

House Bill 1166

By: Representatives Herring of the 145th, Oliver of the 84th, Frye of the 122nd, Washburn of the 144th, Roberts of the 52nd, 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 provide that
3 zoning decisions shall not affect or be required for certain residential dwellings of 400 square
4 feet or fewer; to provide for construction; 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 as pertaining to counties and municipal corporations, is amended by revising
9 Code Section 36-66-2, relating to legislative purpose and local government zoning powers;
10 as follows:

11 "36-66-2.

12 (a) While recognizing and confirming the authority of local governments to exercise
13 zoning power within their respective territorial boundaries, it is the intention of this chapter
14 to establish as state policy minimum procedures governing the exercise and means of
15 judicial review of the exercise of that power. The purpose of these minimum procedures
16 is to assure that due process is afforded to the general public when local governments

17 regulate the uses of property through the exercise of the zoning power. Nothing in this
18 chapter shall be construed to invalidate any zoning decision made by a local government
19 prior to July 1, 2023, or to require a local government to exercise its zoning power.

20 (b) Consistent with the minimum procedures required by this chapter, local governments
21 may:

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

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

30 (c)(1) Notwithstanding any other provisions of this chapter to the contrary, no zoning
31 decision shall affect or be required for the construction, modification, placement, or use
32 of dwellings of 400 square feet or fewer on or upon any property zoned for or in which
33 residential uses are authorized.

34 (2) The provisions of paragraph (1) of this subsection shall not be construed to prohibit
35 or impair the power of a local government to enact or enforce:

36 (A) The state minimum standard codes provided for in paragraph (9) of Code Section
37 8-2-20;

38 (B) Ordinances or regulations related to septic tanks or septic tank drainfields;

39 (C) Ordinances or regulations related to properties or structures:

40 (i) Located in an area designated as a historic district pursuant to Article 2 of Chapter
41 10 of Title 44, the 'Georgia Historic Preservation Act';

42 (ii) Located in an area designated as a historic district on the National Register of
43 Historic Places; or

