

LOWNDES COUNTY BOARD OF COMMISSIONERS
COMMISSION AGENDA ITEM

SUBJECT: REZ-2022-10 The Campus Transitional Care Facility - Validity of
June 16, 2022 Vote

DATE OF MEETING: September 13, 2022

Work Session/Regular Session

BUDGET IMPACT:

FUNDING SOURCE:

- Annual
- Capital
- N/A
- SPLOST
- TSPLOST

COUNTY ACTION REQUESTED ON: REZ-2022-10 The Campus Transitional Care Facility - Validity of June 16,
2022 vote

HISTORY, FACTS AND ISSUES: On June 16, 2022, the Board voted to rezone property located at 2193 Howell Road from Estate Agricultural (EA) to Planned Development (PD) for uses including a Transitional Care Facility.

The ULDC defines a Transitional Care Facility as follows: "A building or buildings in which is provided long-term but not permanent living accommodations for one or more persons who are in need of short term or long-term housing assistance, and in which may also be provided meals and social services including physical therapy, social therapy, emotional therapy, counseling, rehabilitation, or substance abuse recovery assistance."

OCGA § 36-66-4(f) provides: "When a proposed zoning decision relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, a public hearing shall be held on the proposed action. Such public hearing shall be held at least six months and not more than nine months prior to the date of final action on the zoning decision. The hearing required by this subsection shall be in addition to any hearing required under subsection (a) of this Code section."

The legal dictionary definition of a halfway house is: "A transitional housing facility designed to rehabilitate people who have recently left a prison or medical-care facility, or who otherwise need help in adjusting to unsupervised living."

Based on the ULDC definition of a Transitional Care Facility and the legal dictionary definition of a halfway house, OCGA § 36-66-4(f) requires a public hearing to be held on the proposed action at least six months and not more than nine months prior to the date of final action on the zoning decision.

Georgia statute and the ULDC also require proponents and opponents 10 minutes per side, rather than seven minutes per side allowed June 16, 2022.

Georgia courts have ruled a failure to follow zoning procedures law renders a vote on a zoning decision invalid.

OPTIONS: 1. Acknowledge the June 16, 2022, vote to rezone was invalid.
2. Redirect

RECOMMENDED ACTION: Board's Pleasure

DEPARTMENT: Planning/Zoning

DEPARTMENT HEAD: JD Dillard

ADMINISTRATIVE COMMENTS AND RECOMMENDATIONS: