

Senate Bill 261

By: Senators Harp of the 16th, Tolleson of the 18th, Squires of the 5th, Brown of the 26th and Collins of the 6th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 66 of Title 36 of the Official Code of Georgia Annotated, relating to  
2 zoning procedures, so as to provide for additional procedures with respect to zoning  
3 decisions; to provide an effective date; 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, relating to zoning  
7 procedures, is amended by adding a new Code section at the end thereof, to be designated  
8 Code Section 36-66-6, to read as follows:

9 "36-66-6.

10 In any local government which has established a planning department or other similar  
11 agency charged with the duty of reviewing zoning proposals, such planning department or  
12 other agency shall with respect to each zoning proposal or zoning decision involving land  
13 that is in the vicinity of any military base, installation, or airport investigate and make a  
14 recommendation with respect to each of the matters enumerated in this Code section, as  
15 well as carrying out any other duties with which the planning department or agency is  
16 charged by the local government. The planning department or other agency shall make a  
17 written record of its investigation and recommendations, and this record shall be a public  
18 record. The matters with which the planning department or agency shall be required to  
19 make such investigation and recommendation shall be:

- 20 (1) Whether the zoning proposal will permit a use that is suitable in view of the use of  
21 adjacent and nearby property as a military base, installation, or airport;
- 22 (2) Whether the zoning proposal will adversely affect the existing use or usability of  
23 nearby property as a military base, installation, or airport;
- 24 (3) Whether the property to be affected by the zoning proposal has a reasonable  
25 economic use as currently zoned;

- 1 (4) Whether the zoning proposal will result in a use which will or could cause a safety  
2 concern with respect to excessive or burdensome use of existing streets, transportation  
3 facilities, utilities, or schools due to the use of nearby property as a military base,  
4 installation, or airport;
- 5 (5) If the local government has an adopted land use plan, whether the zoning proposal  
6 is in conformity with the policy and intent of the land use plan; and
- 7 (6) Whether there are other existing or changing conditions affecting the use of the  
8 nearby property as a military base, installation, or airport which give supporting grounds  
9 for either approval or disapproval of the zoning proposal."

10

**SECTION 2.**

11 This Act shall become effective upon its approval by the Governor or upon its becoming law  
12 without such approval.

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**SECTION 3.**

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