

House Bill 905

By: Representatives Reeves of the 99th, Roberts of the 52nd, Leverett of the 123rd, LaHood of the 175th, Washburn of the 144th, and others

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 as pertaining to counties and municipal corporations, so as to repeal
3 provisions authorizing administrative officers to exercise zoning powers; to repeal provisions
4 authorizing quasi-judicial boards and agencies to hear and render decisions on applications
5 for special administrative permits and conditional permits; to revise definitions; to provide
6 for related matters; to provide for an effective date and applicability; to repeal conflicting
7 laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 66 of Title 36 of the Official Code of Georgia Annotated, relating to zoning
11 procedures as pertaining to counties and municipal corporations, is amended by revising
12 subsection (b) of Code Section 36-66-2, relating to legislative purpose and local government
13 zoning powers, as follows:

14 "(b) Consistent with the minimum procedures required by this chapter, local governments
15 may:

16 (1) Provide by ordinance or resolution for such administrative ~~officers~~, boards; or
17 agencies as may be expedient for the efficient exercise of delegated, quasi-judicial zoning
18 powers and to establish procedures and notice requirements for hearings before such
19 quasi-judicial ~~officers~~, boards; or agencies that are consistent with the minimum
20 procedures provided for in this chapter to assure due process is afforded the general
21 public; and

22 (2) Provide by ordinance or resolution for procedures and requirements in addition to or
23 supplemental to those required by this chapter and, where so adopted, thereby establish
24 the minimum procedures for such local government's exercise of zoning powers."

25 **SECTION 2.**

26 Said chapter is further amended by revising paragraphs (1.1) and (4) of Code
27 Section 36-66-3, relating to definitions, as follows:

28 "(1.1) 'Quasi-judicial ~~officers~~, boards; or agencies' means ~~an officer~~, a board; or agency
29 appointed by a local government to exercise delegated, quasi-judicial zoning powers,
30 including hearing appeals of administrative decisions by such ~~officers~~, boards; or
31 agencies and hearing and rendering decisions on applications for variances, ~~special~~
32 ~~administrative permits~~, special exceptions, ~~conditional use permits~~, or other similar
33 permits not enumerated herein as a zoning decision, pursuant to standards for the exercise
34 of such quasi-judicial authority adopted by a local government."

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

- 37 (A) The adoption or repeal of a zoning ordinance;
- 38 (B) The adoption of an amendment to a zoning ordinance which changes the text of the
39 zoning ordinance;
- 40 (C) The adoption or denial of an amendment to a zoning ordinance to rezone property
41 from one zoning classification to another;

- 42 (D) The adoption or denial of an amendment to a zoning ordinance by a municipal
 43 local government to zone property to be annexed into the municipality;
- 44 (E) The grant or denial of a permit relating to a special use or a conditional use of
 45 property; or
- 46 (F) The grant or denial of a variance or conditions concurrent and in conjunction with
 47 a decision pursuant to subparagraph (C) or (E) of this paragraph."

48 **SECTION 3.**

49 Said chapter is further amended by revising subsection (g) of Code Section 36-66-4, relating
 50 to hearings on proposed zoning decisions, notice of hearing, nongovernmental initiated
 51 actions, reconsideration of defeated actions, and procedure on zoning, as follows:

52 "(g) A local government delegating decision-making power to a quasi-judicial ~~officer~~,
 53 board; or agency shall provide for a hearing on each proposed action described in
 54 paragraph (1.1) of Code Section 36-66-3. Notice of such hearing shall be provided at
 55 least 30 days prior to the quasi-judicial hearing, with such notice being made as provided
 56 for in subsection (a) of this Code section and with additional notice being mailed to the
 57 owner of the property that is the subject of the proposed action."

58 **SECTION 4.**

59 Said chapter is further amended by revising subsection (b.1) of Code Section 36-66-5,
 60 relating to adoption of hearing policies and procedures and standards for exercise of zoning
 61 power, as follows:

62 "(b.1) In addition to policies and procedures required by subsection (a) of this Code
 63 section, each local government providing for a quasi-judicial ~~officer's~~, board's; or agency's
 64 grant, denial, or review of a quasi-judicial matter may adopt specific standards and criteria
 65 governing the exercise of such quasi-judicial decision-making authority, and such standards
 66 shall include the factors by which the local government directs the evaluation of a

67 quasi-judicial matter. Such standards shall be printed and copies thereof made available
68 for distribution to the general public."

69 **SECTION 5.**

70 Said chapter is further amended by revising subsection (d) of Code Section 36-66-5.1,
71 relating to judicial review and procedures, as follows:

72 "(d) An appeal or challenge by an opponent filed pursuant to this chapter shall stay all
73 legal proceedings in furtherance of the action appealed from or challenged, unless the local
74 government, ~~officer~~, board, or agency from which ~~or from whom~~ the appeal or challenge
75 is taken certifies that, by reason of the facts stated in the certificate, a stay would cause
76 imminent peril to life or property. In such actions, the applicant for the zoning decision or
77 the quasi-judicial decision shall be a necessary party and shall be named as a defendant in
78 the action and served in accordance with the requirements of Title 5 or Title 9, as
79 appropriate."

80 **SECTION 6.**

81 This Act shall become effective on July 1, 2024, and shall apply to all zoning and
82 quasi-judicial decisions occurring on and after that date; however, no zoning or quasi-judicial
83 decision prior to July 1, 2025, shall be rendered invalid or void because of a local
84 government's failure to implement language in their ordinances accomplishing the provisions
85 of Code Section 36-66-5.1.

86 **SECTION 7.**

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