

Senate Bill 183

By: Senators Douglas of the 17th, Moody of the 56th, Starr of the 44th, Miles of the 43rd and Staton of the 18th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 36-66-5 of the Official Code of Georgia Annotated, relating to  
2 adoption of hearing policies and procedures and standards for the exercise of zoning power,  
3 so as to require investigation, reports, and consideration of effects of zoning decisions on  
4 local school systems; 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 Code Section 36-66-5 of the Official Code of Georgia Annotated, relating to adoption of  
8 hearing policies and procedures and standards for the exercise of zoning power, is amended  
9 by striking subsection (b) and inserting in lieu thereof the following:

10 "(b)(1) In addition to policies and procedures required by subsection (a) of this Code  
11 section, each local government shall adopt standards governing the exercise of the zoning  
12 power, and such standards ~~may~~:

13 (A) May include any factors which the local government finds relevant in balancing the  
14 interest in promoting the public health, safety, morality, or general welfare against the  
15 right to the unrestricted use of property; and

16 (B) Shall require the local government or its planning department or similar agency  
17 charged with the duty of reviewing zoning proposals to consult with the local school  
18 system and investigate and report in writing whether the zoning proposal will result in  
19 a use that will or may cause or contribute to a significantly increased population of  
20 school age children, a significant proportion of multifamily housing, the need for  
21 expansion or reconstruction of existing public schools or construction of new public  
22 schools in the affected local school system, or any combination thereof. The report of  
23 the results of such investigation shall be a public record. At any hearing or meeting at  
24 which a governing authority has under consideration a zoning proposal, the report of  
25 such investigation shall be attached to the zoning proposal and reviewed. The review  
26 of such report at such hearing or meeting shall consist, at a minimum, of the

1 presentation of such written report to the members of the governing authority together  
2 with a limited supply of copies of such report to be available at the hearing or meeting  
3 and available on request to interested members of the public. The provisions of this  
4 subparagraph shall apply to each local government exercising zoning power in this  
5 state, including without limitation any local government that is subject to the provisions  
6 of Chapter 67 of this title. As used in this subparagraph, the term:

7 (i) 'Significantly increased population of school age children' means a projected  
8 increase of 35 percent or more in the student enrollment for any public school in the  
9 local school system within four years after approval of the zoning proposal.

10 (ii) 'Significant proportion of multifamily housing' means a projection that 38 percent  
11 or more of the population of school age children within the student assignment area  
12 for any public school in the local school system will reside in multifamily housing  
13 within four years after approval of the zoning proposal.

14 (2) Such standards shall be printed and copies thereof shall be available for distribution  
15 to the general public."

## 16 **SECTION 2.**

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