

House Bill 1406 (COMMITTEE SUBSTITUTE)

By: Representatives Martin of the 49th and Jones of the 47th

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 36-66-4 of the Official Code of Georgia Annotated, relating to
 2 hearings on proposed zoning decisions, notice of hearing, nongovernmental initiated actions,
 3 reconsideration of defeated actions, and procedure on zoning for property annexed into
 4 municipality, so as to provide additional notice and hearing provisions for changes to zoning
 5 ordinances that revise single-family residential classifications and definition so as to
 6 authorize multifamily residential property uses; to provide for related matters; to provide an
 7 effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 36-66-4 of the Official Code of Georgia Annotated, relating to hearings on
 11 proposed zoning decisions, notice of hearing, nongovernmental initiated actions,
 12 reconsideration of defeated actions, and procedure on zoning for property annexed into
 13 municipality, is amended by adding a new subsection to read as follows:

14 "(g)(1) Notwithstanding any other provisions of this chapter to the contrary, when a
 15 proposed zoning decision relates to an amendment of the zoning ordinance to revise one
 16 or more zoning classifications or definitions relating to single-family residential uses of

17 property so as to authorize multifamily uses of property pursuant to such classification
18 or definitions, or to grant blanket permission, under certain or all circumstances, for
19 property owners to deviate from the existing zoning requirements of a single-family
20 residential zoning, such zoning decision must be adopted in the following manner:

21 (A) The zoning decision shall be adopted at two regular meetings of the local
22 government making the zoning decision, during a period of not less than 21 days
23 apart; and

24 (B) Prior to the first meeting provided for in subparagraph (A) of this paragraph, at
25 least two public hearings shall be held on the proposed action. Such public hearings
26 shall be held at least three months and not more than nine months prior to the date of
27 final action on the zoning decision. Furthermore, at least one of the public hearings
28 must be held between the hours of 5:00 P.M. and 8:00 P.M. The hearings required by
29 this paragraph shall be in addition to any hearing required under subsection (a) of this
30 Code section. The local government shall give notice of such hearing by:

31 (i) Posting notice on each affected premises in the manner prescribed by
32 subsection (b) of this Code section; provided, however, that when more than 500
33 parcels are affected, in which case posting notice is required every 500 feet in the
34 affected area; and

35 (ii) Publishing in a newspaper of general circulation within the territorial boundaries
36 of the local government a notice of each hearing at least 15 days and not more than 45
37 days prior to the date of the hearing.

38 Both the posted notice and the published notice shall include a prominent statement that
39 the proposed zoning decision relates to or will authorize multifamily uses or give blanket
40 permission to the property owner to deviate from the zoning requirements of a
41 single-family residential zoning of property in classification previously relating to
42 single-family residential uses. The published notice shall be at least nine column inches
43 in size and shall not be located in the classified advertising section of the newspaper. The

44 notice shall state that a copy of the proposed amendment is on file in the office of the
45 clerk or the recording officer of the local government and in the office of the clerk of the
46 superior court of the county of the legal situs of the local government for the purpose of
47 examination and inspection by the public. The local government shall furnish anyone,
48 upon written request, a copy of the proposed amendment, at no cost.

49 (2) The provisions of paragraph (1) of this subsection shall also apply to any zoning
50 decisions that provide for the abolition of all single-family residential zoning
51 classifications within the territorial boundaries of a local government or zoning decisions
52 that result in the rezoning of all property zoned for single-family residential uses within
53 the territorial boundaries of a local government to multifamily residential uses of
54 property.

55 (3) This subsection shall not apply to zoning decisions for the rezoning of property from
56 a single-family residential use of property to a multifamily residential use of property
57 when the rezoning is initiated by the owner or authorized agent of the owner of such
58 property."

59 **SECTION 2.**

60 This Act shall become effective upon its approval by the Governor or upon its becoming law
61 without such approval.

62 **SECTION 3.**

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