

The Senate Veterans and Military Affairs Committee offered the following substitute to SB 261:

ADOPTED AS AMENDED

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 66 of Title 36 of the Official Code of Georgia Annotated, relating to zoning procedures, so as to provide for additional procedures and requirements with respect to zoning decisions; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 66 of Title 36 of the Official Code of Georgia Annotated, relating to zoning procedures, is amended by adding a new Code section at the end thereof, to be designated Code Section 36-66-6, to read as follows:

"36-66-6.

(a) In any local government which has established a planning department or other similar agency charged with the duty of reviewing zoning proposals, such planning department or other agency shall with respect to each zoning proposal or zoning decision involving land that is adjacent to or in the vicinity of any military base, installation, or airport investigate and make a recommendation with respect to each of the matters enumerated in this Code section, as well as carrying out any other duties with which the planning department or agency is charged by the local government. The planning department or other agency and the commander of such military base, installation, or airport shall each make a written record of its investigation and recommendations, and these records shall be a public record.

(b) The matters with which the planning department or agency and the commander of such military base, installation, or airport shall be required to make such investigation and recommendation shall be:

- (1) Whether the zoning proposal will permit a use that is suitable in view of the use of adjacent and nearby property as a military base, installation, or airport;
- (2) Whether the zoning proposal will adversely affect the existing use or usability of nearby property as a military base, installation, or airport;

1 (3) Whether the property to be affected by the zoning proposal has a reasonable
2 economic use as currently zoned;

3 (4) Whether the zoning proposal will result in a use which will or could cause a safety
4 concern with respect to excessive or burdensome use of existing streets, transportation
5 facilities, utilities, or schools due to the use of nearby property as a military base,
6 installation, or airport;

7 (5) If the local government has an adopted land use plan, whether the zoning proposal
8 is in conformity with the policy and intent of the land use plan; and

9 (6) Whether there are other existing or changing conditions affecting the use of the
10 nearby property as a military base, installation, or airport which give supporting grounds
11 for either approval or disapproval of the zoning proposal.

12 (c) The written record of such investigation and recommendations by the commander of
13 such military base, installation, or airport shall be provided to the planning department or
14 agency and to the Governor in a reasonable and timely manner.

15 (d) In the event the commander of such military base, installation, or airport objects to any
16 matter enumerated in subsection (b) of this Code section, the governing authority of the
17 county shall be authorized to approve the recommendation of the planning department or
18 agency with respect to that matter only upon a two-thirds' vote of the members of such
19 governing authority."

20 SECTION 2.

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

23 SECTION 3.

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