

## House Bill 268

By: Representatives Purcell of the 159<sup>th</sup>, Bryant of the 160<sup>th</sup>, Stephens of the 164<sup>th</sup>, Greene of the 149<sup>th</sup>, Gordon of the 162<sup>nd</sup>, and others

**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 notice of rezoning hearings; to require that a sign be  
3 posted on property sought to be rezoned; to provide that certain information be posted; to  
4 repeal conflicting laws; and for other 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 revising Code Section 36-66-4, relating to hearings on proposed  
9 zoning decisions, notice of hearing, nongovernmental initiated actions, reconsideration of  
10 defeated actions, and procedure on zoning for property annexed into municipality, as follows:  
11 "36-66-4.

12 (a) A local government taking action resulting in a zoning decision shall provide for a  
13 hearing on the proposed action. At least 15 but not more than 45 days prior to the date of  
14 the hearing, the local government shall cause to be published within a newspaper of general  
15 circulation within the territorial boundaries of the local government a notice of the hearing.  
16 The notice shall state the location of the property under consideration, the current and  
17 proposed zoning of such property, and the time, place, and purpose of the hearing. The  
18 local government shall also post a sign in a conspicuous place on the affected property not  
19 later than 15 days prior to the date of the hearing identifying the current zoning, the  
20 proposed zoning change, the date and location of the hearing, the name of the person or  
21 entity seeking the zoning change, and such other information as required by local  
22 ordinance.

23 (b) If a zoning decision of a local government is for the rezoning of property and the  
24 rezoning is initiated by a party other than the local government then:

- 25       (1) The notice, in addition to the requirements of subsection (a) of this Code section,  
26       shall include the location of the property, the present zoning classification of the property,  
27       and the proposed zoning classification of the property; and  
28       (2) A sign containing information required by local ordinance or resolution shall be  
29       placed in a conspicuous location on the property not less than 15 days prior to the date  
30       of the hearing. Such sign shall identify the current zoning, the proposed zoning change,  
31       the date and location of the hearing, the name of the person or entity seeking the zoning  
32       change, and such other information as required by local ordinance.
- 33       (c) If the zoning decision of a local government is for the rezoning of property and the  
34       amendment to the zoning ordinance to accomplish the rezoning is defeated by the local  
35       government, then the same property may not again be considered for rezoning until the  
36       expiration of at least six months immediately following the defeat of the rezoning by the  
37       local government.
- 38       (d) If the zoning is for property to be annexed into a municipality, then:
- 39           (1) Such municipal local government shall complete the procedures required by this  
40       chapter for such zoning, except for the final vote of the municipal governing authority,  
41       prior to adoption of the annexation ordinance or resolution or the effective date of any  
42       local Act but no sooner than the date the notice of the proposed annexation is provided  
43       to the governing authority of the county as required under Code Section 36-36-6;
- 44           (2) The hearing required by subsection (a) of this Code section shall be conducted prior  
45       to the annexation of the subject property into the municipality;
- 46           (3) In addition to the other notice requirements of this Code section, the municipality  
47       shall cause to be published within a newspaper of general circulation within the territorial  
48       boundaries of the county wherein the property to be annexed is located a notice of the  
49       hearing as required under the provisions of subsection (a) or (b), as applicable, of this  
50       Code section and shall place a sign on the property when required by subsection (b) of  
51       this Code section; and
- 52           (4) The zoning classification approved by the municipality following the hearing  
53       required by this Code section shall become effective on the later of:
- 54              (A) The date the zoning is approved by the municipality;
- 55              (B) The date that the annexation becomes effective pursuant to Code Section 36-36-2;  
56              or
- 57              (C) Where a county has interposed an objection pursuant to Code Section 36-36-11,  
58       the date provided for in paragraph (8) of subsection (b) of said Code section.
- 59       (e) A qualified municipality into which property has been annexed may provide, by the  
60       adoption of a zoning ordinance, that all annexed property shall be zoned by the  
61       municipality, without further action, for the same use for which that property was zoned

62 immediately prior to such annexation. A qualified county which includes property which  
63 has been deannexed by a municipality may provide, by the adoption of a zoning ordinance,  
64 that all deannexed property shall be zoned by the county, without further action, for the  
65 same use for which that property was zoned immediately prior to such deannexation. A  
66 municipality shall be a qualified municipality only if the municipality and the county in  
67 which is located the property annexed into such municipality have a common zoning  
68 ordinance with respect to zoning classifications. A county shall be a qualified county only  
69 if that county and the municipality in which was located the property deannexed have a  
70 common zoning ordinance with respect to zoning classifications. A zoning ordinance  
71 authorized by this subsection shall be adopted in compliance with the other provisions of  
72 this chapter. The operation of such ordinance to zone property which is annexed or  
73 deannexed shall not require any further action by the adopting municipality, adopting  
74 county, or owner of the property annexed or deannexed. Property which is zoned pursuant  
75 to this subsection may have such zoning classification changed upon compliance with the  
76 other provisions of this chapter.

77 (f) When a proposed zoning decision relates to or will allow the location or relocation of  
78 a halfway house, drug rehabilitation center, or other facility for treatment of drug  
79 dependency, a public hearing shall be held on the proposed action. Such public hearing  
80 shall be held at least six months and not more than nine months prior to the date of final  
81 action on the zoning decision. The hearing required by this subsection shall be in addition  
82 to any hearing required under subsection (a) of this Code section. The local government  
83 shall give notice of such hearing by:

- 84 (1) Posting notice on the affected premises in the manner prescribed by subsection (b)  
85 of this Code section; and
- 86 (2) Publishing in a newspaper of general circulation within the territorial boundaries of  
87 the local government a notice of the hearing at least 15 days and not more than 45 days  
88 prior to the date of the hearing.

89 Both the posted notice and the published notice shall include a prominent statement that  
90 the proposed zoning decision relates to or will allow the location or relocation of a halfway  
91 house, drug rehabilitation center, or other facility for treatment of drug dependency. The  
92 published notice shall be at least six column inches in size and shall not be located in the  
93 classified advertising section of the newspaper."

94

## SECTION 2.

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