

The House Committee on State Planning and Community Affairs offered the following substitute to SB 261:

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 within 3000 feet of any military base or military installation or within the 3000 foot Clear Zone and Accident Prevention Zones Numbers I and II as prescribed in the definition of an Air Installation Compatible Use Zone of a military airport investigate and make a recommendation with respect to each of the matters enumerated in this Code section, as well as carry out any other duties with which the planning department or agency is charged by the local government. The planning department or other agency shall request from the commander of such military base, military installation, or military airport a written recommendation and supporting facts relating to the use of the land being considered in the zoning proposal or zoning decision. The absence of a response to such a request will connote consent to the zoning proposal or zoning decision. Any such information provided shall become a part of the public record.

(b) The matters with which the planning department or agency and the commander of such military base, military installation, or military 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 or nearby property within 3000 feet of a military base, military installation, or military airport;

(2) Whether the zoning proposal will adversely affect the existing use or usability of nearby property within 3000 feet of a military base, military installation, or military airport;

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

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

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

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

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

SECTION 2.

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

SECTION 3.

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