

House Bill 320

By: Representatives Ehrhart of the 36<sup>th</sup>, Stancil of the 16<sup>th</sup> and Pinholster of the 15<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 66 of Title 36 of the Official Code of Georgia Annotated, "The Zoning  
2 Procedures Law," so as to provide for participation by certain nonparties in court required  
3 mediation regarding zoning decisions; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 Chapter 66 of Title 36 of the Official Code of Georgia Annotated, "The Zoning Procedures  
7 Law," is amended by adding after Code Section 36-66-4 a new Code section to read as  
8 follows:

9 "36-66-4.1.

10 (a) If a zoning decision of a local government is for rezoning of property and:

11 (1) The amendment to the zoning ordinance to accomplish the rezoning is defeated by  
12 the local government;

13 (2) An action is timely filed in the appropriate superior court to contest that defeat; and

14 (3) That court requires mediation regarding the action so filed,

15 the owner of any property within one mile of the boundaries of the property sought to be  
16 rezoned may file with that court a written request to be permitted to participate in that  
17 mediation.

18 (b) A request to participate in mediation by a nonparty to a civil action as authorized by  
19 subsection (a) of this Code section shall be filed within 30 days after that civil action is  
20 filed. Three or fewer nonparties will be authorized to participate in mediation pursuant to  
21 this Code section. If more than three of those nonparties file such request, the court in  
22 which the action is filed shall appoint a special master to consider the requests to decide  
23 which three nonparties will be allowed to participate in such mediation. This decision of  
24 the special master will be based upon selecting those three nonparty property owners who  
25 represent the greatest diversity of property owner opinion regarding the contested issue.  
26 Each property owner making such request to participate shall be required to pay that

1 person's pro rata share of the cost for the special master in determining such participants,  
2 whether or not that person is determined by the special master to be a participant.

3 (c) Each person allowed to participate in mediation pursuant to this Code section shall be  
4 notified in writing by the court of the time and place of each mediation session at least five  
5 days prior to the scheduled time and shall be permitted to be present at each such session.

6 The parties in the civil action shall not be authorized to negotiate regarding the issues to  
7 be mediated except at the time and place of which such notification is so provided, but  
8 those parties may have discussions without the nonparties otherwise authorized to  
9 participate in mediation if:

10 (1) Such discussions are for the sole purpose of agreeing to remand the issues back to the  
11 local government for a zoning decision without any further agreement regarding the  
12 issues raised in the judicial action; and

13 (2) The local government holds a public hearing meeting the requirements of Code  
14 Section 36-66-4 prior to rendering a new zoning decision regarding the property subject  
15 to the judicial action.

16 (d) The parties to the civil action may consider the views of those persons authorized to  
17 participate in mediation under this Code section but are not required to adopt such views  
18 in reaching any agreement. The local government authorized to make a zoning decision  
19 regarding the issues mediated may consider the views of any of the participants in  
20 mediation and any agreement reached during such process but shall not be bound by such  
21 views or agreement."

## 22 SECTION 2.

23 All laws and parts of laws in conflict with this Act are repealed.