

House Bill 614

By: Representatives Campbell of the 42nd and Bordeaux of the 151st

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 66 of Title 36 of the Official Code of Georgia Annotated, "The Zoning
2 Procedures Law," so as to provide that decisions to suspend, postpone, or defer zoning
3 decisions for no more than 120 days shall not be subject to the requirements of said chapter;
4 to provide an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 66 of Title 36 of the Official Code of Georgia Annotated, "The Zoning Procedures
8 Law," is amended by striking in its entirety Code Section 36-66-3, relating to definitions, and
9 inserting in lieu thereof the following:

10 "36-66-3.

11 As used in this chapter, the term:

12 (1) 'Local government' means any county or municipality which exercises zoning power
13 within its territorial boundaries.

14 (1.1) 'Moratorium' means the partial or complete cessation of acceptance and
15 consideration of applications for zoning decisions for an identified period of time;
16 provided, however, that no moratorium shall apply to consideration of completed
17 applications for zoning decisions submitted to the local government prior to the effective
18 date of the moratorium. A moratorium may apply to the entire jurisdiction or to an
19 identified portion of the jurisdiction and may apply to all uses within the jurisdiction or
20 only to certain identified uses or categories of uses.

21 (2) 'Territorial boundaries' means, in the case of counties, the unincorporated areas
22 thereof and any area defined in paragraph (5.1) of Code Section 36-70-2, and, in the case
23 of municipalities, the area lying within the corporate limits thereof except any area
24 defined in paragraph (5.1) of Code Section 36-70-2.

25 (3) 'Zoning' means the power of local governments to provide within their respective
26 territorial boundaries for the zoning or districting of property for various uses and the

1 prohibition of other or different uses within such zones or districts and for the regulation
 2 of development and the improvement of real estate within such zones or districts in
 3 accordance with the uses of property for which such zones or districts were established.

4 (4) 'Zoning decision' means final legislative action by a local government which results
 5 in:

6 (A) The adoption of a zoning ordinance;

7 (B) The adoption of an amendment to a zoning ordinance which changes the text of the
 8 zoning ordinance;

9 (C) The adoption of an amendment to a zoning ordinance which rezones property from
 10 one zoning classification to another;

11 (D) The adoption of an amendment to a zoning ordinance by a municipal local
 12 government which zones property to be annexed into the municipality; or

13 (E) The grant of a permit relating to a special use of property.

14 (5) 'Zoning ordinance' means an ordinance or resolution of a local government
 15 establishing procedures and zones or districts within its respective territorial boundaries
 16 which regulate the uses and development standards of property within such zones or
 17 districts. The term also includes the zoning map adopted in conjunction with a zoning
 18 ordinance which shows the zones and districts and zoning classifications of property
 19 therein."

20 SECTION 2.

21 Said chapter is further amended by adding at the end of Code Section 36-66-4, relating to
 22 hearings on proposed zoning decisions, a new subsection (g) to read as follows:

23 "(g) A moratorium having a duration of 120 days or less shall not be subject to the
 24 requirements of this chapter. Nothing in this subsection shall be construed as limiting the
 25 authority of local governments to enact a moratorium affecting zoning for a period of more
 26 than 120 days; provided, however, any such moratorium is enacted in compliance with the
 27 procedures set forth in this chapter."

28 SECTION 3.

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

31 SECTION 4.

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