

Senate Bill 469

By: Senators Brass of the 28th, Dugan of the 30th, Kirk of the 13th, Jones of the 25th, Kennedy of the 18th and others

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions applicable to counties and municipal corporations, so as to provide that no county or municipality shall adopt or enforce any regulation or ordinance relating to or regulating building design elements as applied to one- or two-family dwellings; to define certain terms; to provide exceptions, to amend Code Section 36-66-3 of the Official Code of Georgia Annotated, relating to definitions relative to zoning procedures, so as to redefine the term "zoning"; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions applicable to counties and municipal corporations, is amended by adding a new Code section to read as follows:

"36-60-27.

(a) As used in this Code section, the term:

(1) 'Building design element' means, exclusively:

(A) Exterior building color;

(B) Type or style of exterior cladding material;

(C) Style or materials of roof structures or porches;

(D) Exterior nonstructural architectural ornamentation;

(E) Location or architectural styling of windows and doors, including garage doors;

(F) The number and types of rooms; and

(G) The interior layout of rooms.

(2) 'State minimum standard codes' means the following codes:

(A) International Building Code (ICC);

(B) National Electrical Code (NFPA);

(C) International Fuel Gas Code (ICC);

(D) International Mechanical Code (ICC);

(E) International Plumbing Code (ICC);

(F) International Residential Code for One- and Two-Family Dwellings (ICC);

(G) International Energy Conservation Code (ICC);

(H) International Fire Code (ICC);

(I) International Existing Building Code (ICC);

(J) International Property Maintenance Code (ICC); and

(K) Any other codes deemed appropriate by the board for the safety and welfare of Georgia's citizens.

(3) 'Zoning decision' and 'zoning ordinance' have the same meanings as provided in Code Section 36-66-3.'

(b) No county or municipal corporation shall adopt or enforce any regulation or ordinance relating to or regulating building design elements as applied to one- or two-family dwellings except under one or more of the following circumstances:

(1) The structure is located in an area designated as a local historic district pursuant to Article 2 of Chapter 10 of Title 44, the 'Georgia Historic Preservation Act';

(2) The structure is located in an area designated as an historic district on the National Register of Historic Places;

(3) The structure is individually designated as local, state, or national historic landmark;

(4) The regulations are requirements of applicable state minimum standard codes;

(5) The regulations are 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; or

(6) The regulations are adopted as a condition of participation in the National Flood Insurance Program.

(c) The provisions of subsection (b) of this Code section shall not be construed to:

(1) Prohibit or impair the power of a county or municipal corporation to adopt or enforce any zoning ordinance or make any zoning decision; or

(2) Affect the validity or enforceability of private covenants or other contractual agreements among property owners relating to building design elements."

## **SECTION 2.**

Code Section 36-66-3, of the Official Code of Georgia Annotated, relating to definitions relative to zoning procedures, is amended by revising paragraph (3) as follows:

60 "(3) 'Zoning' means the power of local governments ~~to provide within their respective~~  
61 ~~territorial boundaries for the zoning or districting of property for various uses and the~~  
62 ~~prohibition of other or different uses within such zones or districts and for the regulation~~  
63 ~~of development and the improvement of real estate, within their respective territorial~~  
64 ~~boundaries, to divide property into separate zones or districts and, in connection with~~  
65 ~~such divisions, to regulate the following within such the zones or districts, in accordance~~  
66 with the uses of property for which such zones or districts were established:

67 (A) Land use;

68 (B) The height, width, area, and size of buildings and other structures;

69 (C) The percentage of lots that may be occupied;

70 (D) The size of yards, courts, and other open spaces;

71 (E) The density of the population;

72 (F) The location and use of buildings, structures, and land;

73 (G) Lot coverage, lot width, lot area, and setbacks;

74 (H) Spacing between buildings and structures;

75 (I) Buffer zones;

76 (J) Parking requirements; and

77 (K) Landscaping requirements."

### 78 SECTION 3.

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