

APPENDIX L

**An Ordinance
To Establish Procedures For Rezoning
Property To Be Annexed Into The City of Griffin, Georgia Or
Located Adjacent To
The City Limits Thereof
Spalding County, Georgia**

06-16-98

Article 1. Title, Purpose And Effective Date Of Enactment

Section 101: Title. This Ordinance shall be referred to as "An Ordinance to Establish Procedures for Rezoning Property to be Annexed into the City of Griffin, Georgia or Located Adjacent to the City Limits Thereof." This Ordinance may also be referred to by its short title as "Annexation and Rezoning Procedures Ordinance."

Section 102: Purpose and Intent. The purpose of this Ordinance is to establish a process to comply with the requirements of O.C.G.A. § 36-70-24(4)(C) to resolve land use classification disputes between the City of Griffin, Georgia and Spalding County arising when property located within the unincorporated area of Spalding County, Georgia and governed by its zoning ordinance is annexed into the City of Griffin and proposed to be zoned to a land use classification under the Zoning Ordinance of the City of Griffin, Georgia to which Spalding County asserts a bona fide land use classification objection. This Ordinance recognizes that Spalding County shall have legal standing to raise a bona fide land use classification objection to a proposed change in land use when property located within the unincorporated area of Spalding County, Georgia is annexed into the City of Griffin, Georgia and when property presently located within and bordering the city limits of the City of Griffin, Georgia is the subject of a rezoning action. This Ordinance will also recognize that the City of Griffin, Georgia shall have legal standing to raise a bona fide land use classification objection to a proposed change in land use as to property located in unincorporated Spalding County which borders the incorporated City Limits of the City of Griffin.

Section 103: Effective Date of Enactment. This Ordinance shall not be effective unless and until it is adopted without amendment by the Board of Commissioners of Spalding County, Georgia and Board of Commissioners of the City of Griffin, Georgia. The Ordinance shall become effective on June 30, 1998.

Article 2. Definitions

Section 201: Affected Property. Any property located within either the unincorporated area of the County or within the City Limits of the City which borders the City Limits of the City of Griffin and as to which either the County or the City receive either an application for rezoning or a Petition for Annexation by any method of annexation allowed by the laws of the State of Georgia.

Section 202: Bona Fide Land Use Classification Objection. An objection to a proposed change in land use which results in a substantial change in the intensity of the allowable use of property or a change to a significantly different allowable use.

Section 203: City. The City of Griffin, Georgia.

Section 204: City Planning and Zoning Board. The planning commission organized and existing under the Zoning Ordinance of the City of Griffin, Georgia, as amended.

Section 205: County. Spalding County, Georgia.

Section 206: County Planning Commission. The Planning Commission organized and existing under Appendix B of the Unified Development Ordinance of Spalding County, Georgia.

Section 207: Zoning Decision. Any decision by either the City or County pertinent to affected property by which a land use or zoning classification is placed thereon.

Article 3. Preliminary Procedures

Section 301. Receipt of Rezoning Application or Annexation Petition by City. Within five (5) days of acceptance of either an application for rezoning or a petition for annexation on affected property by the City, the City shall convey a copy thereof to the County Zoning Administrator.

Section 302. Receipt of Rezoning Application by County. Within five (5) days of acceptance of an application for rezoning on affected property by the County, the County shall convey it to the City Zoning Administrator.

Section 303. Action by City and County Planning Commissions. Upon their receipt of an application for rezoning or petition for annexation on affected property, the City or County Zoning Administrators shall schedule proceedings thereon as required by the respective government's zoning ordinance.

The City Planning and Zoning Board or the County Planning Commission shall provide a recommendation in writing within ten (10) days after conducting a hearing thereof. When the chairpersons of both the City Planning and Zoning Board and the County Planning Commission deem it advisable, joint meeting of the both bodies may be called and held.

Article 4. Conduct Of The Zoning/Annexation Hearing By The Government

Section 401. Conduct of Hearing on Rezoning Application or Annexation Petition by City. The City shall conduct a hearing on either an application for rezoning or a petition for annexation on affected property in accordance with the procedures set forth in the Zoning Ordinance of the City and the Zoning Procedures Act, O.C.G.A. § 36-66-1, *et. seq.*, provided that, in the event of a difference between the recommendations of the City and County Planning Commissions, the City may determine that further investigation into the application or petition is warranted before conducting a hearing and table further consideration of the application or petition in order to resolve such differences. At the hearing,

- a. the County shall have standing to appear at such hearing to raise any bona fide land use classification objection;
- b. the City shall consider the recommendation of the County's Planning Commission in its zoning decision; and
- c. the City shall consider whether special conditions may be imposed on the zoning decision to resolve any differences.

Section 402. Conduct of Hearing on Rezoning Application by County. The County shall conduct a hearing on an application for rezoning on affected property in accordance with the procedures set forth in the County's Unified Development Ordinance and the Zoning Procedures Act, O.C.G.A. § 36-66-1, *et. seq.*, provided that, in the event of a difference between the recommendations of the City and County Planning Commissions, the County may determine that further investigation into the application or petition is warranted before conducting a hearing and table further consideration of the application in order to resolve such differences. At the hearing,

- a. the City shall have standing to appear at such hearing to raise any bona fide land use classification objection;
- b. the County shall consider the recommendation of the City's Planning Commission in its zoning decision; and
- c. the County shall consider whether special conditions may be imposed on the zoning decision to resolve any differences.

Section 403. Notice after Hearing Completion. After making a zoning decision on affected property, the City or County, within ten (10) days thereafter, shall provide the other with written notice of the zoning decision and the zoning classification which has been placed on the affected property.

Section 404. Response. Within ten (10) days of its receipt of the notice required in Section 403, the

City or County may give written notice to the other and the owner(s) of the affected property of its bona fide land use classification objection to the zoning decision, stating with specificity the grounds upon which such objection is based.

Section 405. Dispute Resolution. Upon receipt of written notice of a bona fide land use classification objection, the City and County shall enter into formal dispute resolution through mediation, as set forth in this Section:

- A. **Selection of Mediator.** The City and County shall select a neutral third party mediator with experience in local government law from a mediator list provided by the Georgia Department of Community Affairs or the State Bar of Georgia.
- B. **Costs of Mediation.** All costs of mediation shall be shared equally between the City and County.
- C. **Notice to Owner(s) of Affected Property.** Owner(s) of affected property shall receive notice of the date, time and location of the mediation. Owner(s) of affected property shall be entitled to participate therein, provided that the owner(s) failure to participate shall not restrict the owner(s) from pursuit of legal remedies under State or Federal law.
- D. **Date of Mediation.** The mediation shall be conducted as practicable, but in no event later than thirty (30) days of the date notice of the bona fide land use classification objection is received.
- E. **Representation by Counsel.** In mediation, all parties may be represented by legal counsel.

Section 406. Adoption of Ordinance. Upon conclusion of mediation, either the City or County may adopt a rezoning or annexation ordinance (in accordance with their respective enabling legislation and procedures) which imposes the zoning classification on the affected property in accordance with the results of mediation, if any.

Section 407. Permits. No permit for any development on the affected property shall be issued by either the City or County for a period of thirty (30) days after its adoption of the rezoning or annexation ordinance required in Section 406.

Section 408. Litigation.

- A. **Legal Remedies Unaffected.** Nothing herein shall prohibit any person or entity aggrieved by adoption of a rezoning or annexation ordinance required by Section 406 from pursuing available legal remedies by an action initiated within thirty (30) days after final adoption.
- B. **Standing.** For purposes of this section, the City shall have standing to challenge a zoning decision of the County, and the County shall have standing to challenge a zoning decision of the City, provided the procedures of this Ordinance have been followed.
- C. **Supersedes.** Initiation of a legal action based on a bona fide land use classification objection shall not serve as a stay or supersedes to prevent or preclude issuance of development permits on the affected property beyond the period specified in Section 407.

Section 409. Notice. Any notice required in this Article shall be deemed effective if personally served upon the City Manager or County Manager and upon the owner(s) of the affected property by certified mail, return receipt requested, addressed as shown on the current county tax digest and on the application for rezoning or petition for annexation.