House Bill 1166 (COMMITTEE SUBSTITUTE)

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

To amend Chapter 66 of Title 36 of the Official Code of Georgia Annotated, relating to zoning procedures as pertaining to counties and municipal corporations, so as to provide that zoning decisions shall not affect or be required for certain residential dwellings of 400 square feet or fewer; to provide for construction; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 66 of Title 36 of the Official Code of Georgia Annotated, relating to zoning procedures as pertaining to counties and municipal corporations, is amended by revising Code Section 36-66-2, relating to legislative purpose and local government zoning powers; as follows:

"36-66-2.

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

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

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

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

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

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

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

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

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

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

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

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

(iii) Designated as a local, state, or national historic landmark;

(D) Ordinances or regulations applied to manufactured homes in a manner consistent with Part 2 of Article 2 of Chapter 2 of Title 8, 'The Uniform Standards Code for Manufactured Homes Act,' and applicable federal law;

(E) Ordinances or regulations adopted as a condition of participation in the National Flood Insurance Program; or

(F) Ordinances, regulations, permit approval processes, requirements, or inspections concerning any infrastructure, utilities, public works, services, or environmental requirements, to be supplied or enforced in whole or in part by the local government.

(3) Any dwelling authorized pursuant to paragraph (1) of this subsection shall only be authorized as a secondary unit on the same parcel as a homesteaded residential unit which fully complies with any applicable zoning requirements of the applicable local government and only one such secondary unit shall be authorized per parcel pursuant to paragraph (1) of this subsection.″

SECTION 2.

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