

House Bill 1073 (AS PASSED HOUSE AND SENATE)

By: Representatives Washburn of the 144th, Cooper of the 45th, Oliver of the 82nd, Werkheiser of the 157th, Evans of the 89th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to
2 regulation of alcoholic beverages generally, so as to provide for Sunday sales of alcoholic
3 beverages for consumption on the premises in locally designated special entertainment
4 districts; to provide for a definition; amend Code Section 36-66-4 of the Official Code of
5 Georgia Annotated, relating to hearings on proposed zoning decisions, notice of hearing,
6 nongovernmental initiated actions, reconsideration of defeated actions, and procedure on
7 zoning, so as to repeal additional hearing and notice provisions regarding halfway houses,
8 drug rehabilitation centers, or other facilities for treatment of drug dependency; to amend
9 Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to provisions
10 applicable to counties and municipal corporations, so as to prohibit local governments from
11 requiring the placement of video surveillance equipment at locations where the retail sale of
12 automotive gasoline occurs; to provide for related matters; to provide an effective date; to
13 repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

16 Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to regulation of
17 alcoholic beverages generally, is amended in Code Section 3-3-7, relating to local

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18 authorization and regulation of sales of alcoholic beverages on Sunday, by adding a new
19 subsection to read as follows:

20 "(s)(1) As used in this subsection, the term 'special entertainment district' means
21 contiguous properties upon which is located a festival marketplace and entertainment
22 project which receives or has received financing in whole or in part by public funds and
23 which contains a minimum of 200,000 square feet of gross leasable space for retail sales
24 and entertainment purposes and which is located in the central business district of a
25 municipality if more than 50 percent of such contiguous properties are owned or
26 controlled by a governmental entity.

27 (2) Notwithstanding any other provisions of law, a municipality may, by resolution or
28 ordinance, authorize in any locally designated special entertainment district the sale of
29 alcoholic beverages for consumption on the premises:

30 (A) On Saturdays from 11:55 P.M. and the three hours immediately following such
31 time; and

32 (B) On Sundays from 11:00 A.M. until 12:00 Midnight."

33 **SECTION 2.**

34 Code Section 36-66-4 of the Official Code of Georgia Annotated, relating to hearings on
35 proposed zoning decisions, notice of hearing, nongovernmental initiated actions,
36 reconsideration of defeated actions, and procedure on zoning, is revised as follows:

37 "36-66-4.

38 (a) A local government taking action resulting in a zoning decision shall provide for a
39 hearing on the proposed action. Where the proposed action includes any combination of
40 zoning decisions under subparagraph (C), (E), or (F) of paragraph (4) of Code
41 Section 36-66-3 for the same property, only one hearing shall be required under this Code
42 Section. At least 15 but not more than 45 days prior to the date of the hearing, the local
43 government shall cause to be published within a newspaper of general circulation within

44 the territorial boundaries of the local government a notice of the hearing. The notice shall
45 state the time, place, and purpose of the hearing.

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

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

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

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

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

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

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

67 (3) In addition to the other notice requirements of this Code section, the municipality
68 shall cause to be published within a newspaper of general circulation within the territorial
69 boundaries of the county wherein the property to be annexed is located a notice of the
70 hearing as required under the provisions of subsection (a) or (b), as applicable, of this

71 Code section and shall place a sign on the property when required by subsection (b) of
72 this Code section; and

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

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

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

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

80 (e) A qualified municipality into which property has been annexed may provide, by the
81 adoption of a zoning ordinance, that all annexed property shall be zoned by the
82 municipality, without further action, for the same use for which that property was zoned
83 immediately prior to such annexation. A qualified county which includes property which
84 has been deannexed by a municipality may provide, by the adoption of a zoning ordinance,
85 that all deannexed property shall be zoned by the county, without further action, for the
86 same use for which that property was zoned immediately prior to such deannexation. A
87 municipality shall be a qualified municipality only if the municipality and the county in
88 which is located the property annexed into such municipality have a common zoning
89 ordinance with respect to zoning classifications. A county shall be a qualified county only
90 if that county and the municipality in which was located the property deannexed have a
91 common zoning ordinance with respect to zoning classifications. A zoning ordinance
92 authorized by this subsection shall be adopted in compliance with the other provisions of
93 this chapter. The operation of such ordinance to zone property which is annexed or
94 deannexed shall not require any further action by the adopting municipality, adopting
95 county, or owner of the property annexed or deannexed. Property which is zoned pursuant
96 to this subsection may have such zoning classification changed upon compliance with the
97 other provisions of this chapter.

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

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

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

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

115 (g) A local government delegating decision-making power to a quasi-judicial officer,
116 board, or agency shall provide for a hearing on each proposed action described in
117 paragraph (1.1) of Code Section 36-66-3. Notice of such hearing shall be provided at least
118 30 days prior to the quasi-judicial hearing, with such notice being made as provided for in
119 subsection (a) of this Code section and with additional notice being mailed to the owner
120 of the property that is the subject of the proposed action.

121 (h)(1) Notwithstanding any other provisions of this chapter to the contrary, when a
122 proposed zoning decision relates to an amendment of the zoning ordinance to revise one
123 or more zoning classifications or definitions relating to single-family residential uses of
124 property so as to authorize multifamily uses of property pursuant to such classification

125 or definitions, or to grant blanket permission, under certain or all circumstances, for
126 property owners to deviate from the existing zoning requirements of a single-family
127 residential zoning, such zoning decision must be adopted in the following manner:

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

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

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

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

145 Both the posted notice and the published notice shall include a prominent statement that
146 the proposed zoning decision relates to or will authorize multifamily uses or give blanket
147 permission to the property owner to deviate from the zoning requirements of a
148 single-family residential zoning of property in classification previously relating to
149 single-family residential uses. The published notice shall be at least nine column inches
150 in size and shall not be located in the classified advertising section of the newspaper. The
151 notice shall state that a copy of the proposed amendment is on file in the office of the

152 clerk or the recording officer of the local government and in the office of the clerk of the
153 superior court of the county of the legal situs of the local government for the purpose of
154 examination and inspection by the public. The local government shall furnish anyone,
155 upon written request, a copy of the proposed amendment, at no cost.

156 (2) The provisions of paragraph (1) of this subsection shall also apply to any zoning
157 decisions that provide for the abolition of all single-family residential zoning
158 classifications within the territorial boundaries of a local government or zoning decisions
159 that result in the rezoning of all property zoned for single-family residential uses within
160 the territorial boundaries of a local government to multifamily residential uses of
161 property.

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

166 SECTION 1-A.

167 Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to provisions
168 applicable to counties and municipal corporations, is amended by adding a new Code section
169 to read as follows:

170 "36-60-32.

171 A county, municipal corporation, or consolidated government shall not require the
172 placement of video surveillance equipment in the interior or exterior of any business or
173 location where the retail sale of automotive gasoline, as that term is defined in Code
174 Section 10-1-232, occurs."

175 SECTION 3.

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

178

SECTION 4.

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