

The Senate Committee on State and Local Governmental Operations offered the following substitute to HB 1073:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 36-66-4 of the Official Code of Georgia Annotated, relating to  
2 hearings on proposed zoning decisions, notice of hearing, nongovernmental initiated actions,  
3 reconsideration of defeated actions, and procedure on zoning, so as to repeal additional  
4 hearing and notice provisions regarding halfway houses, drug rehabilitation centers, or other  
5 facilities for treatment of drug dependency; to provide for related matters; to repeal  
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 36-66-4 of the Official Code of Georgia Annotated, relating to hearings on  
10 proposed zoning decisions, notice of hearing, nongovernmental initiated actions,  
11 reconsideration of defeated actions, and procedure on zoning, is revised 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. Where the proposed action includes any combination of  
15 zoning decisions under subparagraph (C), (E), or (F) of paragraph (4) of Code  
16 Section 36-66-3 for the same property, only one hearing shall be required under this Code

17 Section. At least 15 but not more than 45 days prior to the date of the hearing, the local  
18 government shall cause to be published within a newspaper of general circulation within  
19 the territorial boundaries of the local government a notice of the hearing. The notice shall  
20 state the time, place, and purpose of the hearing.

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

23 (1) The notice, in addition to the requirements of subsection (a) of this Code section,  
24 shall include the location of the property, the present zoning classification of the property,  
25 and the proposed zoning classification of the property; and

26 (2) A sign containing information required by local ordinance or resolution shall be  
27 placed in a conspicuous location on the property not less than 15 days prior to the date  
28 of the hearing.

29 (c) If the zoning decision of a local government is for the rezoning of property and the  
30 amendment to the zoning ordinance to accomplish the rezoning is defeated by the local  
31 government, then the same property may not again be considered for rezoning until the  
32 expiration of at least six months immediately following the defeat of the rezoning by the  
33 local government.

34 (d) If the zoning is for property to be annexed into a municipality, then:

35 (1) Such municipal local government shall complete the procedures required by this  
36 chapter for such zoning, except for the final vote of the municipal governing authority,  
37 prior to adoption of the annexation ordinance or resolution or the effective date of any  
38 local Act but no sooner than the date the notice of the proposed annexation is provided  
39 to the governing authority of the county as required under Code Section 36-36-6;

40 (2) The hearing required by subsection (a) of this Code section shall be conducted prior  
41 to the annexation of the subject property into the municipality;

42 (3) In addition to the other notice requirements of this Code section, the municipality  
43 shall cause to be published within a newspaper of general circulation within the territorial

44 boundaries of the county wherein the property to be annexed is located a notice of the  
45 hearing as required under the provisions of subsection (a) or (b), as applicable, of this  
46 Code section and shall place a sign on the property when required by subsection (b) of  
47 this Code section; and

48 (4) The zoning classification approved by the municipality following the hearing  
49 required by this Code section shall become effective on the later of:

50 (A) The date the zoning is approved by the municipality;

51 (B) The date that the annexation becomes effective pursuant to Code Section 36-36-2;  
52 or

53 (C) Where a county has interposed an objection pursuant to Code Section 36-36-11,  
54 the date provided for in paragraph (8) of subsection (c) of said Code section.

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

71 to this subsection may have such zoning classification changed upon compliance with the  
72 other provisions of this chapter.

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

80 ~~(1) Posting notice on the affected premises in the manner prescribed by subsection (b)~~  
81 ~~of this Code section; and~~

82 ~~(2) Publishing in a newspaper of general circulation within the territorial boundaries of~~  
83 ~~the local government a notice of the hearing at least 15 days and not more than 45 days~~  
84 ~~prior to the date of the hearing.~~

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

90 (g) A local government delegating decision-making power to a quasi-judicial officer,  
91 board, or agency shall provide for a hearing on each proposed action described in  
92 paragraph (1.1) of Code Section 36-66-3. Notice of such hearing shall be provided at least  
93 30 days prior to the quasi-judicial hearing, with such notice being made as provided for in  
94 subsection (a) of this Code section and with additional notice being mailed to the owner  
95 of the property that is the subject of the proposed action.

96 (h)(1) Notwithstanding any other provisions of this chapter to the contrary, when a  
97 proposed zoning decision relates to an amendment of the zoning ordinance to revise one

98 or more zoning classifications or definitions relating to single-family residential uses of  
99 property so as to authorize multifamily uses of property pursuant to such classification  
100 or definitions, or to grant blanket permission, under certain or all circumstances, for  
101 property owners to deviate from the existing zoning requirements of a single-family  
102 residential zoning, such zoning decision must be adopted in the following manner:

103 (A) The zoning decision shall be adopted at two regular meetings of the local  
104 government making the zoning decision, during a period of not less than 21 days apart;  
105 and

106 (B) Prior to the first meeting provided for in subparagraph (A) of this paragraph, at  
107 least two public hearings shall be held on the proposed action. Such public hearings  
108 shall be held at least three months and not more than nine months prior to the date of  
109 final action on the zoning decision. Furthermore, at least one of the public hearings  
110 must be held between the hours of 5:00 P.M. and 8:00 P.M. The hearings required by  
111 this paragraph shall be in addition to any hearing required under subsection (a) of this  
112 Code section. The local government shall give notice of such hearing by:

113 (i) Posting notice on each affected premises in the manner prescribed by  
114 subsection (b) of this Code section; provided, however, that when more than 500  
115 parcels are affected, in which case posting notice is required every 500 feet in the  
116 affected area; and

117 (ii) Publishing in a newspaper of general circulation within the territorial boundaries  
118 of the local government a notice of each hearing at least 15 days and not more than 45  
119 days prior to the date of the hearing.

120 Both the posted notice and the published notice shall include a prominent statement that  
121 the proposed zoning decision relates to or will authorize multifamily uses or give blanket  
122 permission to the property owner to deviate from the zoning requirements of a  
123 single-family residential zoning of property in classification previously relating to  
124 single-family residential uses. The published notice shall be at least nine column inches

125 in size and shall not be located in the classified advertising section of the newspaper. The  
126 notice shall state that a copy of the proposed amendment is on file in the office of the  
127 clerk or the recording officer of the local government and in the office of the clerk of the  
128 superior court of the county of the legal situs of the local government for the purpose of  
129 examination and inspection by the public. The local government shall furnish anyone,  
130 upon written request, a copy of the proposed amendment, at no cost.

131 (2) The provisions of paragraph (1) of this subsection shall also apply to any zoning  
132 decisions that provide for the abolition of all single-family residential zoning  
133 classifications within the territorial boundaries of a local government or zoning decisions  
134 that result in the rezoning of all property zoned for single-family residential uses within  
135 the territorial boundaries of a local government to multifamily residential uses of  
136 property.

137 (3) This subsection shall not apply to zoning decisions for the rezoning of property from  
138 a single-family residential use of property to a multifamily residential use of property  
139 when the rezoning is initiated by the owner or authorized agent of the owner of such  
140 property."

141

## SECTION 2.

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