

36-67-1 G

\*\*\* CODE SECTION \*\*\* 12/31/98

36-67-1.

This article shall apply only to those counties which have a population of 500,000 or more according to the United States decennial census of 1990 or any future such census and to those municipalities wholly or partially located within such counties which have a population of 100,000 or more according to the United States decennial census of 1980 or any future such census. As used in this article, the term "local government" means those counties and municipalities subject to this article; and the term "governing authority" means the governing authority of each such county and municipality.

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36-67-2.

The General Assembly finds that the increasing urbanization of those local governments subject to this article requires that such local governments should use zoning procedures which may not be necessary in other less urbanized areas. The General Assembly finds that the procedures required by this article will help to ensure that governing authorities will make zoning decisions consistently and wisely and in keeping with the long-range requirements of the public health, safety, and welfare. The General Assembly further finds that the procedures required by this article will help to ensure that zoning decisions are made on the basis of a record which will contain matters necessary to the consistent and wise decision of zoning matters in highly urban areas. The General Assembly further finds that the procedures required by this article will help citizens of the affected local governments in presenting and articulating their viewpoints on zoning matters. The General Assembly further finds that the procedures required by this article will help to ensure that court decisions, when courts are required to intervene in zoning matters, will be made on the basis of a record which will contain matters necessary to the consistent and wise judicial decision of such zoning matters.

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36-67-3.

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 investigate and make a recommendation with respect to each of the matters enumerated in this Code section, as well as carrying out any other duties with which the planning department or agency is charged by the local government. The planning department or other agency shall make a written record of its investigation and recommendations, and this record shall be a public record. The matters with which the planning department or agency 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 and development of adjacent and nearby property;
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (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 an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
- (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 and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

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36-67-4.

(a) In any local government which has established a planning commission or other similar body charged with the duty of making recommendations with respect to zoning proposals, such planning commission or other body shall with respect to each zoning proposal investigate and make a recommendation with respect to each of the matters enumerated in Code Section 36-67-3, as well as carrying out any other duties with which such planning commission or other body is charged by the local government. The planning commission or other body shall make a written record of its investigation and recommendations, and this record shall be a public record.

(b) A county government which is subject to the provisions of this article may create a separate planning commission for each of the

major identifiable areas or communities which lie within the territory over which the county government exercises the planning and zoning power. Each such planning commission so created shall have the duties and responsibilities provided for in subsection (a) of this Code section.

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36-67-5.

If a zoning proposal is initiated by a party other than the local government, the initiating party shall be required to file a written, documented analysis of the impact of the proposed zoning with respect to each of the matters enumerated in Code Section 36-67-3, as well as any other supporting materials required by the local governing authority. The time at which such analysis is required to be filed shall be specified by each local governing authority, but the required time for filing shall not be less than seven days before any hearing or meeting of the governing authority at which the zoning proposal will be under consideration by the governing authority. Such a zoning proposal and analysis shall be a public record.

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36-67-6.

At any hearing or meeting at which a governing authority has under consideration a zoning proposal, the analysis submitted by the initiating party, if any, shall be reviewed. At any hearing or meeting at which a governing authority has under consideration a zoning proposal, the record prepared by the planning department or other agency, if any, shall be reviewed. At any hearing or meeting at which a governing authority has under consideration a zoning proposal, the record prepared by the planning commission or other group, if any, shall be reviewed. The review of such analysis and records at such hearing or meeting shall consist, as a minimum, of an oral statement of the findings with respect to each matter enumerated in Code Section 36-67-3 or the written presentation of such findings to the members of the governing authority together with a limited supply of copies of such findings to be available at the hearing or meeting and available on request to interested members of the public.