

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

AS PASSED SENATE

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 and requirements with respect
3 to zoning decisions; to provide an effective date; to repeal conflicting laws; and for other
4 purposes.

5 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

6 **SECTION 1.**

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

10 "36-66-6.

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

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

23 (1) Whether the zoning proposal will permit a use that is suitable in view of the use of
24 adjacent and nearby property as a military base, installation, or airport;

25 (2) Whether the zoning proposal will adversely affect the existing use or usability of
26 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 **SECTION 2.**

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

18 **SECTION 3.**

19 All laws and parts of laws in conflict with this Act are repealed.