

The House Committee on Judiciary offers the following substitute to HB 268:

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 a zoning action by United States mail; to
3 provide for contents; to provide for notice of rezoning hearings; to require that a sign be
4 posted on property sought to be rezoned; to provide that certain information be posted; to
5 provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 66 of Title 36 of the Official Code of Georgia Annotated, relating to zoning
9 procedures, is amended by revising Code Section 36-66-4, relating to hearings on proposed
10 zoning decisions, notice of hearing, nongovernmental initiated actions, reconsideration of
11 defeated actions, and procedure on zoning for property annexed into municipality, as follows:
12 "36-66-4.

13 (a) A local government taking action resulting in a zoning decision shall provide for a
14 hearing on the proposed action. At least 15 but not more than 45 days prior to the date of
15 the hearing, the local government shall cause to be published within a newspaper of general
16 circulation within the territorial boundaries of the local government a notice of the hearing.
17 The notice shall state the time, date, place, and purpose of the hearing.

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

20 (1) The notice, in addition to the requirements of subsection (a) of this Code section,
21 shall include the location of the property, the present zoning classification of the property,
22 and the proposed zoning classification of the property; ~~and~~

23 (2) A sign containing information required by local ordinance or resolution shall be
24 placed in a conspicuous location on the property not less than 15 days prior to the date
25 of the hearing. Such sign shall identify the current zoning and the proposed zoning

26 classification of the property, the time, date, and place of the hearing, and such other
 27 information as required by local ordinance; and

28 (3) The local government shall also give notice by United States mail to each owner of
 29 property adjoining the property subject to a change in zoning classification or uses at least
 30 15 but not more than 45 days prior to the date of the hearing. Such notice shall identify
 31 the current zoning, the proposed zoning change, the time, date, and place of the hearing,
 32 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)~~ (c) 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; and

89 (3) Giving notice by United States mail to each owner of property adjoining the property
 90 subject to a change in zoning classification or uses at least 15 but not more than 45 days
 91 prior to the date of the hearing. Such notice shall identify the current zoning, the
 92 proposed zoning change, the time, date, and place of the hearing, and such other
 93 information as required by local ordinance.

94 ~~Both the posted notice and the published notice~~ The notices shall include a prominent
 95 statement that the proposed zoning decision relates to or will allow the location or
 96 relocation of a halfway house, drug rehabilitation center, or other facility for treatment of
 97 drug dependency. The published notice shall be at least six column inches in size and shall
 98 not be located in the classified advertising section of the newspaper.

99 (g) The mailing of notice required by this Code section shall be effective upon placing
100 such notice in the United States mail, postage prepaid, addressed to each adjoining property
101 owner as reflected in the tax records of the county in which such adjoining property is
102 located."

103 **SECTION 2.**

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