

House Bill 814

By: Representatives Lim of the 99th, Mainor of the 56th, and Lopez of the 86th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 66 of Title 36 of the Official Code of Georgia Annotated, relating to
2 zoning procedures, so as to require that local governments provide documentation in writing
3 relevant to zoning decisions as related to adopted standards; to provide for related matters;
4 to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 66 of Title 36 of the Official Code of Georgia Annotated, relating to zoning
8 procedures, is amended by revising Code Section 36-66-5, relating to adoption of hearing
9 policies and procedures and standards for exercise of zoning power, as follows:

10 "36-66-5.

11 (a) Local governments shall adopt policies and procedures which govern calling and
12 conducting hearings required by Code Section 36-66-4, and printed copies of such policies
13 and procedures shall be available for distribution to the general public. Such policies and
14 procedures shall specify a minimum time period at hearings on proposed zoning decisions
15 for presentation of data, evidence, and opinion by proponents of each zoning decision and

an equal minimum time period for presentation by opponents of each proposed zoning decision, such minimum time period to be no less than ten minutes per side.

(b) In addition to policies and procedures required by subsection (a) of this Code section, each local government shall adopt standards governing the exercise of the zoning power, and such standards may include any factors which the local government finds relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property. Such standards shall be printed and copies thereof shall be available for distribution to the general public. Any zoning decision undertaken pursuant to Code Section 36-66-4 shall include a written explanation as to how such zoning decision adheres to, or deviates from, each standard adopted by the local government as provided for in this subsection.

(c) The policies and procedures required by subsection (a) of this Code section and the adoption of standards required by subsection (b) of this Code section may be included in and adopted as part of the zoning ordinance. Prior to the adoption of any zoning ordinance enacted on or after January 1, 1986, a local government shall conduct a public hearing on a proposed action which may be advertised and held concurrent with the hearing required by subsection (a) of Code Section 36-66-4 for the adoption of a zoning ordinance. The provisions of subsection (a) of Code Section 36-66-4 relating to notices of public hearings for the purposes of that subsection shall also apply to public hearings required by this subsection."

SECTION 2.

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