references Smith's work on public hearings; see:)

28

- Smith, G. (2009). *Evaluating the role of public hearings within deliberative democracy: Operationalising the democratic standards as a framework*. **Journal of Deliberative Democracy**, 5(2), 1–19.
- Fung, A. (2006). *Varieties of participation in complex governance*. In O. Rothstein (Ed.), *The quality of democracy: Participation, representation, and epistemic legitimacy* (pp. 38–53). Palgrave MacMillan.
- Innes, J., & Booher, D. (2004). *Reframing public participation: Strategies for the 21st century*. **Planning Theory & Practice**, 5(4), 419–436

29

- Moore, S., & Kleinman, R. (2010). Making public deliberation meaningful: Case studies from Texas. In J. Gastil & P. Levine (Eds.), *The deliberative practitioner: Encouraging participatory planning processes* (pp. 166–190). MIT Press.
- Putnam, R. (2000). *Bowling alone: The collapse and revival of American community*. Simon & Schuster

30
