

**PROCEDURES FOR ADOPTION OF THE OFFICIAL ZONING ORDINANCE
AND MAP**

By:

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- I. Advertising Requirements.
 - A. Notice of the hearing must be published in a newspaper of general circulation within the territorial limits of the jurisdiction at least 15 days, but not more than 45 days prior to the hearings. (O.C.G.A. §§ 36-66-4(a); 1-3-1(d)(3)).
 - B. The notice must state the time, place and purpose of the hearing. The notice should specify that the local government will conduct public zoning hearings: the first one on the policies and procedures for calling and conducting zoning hearings, the second one on the standards which govern the exercise of zoning power, and the third one on the adoption of the official zoning ordinance and the official zoning map. A sample advertisement is attached which provides notice for all three hearings. (O.C.G.A. § 36-66-4(a)).
 1. The statute does not specify how many times the notice must appear. It is generally accepted that the notice need appear only one time, but it is important to check the local government's local ordinances for advertising requirements;

2. If there is no newspaper of general circulation in the County, then the notice presumably should appear in the newspaper in which legal advertisements appear.

II. Additional considerations

- A. Policies and procedures which will govern the calling and conducting of zoning hearings. (O.C.G.A. § 36-66-5).
 1. At the hearing, copies of the proposed policies and procedures governing the calling and conducting of public zoning hearings must be made available to the attendees prior to the beginning of the hearing;
 2. The local government is free to adopt whatever policies and procedures it desires except that the statute requires that the procedures provide equal time for proponents and opponents to make presentations, with a minimum of ten minutes per side. The requirement must be included in the policies and procedures. (O.C.G.A. § 36-66-5(a)).
- B. Standards governing the exercise of the zoning power. (O.C.G.A. § 36-66-5(b)). The local government is free to adopt whatever standards it desires.
 1. The standards must be in writing and copies available to the public.
 2. Suggested standards are set out in Guhl v. Holcombe Bridge Road Corp., 238 Ga. 322, 232 S.E.2d 830 (1977); or in O.C.G.A. § 36-67-1 et. seq.
- C. The proposed zoning ordinance and official zoning map or maps.
 1. The official zoning ordinance and the official zoning map must be physically present at each hearing.

2. The map should have the title that is referenced in the text of the zoning ordinance, such as “Official Zoning Map of XYZ County or City.”

III. After the hearing.

- A. The original of the map should be maintained in a location specified in the text of the ordinance, usually the zoning administrator’s office or the clerk’s office.
- B. Written copies of the policies and procedures and the standards governing zoning decisions must be copied and made available to the public at each zoning hearing. (O.C.G.A. § 36-66-5).

IV. Comments on the adoption procedure

The best practice in adopting a zoning ordinance is to have three separate public hearings. The first public hearing at the time advertised should be called to consider the proposed policies and procedures for conducting hearings. After closing that hearing, a second public hearing should be called to adopt the standards that govern the exercise of zoning power. After closing that hearing, a third hearing should be called to consider the adoption of the official zoning ordinance and the official zoning map. The three public hearings may be called in succession at the same local government meeting. The newspaper obviously should specify the time the hearing will start. (See attached sample notice.) The policies and procedures and the standards may be incorporated into the body of the zoning ordinance and all three may be adopted at the same time.

SAMPLE ADVERTISEMENT FOR PUBLIC HEARINGS ON ADOPTION OF OFFICIAL ZONING
ORDINANCE AND MAP

The Board of Commissioners for the County of Clayton, Georgia, will hold public hearings on the adoption of the official zoning ordinance and map, the policies and procedures governing the calling and conducting of zoning public hearings, and on the zoning standards which governing the exercise of zoning power of Clayton County. The public hearing on the policies and procedures governing the calling and conducting of zoning public hearings will be called at 7:00 p.m. on the ____ day of July, 2007 at the following location____. The public is invited to comment. Immediately after receiving public comments on the policies and procedures, the Board of Commissioners will hold a second public hearing at the same location on the standards governing the exercise of zoning power. The public is invited to comment. Immediately after receiving public comments on the standards, the Board of Commissioners will hold a third public hearing at the same location on the adoption of the official zoning ordinance and the zoning map. The public is invited to comment. Copies of the proposed policies and procedures governing the calling and conducting zoning hearings, the standards governing the exercise of zoning power, and the official zoning ordinance and map are available for public inspection in the office of _____ located at _____.