



4800 Ashford Dunwoody Road
Dunwoody, Georgia 30338
dunwoodyga.gov | 678.382.6700

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended adoption of the text amendment in a unanimous 5-0 vote with Commissioners Cameron, Edmundson, Moss, Shin, and Wallach in favor.

ATTACHMENTS

- Proposed Ordinance
- HB 155 (2025)

Lynn Deutsch Mayor

Eric Linton ICMA-CM City Manager

Sharon Lowery CMC City Clerk

Catherine Lautenbacher City Council Post 1

Rob Price City Council Post 2

Tom Lambert City Council Post 3

Stacey Harris City Council Post 4

Joe Secorder City Council Post 5

John Heneghan City Council Post 6

AN ORDINANCE TO AMEND CHAPTER 27 OF THE CITY OF DUNWOODY CODE OF ORDINANCES; TO ADJUST REVIEW AND APPROVAL PROCEDURES OF THE ZONING ORDINANCE

WHEREAS, the State of Georgia has recently amended the Zoning Procedures Law through HB 155; and

WHEREAS, local municipalities are required to update local zoning ordinances to reflect these changes; and

WHEREAS, the City of Dunwoody wishes to ensure compliance with State Zoning Procedures Law; and

WHEREAS, adopting the updated State requirements allows the City to shorten the length of its approval process for certain zoning actions by approximately two months.

NOW, THEREFORE, the Mayor and City Council of the City of Dunwoody HEREBY ORDAIN that the City’s Code of Ordinances is amended as follows:

SECTION I: That Chapter 27 of the City Code is amended by amending Code Section 27-338, to be entitled “Special provisions for city-initiated amendments for applicable zoning decisions.”, to read as follows:

Sec. 27-338. - Special provisions for city-initiated amendments for applicable zoning decisions.

- (a) *Applicability.* The provisions of this section shall apply to any amendments, initiated by the city, that provide for the abolition of all single-family residential zoning classifications within the territorial boundaries of the city or zoning decisions that result in the rezoning of all property zoned for single-family residential uses within the territorial boundaries of the city to multifamily residential uses of property. This section shall not apply to zoning decisions for the rezoning of property from a single-family residential use of property to a multifamily residential use of property when the rezoning is initiated by the owner or authorized agent of the owner of such property or when the city adopts a zoning ordinance or zoning map applicable to the entire land area of the city, as opposed to a subset of parcels under the governance of the city.
- (b) *Public hearings.* Prior to the city council decision, at least two public hearings shall be held on the proposed action. Such public hearings shall be held at least three months and not more than nine months prior to the date of final action on the zoning decision. Furthermore, at least one of the public hearings must be held between the hours of 5:00 p.m. and 8:00 p.m. The hearings required by this paragraph shall be in addition to the hearing required in section 27-334.
- (c) *Public hearing notices.*
 - (1) *Content of the public hearing notices.* Both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision relates to or will authorize multifamily uses or give blanket permission to the property owner to deviate from the zoning requirements of a single-family residential zoning of property in classification previously relating to single-family residential uses. The published notice shall be at least nine column inches in size and shall not be located in the classified advertising section of the newspaper. The notice shall state that a copy of the proposed amendment is on file in the office of the clerk or the

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recording officer of the local government and in the office of the clerk of the superior court of the county of the legal situs of the local government for the purpose of examination and inspection by the public. The local government shall furnish anyone, upon written request, a copy of the proposed amendment, at no cost.

- (2) *Published notice.* At least 15 days before but not more than 45 days before the date of the public hearing, notice of the public hearing must be published in a newspaper of general circulation in the city. This required notice must indicate the date, time, place and purpose of the public hearing.
 - (3) *Written (mailed) notice.* Written notice is required for all proposed amendments initiated by the city. The community development director is responsible for sending written notice via first class mail to all property owners within 500 feet of the boundaries of the subject property (or properties), as those property owners are listed on the tax records of the city. The notices must be mailed at least 15 days but not more than 45 days before the date of the public hearing. Written notices must indicate the nature of the proposed amendment and the date, time, place and purpose of the public hearing.
 - (4) *Posted notice.* A public hearing notice sign must be placed in a conspicuous location on the subject property (or properties), provided, however, that when more than 500 parcels are affected, in which case posting notice is required every 500 feet in the affected area, at least 15 days before the date of the public hearing. This notice sign must indicate the date, time, place and purpose of the public hearing.
- (d) *City council decision.* The amendment decision shall be adopted at two regular meetings of the city council, during a period at least 15 but not more than 45 of not less than 21 days apart.

(Ord. No. 2023-06-02, § I, 6-12-2023)

SECTION II: That Chapter 27 of the City Code is amended by amending Code Section 27-356, to be entitled "Public hearing notices.", to read as follows:

Sec. 27-356. - Public hearing notices.

- (a) *Published notice.* At least 15 but not more than 45 30 days before the date of the public hearing to be held by the mayor and city council, notice of the public hearing must be published in a newspaper of general circulation in the city. This required notice must indicate the date, time, place and purpose of the public hearing; the location of the subject property; and the property's existing and proposed zoning and use.
- (b) *Written (mailed) notice.* The community development director is responsible for sending written notice via first class mail to all property owners within 500 feet of the boundaries of the subject property, as those property owners are listed on the tax records of the city. The notices must be mailed at least 15 but not more than 45 30 days before the date of the city council public hearing. Written notices must indicate the nature of the proposed use or activity and the date, time, place and purpose of the public hearing.
- (c) *Posted notice.* A public hearing notice sign must be placed in a conspicuous location on the subject property at least 15 but not more than 45 30 days before the date of the public hearing to be held by the mayor and city council. This notice sign must indicate the date, time, place and purpose of the public hearing.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-19.60), 10-14-2013; Ord. No. 2023-06-02, § II, 6-12-2023; Ord. No. 2024-07-05, § X, 7-22-2024)

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SECTION III: That Chapter 27 of the City Code is amended by amending Code Section 27-395, to be entitled "Public hearing notices.", to read as follows:

Sec. 27-395. - Public hearing notices.

- (a) *Published notice.* At least ~~15 but not more than 45~~ 30 days before the date of the public hearing to be held by the board of appeals, notice of the public hearing must be published in a newspaper of general circulation in the city. This required notice must indicate the date, time, place and purpose of the public hearing.
- (b) *Written (mailed) notice.* The community development director is responsible for sending written notice via first class mail to the subject property owner and all property owners within 500 feet of the boundaries of the subject property, as those property owners are listed on the tax records of the city. The notices must be mailed at least ~~15 but not more than 45~~ 30 days before the public hearing to be held by the board of appeals. Written notices must indicate the nature of the proposed use or activity and the date, time, place and purpose of the public hearing.
- (c) *Posted notice.* A public hearing notice sign must be placed in a conspicuous location on the subject property at least ~~15 but not more than 45~~ 30 days before the date of the public hearing to be held by board of appeals. This notice sign must indicate the date, time, place and purpose of the public hearing.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-21.50), 10-14-2013; Ord. No. 2023-06-02, § III, 6-12-2023)

SECTION IV: That Chapter 27 of the City Code is amended by amending Code Section 27-419, to be entitled "Public hearing notices.", to read as follows:

Sec. 27-419. - Public hearing notices.

- (a) *Published notice.* At least ~~15 but not more than 45~~ 30 days before the date of the public hearing to be held by the board of appeals, notice of the public hearing must be published in a newspaper of general circulation in the city. This required notice must indicate the date, time, place and purpose of the public hearing.
- (b) *Written (mailed) notice.* The community development director is responsible for sending written notice via first class mail to the subject property owner and all property owners within 500 feet of the boundaries of the subject property, as those property owners are listed on the tax records of the city. The notices must be mailed at least ~~15 but not more than 45~~ 30 days before the public hearing to be held by the board of appeals. Written notices must indicate the nature of the proposed use or activity and the date, time, place and purpose of the public hearing.
- (c) *Posted notice.* A public hearing notice sign must be placed in a conspicuous location on the subject property at least ~~15 but not more than 45~~ 30 days before the date of the public hearing to be held by board of appeals. This notice sign must indicate the date, time, place and purpose of the public hearing.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-22.40), 10-14-2013; Ord. No. 2023-06-02, § IV, 6-12-2023)

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SECTION V: That Chapter 27 of the City Code is amended by amending Code Section 27-461, to be entitled "Public hearing notices.", to read as follows:

Sec. 27-461. - Public hearing notices.

- (a) *Written (mailed) notice.* Mailed notice of the zoning board of appeals hearing must be provided to the appellant and the owner of the subject property at least 15 but not more than 4530 days before the date of the zoning board of appeals hearing.
- (b) *Published notice.* At least 15 but not more than 4530 days prior to the date of the public hearing to be held by the board of appeals, notice of the public hearing must be published in a newspaper of general circulation in the city. This required notice must indicate the date, time, place and purpose of the public hearing.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-24.60), 10-14-2013; Ord. No. 2023-06-02, § V, 6-12-2023)

SO ORDAINED, this ____ day of _____, 2026.

Approved:

Lynn P. Deutsch, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk (Seal)

City Attorney



City of
Dunwoody
Georgia

Public Notice Text Amendment

June 15, 2026

HB 155 (2025) Overview

- House Bill 155 was passed in 2025 and made several changes to State Zoning Procedures Law.
- It acts as cleanup legislation to HB 1405 (2023), which contained inconsistencies regarding the status of special land use permits and of concurrent variances.
- HB 155 (2025) clarifies the length of the public notice process. Requires 15 – 45 days of public notice prior to a public hearing for rezoning, special land use permit, and variance applications.

HB 155 (2025) Overview

- HB 1405 (2023) required increased public notice requirements if a municipality conducted a municipality-initiated rezoning that allowed multi-family uses on single-family zoned parcels.
- Dunwoody implemented this in Sec. 27-338 of the Zoning Ordinance.
- HB 155 (2025) nor allows an exception if a municipality adopts a new zoning map that is applicable to the entire municipality.

Impacts

- Under current code, public notice of at least 30 days was required.
- The City publishes the official notification for public hearings in the Dunwoody Crier, which requires submittal of an ad one week prior to publishing.
- Under current rules, applicants must submit a variance, special land use permit, or rezoning application two months prior to a hearing.
- Under the new state rules, applicants can submit an application one month prior to a hearing.

Impacts

- Shortening of variance process from app. 2.5 months to 1.5 month.
- Shortening of special land use permit process from app. 6 months to app. 4 months.
- Shortening of rezoning process from app. 6 months to app. 4 months.
- E.g., under prior timeline, a June 3, 2026 submittal would be decided by November 30, 2026.
- Under proposed timeline, a June 3, 2026 submittal would be decided by September 28, 2026.

Planning Commission Recommendation

- The Planning Commission recommended adoption of the text amendment in a unanimous 5-0 vote with Commissioners Cameron, Edmundson, Moss, Shin, and Wallach in favor.

An aerial photograph of a large, circular splash pad in a park. The splash pad is a light blue color with several circular water jets. A black metal railing surrounds the splash pad, and many people of various ages are playing in the water. The surrounding area is paved with light-colored concrete and has some benches and trees. The text "City of Dunwoody Georgia" is overlaid in the center of the splash pad.

City of
Dunwoody
Georgia

House Bill 155 (AS PASSED HOUSE AND SENATE)

By: Representatives Anderson of the 10th, LaHood of the 175th, Cannon of the 172nd, Thomas of the 21st, Cox of the 28th, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 7 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated,
2 relating to procedure for resolving annexation disputes, so as to revise procedures for the
3 selection and objection to arbitrators; to revise how arbitration panels report their findings
4 and recommendations; to revise provisions relating to compensation of arbitrators; to amend
5 Chapter 62 of Title 36 of the Official Code of Georgia Annotated, relating to development
6 authorities, so as to provide that county development authorities for certain counties shall not
7 operate within certain municipalities; to provide for a definition; to amend Article 2 of
8 Chapter 6 of Title 5 of the Official Code of Georgia Annotated, relating to appellate practice,
9 and Chapter 66 of Title 36 of the Official Code of Georgia Annotated, relating to zoning
10 procedures as pertaining to counties and municipal corporations, so as to provide for the
11 appeal of superior court decisions on zoning decisions of counties and municipal
12 corporations; to repeal provisions authorizing administrative officers to exercise zoning
13 powers; to repeal provisions authorizing quasi-judicial boards and agencies to hear and
14 render decisions on applications for special administrative permits and conditional permits;
15 to revise definitions; to amend Code Section 36-36-20 of the Official Code of Georgia
16 Annotated, relating to "contiguous area" defined, so as to revise provisions for certain
17 properties owned by municipalities; to provide for related matters; to provide for effective
18 dates and applicability; to repeal conflicting laws; and for other purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 PART I
21 SECTION 1-1.

22 Article 7 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to
23 procedure for resolving annexation disputes, is amended by revising Code Section
24 36-36-114, relating to arbitration panel, composition and membership, assistance in
25 formulating record, and regulation, as follows:

26 "36-36-114.

27 (a) Not later than the ~~fifteenth calendar~~ twentieth business day following the date that the
28 department ~~received the first~~ receives an objection of a proposed annexation as provided
29 for in Code Section 36-36-113, ~~an arbitration~~ a panel of five arbitrators shall be appointed
30 by the department using the selection process detailed as provided in subsection (c) of this
31 Code section.

32 (b)(1) ~~The arbitration panel shall be composed of five members to be selected as~~
33 ~~provided in this subsection.~~ The department shall develop and maintain three pools of
34 potential arbitrators, comprised as follows:

35 (A) ~~One~~ one pool which consists of persons who are currently or within the previous
36 six years have been municipal elected officials, managers, or administrators;

37 (B) ~~One~~ one pool which consists of persons who are currently or within the previous
38 six years have been county elected officials, managers, or administrators; and

39 (C) ~~One~~ one pool which consists of persons with a master's degree or higher in public
40 administration or planning and who are currently employed by an institution of higher
41 learning in this state, other than the Carl Vinson Institute of Government of the
42 University of Georgia.

43 (2) ~~Each~~ The pool shall be sufficiently large to ensure as nearly as practicable that no
44 person shall be required to serve on more than four panels in any one calendar year and
45 serve on no more than one panel in any given county in any one calendar year.

46 (3) The department is authorized to coordinate with the Georgia Municipal Association,
47 the Association County Commissioners of Georgia, ~~the Council of Local Governments,~~
48 and similar organizations in developing and maintaining such pools.

49 (c)(1) Within 15 business days of the date that the department first receives an objection
50 of a proposed annexation as provided for in Code Section 36-36-113, Upon receiving
51 notice of a disputed annexation, the department shall ~~choose at random four names~~
52 submit to the county and municipal corporations a list of 11 potential arbitrators
53 consisting of four potential arbitrators randomly selected by the department from the pool
54 of municipal officials, four names potential arbitrators randomly selected by the
55 department from the pool of county officials, and three names potential arbitrators
56 randomly selected by the department from the pool of academics; provided, however, that
57 the department shall ensure that none of such selections shall include a person who:

58 (A) ~~Is is~~ a resident of the county which has interposed the objection or any municipal
59 corporation located wholly or partially in such county;;

60 (B) Actively seeks employment in the county which has interposed the objection or
61 any municipal corporation located wholly or partially in such county;

62 (C) Is or has been employed within the preceding six years by the county which has
63 interposed the objection or any municipal corporation located wholly or partially in
64 such county; or

65 (D) ~~Has and further provided that none of such selections shall include a person who~~
66 ~~has~~ already served on four other arbitration panels in the then-current calendar year.

67 (2) Until noon on the twentieth business day following the date that the department
68 receives the notice of disputed annexation:

69 (A) The municipal corporation shall be permitted to strike or excuse up to two of the
70 names chosen four arbitrators that were randomly selected by the department from the
71 county officials pool by submitting written notice of any such strikes to the department;

72 (B) The the county shall be permitted to strike or excuse up to two of the names chosen
73 four arbitrators that were randomly selected by the department from the municipal
74 officials pool by submitting written notice of any such strikes to the department; and

75 (C) The the county and municipal corporation corporations shall each be permitted to
76 strike or excuse one of the names chosen three arbitrators that were randomly selected
77 by the department from the academic pool by submitting written notice of any such
78 strikes to the department.

79 (3) At the close of the period for permitted strikes as allowed in paragraph (2) of this
80 subsection, the department shall finalize the arbitration panel for the given annexation
81 dispute by appointing:

82 (A) Two arbitrators from the county officials subset identified in subparagraph (A) of
83 paragraph (2) of this subsection who were not stricken;

84 (B) Two arbitrators from the municipal officials subset identified in subparagraph (B)
85 of paragraph (2) of this subsection who were not stricken; and

86 (C) One arbitrator from the academic subset identified in subparagraph (C) of
87 paragraph (2) of this subsection who was not stricken.

88 (4) In the event that more than the required number of arbitrators remains within any
89 given subset, the department shall randomly appoint the number of arbitrators needed for
90 such subset from among those arbitrators remaining within such subset.

91 (5) In the event that an arbitrator refuses or becomes unable to serve on a given panel to
92 which he or she has been appointed pursuant to paragraph (3) of this subsection, the
93 department shall randomly appoint a new arbitrator to such panel by randomly selecting
94 an eligible arbitrator from the specific pool of arbitrators from which the original
95 arbitrator was randomly selected under paragraph (1) of this subsection; provided,

96 however, that such new arbitrator shall not have been previously stricken by the county
 97 or municipality.

98 (d) Prior to being eligible to serve on any of the three pools, persons interested in serving
 99 on such panels shall receive joint training in alternative dispute resolution together with
 100 zoning and land use training, which may be designed and overseen by the Carl Vinson
 101 Institute of Government of the University of Georgia in conjunction with the Association
 102 County Commissioners of Georgia and the Georgia Municipal Association, provided such
 103 training is available. Provided that the General Assembly appropriates sufficient funds in
 104 an applicable fiscal year, the Carl Vinson Institute of Government of the University of
 105 Georgia shall provide at least one training program per year to train new potential panel
 106 members.

107 (e) At the time any person is selected to serve on a panel for any particular annexation
 108 dispute, he or she shall sign the following oath: 'I do solemnly swear or affirm that I will
 109 faithfully perform my duties as an arbitrator in a fair and impartial manner without favor
 110 or affection to any party, and that I have not and will not have any ex parte communication
 111 regarding the facts and circumstances of the matters to be determined, other than
 112 communications with my fellow arbitrators, and will only consider, in making my
 113 determination, those matters which may lawfully come before me.'

114 (f) The department shall develop and maintain a list of court reporters and hearing officers
 115 that may be employed by the department at the request of an arbitration panel to assist the
 116 panel in formulating the record before the panel. An arbitration panel may by majority
 117 vote of its members elect to employ court reporters and hearing officers from such list.
 118 Any costs or charges related to the employment of court reporters and hearing officers
 119 pursuant to this subsection shall be evenly divided between the city and the county.

120 (g) The department shall promulgate rules and regulations to provide for uniform
 121 procedures and operations of arbitration panels established pursuant to this article.
 122 Notwithstanding any provision of Chapter 13 of Title 50, the 'Georgia Administrative

123 Procedure Act,' to the contrary, such proposed rules and regulations shall be submitted to
 124 the chairperson of the House Governmental Affairs Committee and the Senate Committee
 125 on State and Local Government Operations."

126 **SECTION 1-2.**

127 Said article is further amended by revising Code Section 36-36-115, relating to meetings of
 128 arbitration panel, duties, findings and recommendations, and compensation, as follows:

129 "36-36-115.

130 (a)(1)(A) The arbitration panel appointed pursuant to Code Section 36-36-114 shall
 131 meet as soon after appointment as practicable and shall receive evidence and argument
 132 from the municipal corporation, the county, and the applicant or property owner and
 133 shall by majority vote render a decision which shall be binding on all parties to the
 134 dispute as provided for in this article not later than 60 days following such appointment,
 135 provided that the chairperson of the arbitration panel shall be authorized to extend such
 136 deadline one time for a period of up to ten business days; provided, however, that
 137 ~~Notwithstanding anything in this subparagraph to the contrary,~~ the municipal
 138 corporation and county may by mutual agreement, postpone the arbitration procession
 139 for a period of up to 180 days to negotiate a potential settlement, and such
 140 postponement shall stay the 60 day deadline provided herein.

141 (B) Meetings of the panel may occur in person, virtually, or via teleconference. The
 142 meetings of the panel in which evidence is submitted or arguments of the parties are
 143 made, whether such meeting is in person, virtual, or via teleconference, shall be open
 144 to the public pursuant to Chapter 14 of Title 50.

145 (C) The panel shall first determine the validity of the grounds for objection as specified
 146 in the objection. If an objection involves the financial impact on the county as a result
 147 of a change in zoning or land use or the provision of maintenance of infrastructure, the
 148 panel shall quantify such impact in terms of cost. As to any objection which the panel

149 has determined to be valid, the panel, in its findings, may establish reasonable zoning,
150 land use, or density conditions applicable to the annexation and propose any reasonable
151 mitigating measures as to an objection pertaining to infrastructure demands.

152 (2) In arriving at its determination, the panel shall consider:

153 (A) The existing comprehensive land use plans of both the county and city;

154 (B) The existing land use patterns in the area of the subject property;

155 (C) The existing zoning patterns in the area of the subject property;

156 (D) Each jurisdiction's provision of infrastructure to the area of the subject property
157 and to the areas in the vicinity of the subject property;

158 (E) Whether the county has approved similar changes in intensity or allowable uses on
159 similar developments in other unincorporated areas of the county;

160 (F) Whether the county has approved similar developments in other unincorporated
161 areas of the county which have a similar impact on infrastructure as complained of by
162 the county in its objection; and

163 (G) Whether the infrastructure or capital outlay project which is claimed adversely
164 impacted by the county in its objection was funded by a county-wide tax.

165 (3) The county shall provide supporting evidence that its objection is consistent with its
166 land use plan and the pattern of existing land uses and zonings in the area of the subject
167 property, which may include, but not be limited to, adopted planning documents and
168 capital or infrastructure plans.

169 (4) The cost of the arbitration shall be equally divided between the city and the county;
170 provided, however, that if the panel determines that any party has advanced a position
171 that is not valid, the costs shall be borne by the party or parties that have advanced such
172 position.

173 (5) The reasonable costs of participation in the arbitration process of the property owner
174 or owners whose property is at issue shall be borne by the county and the city in the same
175 proportion as costs are apportioned under paragraph (4) of this subsection.

176 (6) The panel shall deliver its written findings and recommendations to the parties and
 177 the department by verifiable delivery. The written findings and recommendations shall
 178 include a signed statement for each panel member as to whether or not he or she voted
 179 in support of or against such findings and recommendations. The department shall
 180 maintain a data base and record of arbitration panel results and at least annually publish
 181 a report on such decisions and make such report freely available on the department's
 182 website.

183 (b) If the decision of the panel contains zoning, land use, or density conditions, the
 184 findings and recommendations of the panel shall be recorded in the deed records of the
 185 county with a caption describing the name of the current owner of the property, recording
 186 reference of the current owner's acquisition deed and a general description of the property,
 187 and plainly showing the expiration date of any restrictions or conditions.

188 (c) The arbitration panel shall be dissolved on the tenth day after it renders its findings and
 189 recommendations but may be reconvened as provided in Code Section 36-36-116.

190 (d) Notwithstanding the provisions of subsection (b) of Code Section 45-7-21, the
 191 members of the arbitration panel shall receive the same per diem, expenses, and allowances
 192 for their service on the panel as authorized by law for members of the General Assembly
 193 plus \$100.00 in total for all days of service for serving on an arbitration panel.

194 (e) If the panel so agrees, any one or more additional annexation disputes which may arise
 195 between the parties prior to the panel's initial meeting may be consolidated for the purpose
 196 of judicial economy if there are similar issues of location or similar objections raised to
 197 such other annexations or the property to be annexed in such other annexations is
 198 within 2,500 feet of the subject property."

199 **SECTION 1-3.**

200 Chapter 62 of Title 36 of the Official Code of Georgia Annotated, relating to development
 201 authorities, is amended by adding a new Code section to read as follows:

H. B. 155

202 "36-62-4.1.

203 (a) As used in this Code section, the term 'massively municipalized county' means any
204 county without a consolidated or unified government in which the corporate limits of two
205 or more municipalities cover 95 percent or more of the land area of the county.

206 (b) No county development authority for a massively municipalized county shall
207 purchase or accept title to any real or personal property in connection with a property tax
208 incentive project within the parts of such county that are within the corporate limits of
209 any municipality that is located north of the northernmost corporate limit of the
210 municipality in which the county site of such county is located if the governing authority
211 of the municipality in which such property is located has adopted a resolution to limit
212 such development authority from operating within such municipality.

213 (c) The provisions of this Code section shall not apply to any project approved by a
214 development authority prior to January 1, 2026, nor shall any amendments, refinancing,
215 renewals, or the transfer of any property related to such prior projects be affected by this
216 Code section."

217 **PART II**

218 **SECTION 2-1.**

219 Article 2 of Chapter 6 of Title 5 of the Official Code of Georgia Annotated, relating to
220 appellate practice, is amended by revising subsection (a) of Code Section 5-6-34, relating to
221 judgments and rulings deemed directly appealable, procedure for review of judgments,
222 orders, or decisions not subject to direct appeal, scope of review, hearings in criminal cases
223 involving a capital offense for which death penalty is sought, and appeals involving
224 nonmonetary judgments in child custody cases, as follows:

225 "(a) Appeals may be taken to the Supreme Court and the Court of Appeals from the
226 following judgments and rulings of the superior courts, the Georgia State-wide Business

227 Court, the constitutional city courts, and such other courts or tribunals from which appeals
228 are authorized by the Constitution and laws of this state:

229 (1) All final judgments, that is to say, where the case is no longer pending in the court
230 below, except as provided in Code Section 5-6-35;

231 (2) All judgments involving applications for discharge in bail trover and contempt cases;

232 (3) All judgments or orders directing that an accounting be had;

233 (4) All judgments or orders granting or refusing applications for receivers or for
234 interlocutory or final injunctions;

235 (5) All judgments or orders granting or refusing applications for attachment against
236 fraudulent debtors;

237 (6) Any ruling on a motion which would be dispositive if granted with respect to a
238 defense that the action is barred by Code Section 16-11-173;

239 (7) All judgments or orders granting or refusing to grant mandamus or any other
240 extraordinary remedy, except with respect to temporary restraining orders;

241 (8) All judgments or orders refusing applications for dissolution of corporations created
242 by the superior courts;

243 (9) All judgments or orders sustaining motions to dismiss a caveat to the probate of a
244 will;

245 (10) All judgments or orders entered pursuant to subsection (c) of Code
246 Section 17-10-6.2;

247 (11) All judgments or orders in child custody cases awarding, refusing to change, or
248 modifying child custody or holding or declining to hold persons in contempt of such child
249 custody judgment or orders;

250 (12) All judgments or orders entered pursuant to Code Section 35-3-37; ~~and~~

251 (13) All judgments or orders entered pursuant to Code Section 9-11-11.1; and

252 (14) All final judgments or orders reviewing a zoning decision, as such term is defined
253 in paragraph (4) of Code Section 36-66-3."

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SECTION 2-2.

Said article is further amended by revising subsection (a) of Code Section 5-6-35, relating to cases requiring application for appeal, requirements for application, exhibits, response, issuance of appellate court order regarding appeal, procedure, supersedeas, jurisdiction of appeal, and appeals involving nonmonetary judgments in custody cases, as follows:

"(a) Appeals in the following cases shall be taken as provided in this Code section:

(1) Appeals from decisions of the superior courts reviewing decisions of the State Board of Workers' Compensation, the State Board of Education, auditors, state and local administrative agencies, ~~and lower courts, and quasi-judicial decisions of boards or agencies of local governments, including those defined in paragraphs (1.1) and (1.2) of Code Section 36-66-3~~ by petition for review; provided, however, that this provision shall not apply to decisions of the Public Service Commission and probate courts and to cases involving ad valorem taxes and condemnations;

(2) Appeals from judgments or orders in divorce, alimony, and other domestic relations cases including, but not limited to, granting or refusing a divorce or temporary or permanent alimony or holding or declining to hold persons in contempt of such alimony judgment or orders;

(3) Appeals from cases involving distress or dispossessory warrants in which the only issue to be resolved is the amount of rent due and such amount is \$2,500.00 or less;

(4) Appeals from cases involving garnishment or attachment, except as provided in paragraph (5) of subsection (a) of Code Section 5-6-34;

(5) Appeals from orders revoking probation;

(5.1) Appeals from decisions of superior courts reviewing decisions of the Sexual Offender Risk Review Board;

(5.2) Appeals from decisions of superior courts granting or denying petitions for release pursuant to Code Section 42-1-19;

(6) Appeals in all actions for damages in which the judgment is \$10,000.00 or less;

- 281 (7) Appeals, when separate from an original appeal, from the denial of an extraordinary
- 282 motion for new trial;
- 283 (8) Appeals from orders under subsection (d) of Code Section 9-11-60 denying a motion
- 284 to set aside a judgment or under subsection (e) of Code Section 9-11-60 denying relief
- 285 upon a complaint in equity to set aside a judgment;
- 286 (9) Appeals from orders granting or denying temporary restraining orders;
- 287 (10) Appeals from awards of attorney's fees or expenses of litigation under Code
- 288 Section 9-15-14;
- 289 (11) Appeals from decisions of the state courts reviewing decisions of the magistrate
- 290 courts by de novo proceedings so long as the subject matter is not otherwise subject to
- 291 a right of direct appeal;
- 292 (12) Appeals from orders terminating parental rights; and
- 293 (13) Appeals from orders under subsection (a) of Code Section 44-14-610 granting or
- 294 denying an objection to the filing of a lis pendens or granting or denying a motion
- 295 canceling a lis pendens."

SECTION 2-3.

296 Chapter 66 of Title 36 of the Official Code of Georgia Annotated, relating to zoning
297 procedures as pertaining to counties and municipal corporations, is amended by revising
298 paragraph (1) of subsection (b) of Code Section 36-66-2, relating to legislative purpose and
299 local government zoning powers, and by adding a new paragraph to read as follows:

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

SECTION 2-4.

307
308 Said chapter is further amended by revising paragraphs (1.1) and (4) of Code
309 Section 36-66-3, relating to definitions, and by adding a new paragraph to read as follows:

310 ~~"(1.1) 'Quasi-judicial officers, boards, or agencies' means an officer, board, or agency~~
311 ~~appointed by a local government to exercise delegated, quasi-judicial zoning powers~~
312 ~~including hearing appeals of administrative decisions by such officers, boards, or~~
313 ~~agencies and hearing and rendering decisions on applications for variances, special~~
314 ~~administrative permits, special exceptions, conditional use permits, or other similar~~
315 ~~permits not enumerated herein as a zoning decision, pursuant to standards for the exercise~~
316 ~~of such quasi-judicial authority adopted by a local government~~ any board or agency
317 designated by ordinance to make quasi-judicial decisions.

318 (1.2) 'Quasi-judicial decision' means a final quasi-judicial action that is the exercise of
319 quasi-judicial land use powers, including hearing appeals of administrative decisions and
320 hearing and rendering decisions on applications for variances, administrative permits, or
321 other similar permits not enumerated herein as a zoning decision, pursuant to standards
322 for the exercise of such quasi-judicial authority adopted by a local government. Such
323 term does not include permits issued or decisions made by administrative staff pursuant
324 to the authority designated by ordinance which contains an express right to appeal to a
325 local government board or authority which is subject to these provisions applicable to
326 quasi-judicial decisions."

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

- 329 (A) The adoption or repeal of a zoning ordinance;
- 330 (B) The adoption of an amendment to a zoning ordinance which changes the text of the
331 zoning ordinance;
- 332 (C) The adoption or denial of an amendment to a zoning ordinance to rezone property
333 from one zoning classification to another;

- 334 (D) The adoption or denial of an amendment to a zoning ordinance by a municipal
- 335 local government to zone property to be annexed into the municipality;
- 336 (E) The grant or denial of ~~a permit relating to~~ an application for a special use of
- 337 property; or
- 338 (F) The grant or denial of an application for a variance or the imposition or
- 339 modification of conditions concurrent and in conjunction with a decision pursuant to
- 340 subparagraph (C) or (E) of this paragraph, or a subsequent modification to such a
- 341 variance or condition."

SECTION 2-5.

342
343 Said chapter is further amended by revising subsections (b), (c), (g), and (h) of Code
344 Section 36-66-4, relating to adoption of hearing policies and procedures and standards for
345 exercise of zoning power, as follows:

346 "(b) If a zoning decision of a local government is for the rezoning of property and the
347 rezoning is initiated by a party other than the local government, then:

348 (1) The notice, in addition to the requirements of subsection (a) of this Code section,
349 shall include the location of the property, the present zoning classification of the property,
350 and the proposed zoning classification of the property; and

351 (2) A sign containing information required by local ordinance or resolution shall be
352 placed in a conspicuous location on the property not less than 15 days nor more than 45
353 days prior to the date of the hearing.

354 (c) If the zoning decision of a local government is for the rezoning of property and the
355 amendment to the zoning ordinance to accomplish the rezoning is ~~defeated~~ denied by the
356 local government, then the same property may not again be considered for rezoning until
357 the expiration of at least six months immediately following the ~~defeat~~ denial of the
358 rezoning by the local government or the conclusion of related judicial proceedings."

359 "(g) A local government delegating decision-making power to a quasi-judicial officer,
 360 board; or agency shall provide for a hearing on each proposed action described in
 361 paragraph ~~(1.1)~~ (1.2) of Code Section 36-66-3. Notice of such hearing shall be provided
 362 at least ~~30~~ 15 but not more than 45 days prior to the quasi-judicial hearing, with such notice
 363 being made as provided for in subsection (a) of this Code section and with additional notice
 364 being mailed to the owner of the property that is the subject of the proposed action.

365 (h)(1) Notwithstanding any other provisions of this chapter to the contrary, when a
 366 proposed zoning decision relates to an amendment of the zoning ordinance to revise one
 367 or more zoning classifications or definitions relating to single-family residential uses of
 368 property so as to authorize multifamily uses of property pursuant to such classification
 369 or definitions, or to grant ~~blanket~~ permission, under certain or all circumstances, for
 370 property owners to deviate from the existing zoning requirements of a single-family
 371 residential zoning, such zoning decision shall be adopted in the following manner:

372 (A) The zoning decision shall be adopted at two regular meetings of the local
 373 government making the zoning decision, during a period of ~~not less than 21~~ at least 15
 374 but not more than 45 days apart; and

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

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

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

389 Both the posted notice and the published notice shall include a prominent statement that
 390 the proposed zoning decision relates to or will authorize multifamily uses or give ~~blanket~~
 391 permission to the property owner to deviate from the zoning requirements of a
 392 single-family residential zoning of property in classification previously relating to
 393 single-family residential uses. The published notice shall be at least nine column inches
 394 in size and shall not be located in the classified advertising section of the newspaper. The
 395 notice shall state that a copy of the proposed amendment is on file in the office of the
 396 clerk or the recording officer of the local government and in the office of the clerk of the
 397 superior court of the county of the legal situs of the local government for the purpose of
 398 examination and inspection by the public. The local government shall furnish anyone,
 399 upon written request, a copy of the proposed amendment, at no cost.

400 (2) The provisions of paragraph (1) of this subsection shall also apply to any zoning
 401 decisions that provide for the abolition of all single-family residential zoning
 402 classifications within the territorial boundaries of a local government or zoning decisions
 403 that result in the rezoning of all property zoned for single-family residential uses within
 404 the territorial boundaries of a local government to multifamily residential uses of
 405 property.

406 (3) This subsection shall not apply to zoning decisions for the rezoning of property from
 407 a single-family residential use of property to a multifamily residential use of property
 408 when the rezoning is initiated by the owner or authorized agent of the owner of such
 409 property or when the local government adopts a zoning ordinance or zoning map
 410 applicable to the entire land area under the governance of the local government, as
 411 opposed to a subset of parcels of land under the governance of the local government."

412 **SECTION 2-6.**

413 Said chapter is further amended by revising subsections (b.1) and (c) of Code
414 Section 36-66-5, relating to adoption of hearing policies and procedures and standards for
415 exercise of zoning power, as follows:

416 "(b.1) In addition to policies and procedures required by subsection (a) of this Code
417 section, each local government providing for a quasi-judicial ~~officer's, board's, board's~~ or
418 agency's grant, denial, or review of a quasi-judicial matter ~~may~~ shall adopt specific
419 standards and criteria governing the exercise of such quasi-judicial decision-making
420 authority, and such standards shall include the factors by which the local government
421 directs the evaluation of a quasi-judicial matter. Such standards shall be printed and copies
422 thereof made available for distribution to the general public.

423 (c) The policies and procedures required by subsection (a) of this Code section and the
424 adoption of standards required by ~~subsection~~ subsections (b) and ~~permitted by subsection~~
425 (b.1) of this Code section shall be included in and adopted as part of the zoning ordinance.
426 Prior to the adoption of any zoning ordinance enacted on or after July 1, 2022, a local
427 government shall conduct a public hearing on a proposed action which may be advertised
428 and held concurrent with the hearing required by subsection (a) of Code Section 36-66-4
429 for the adoption of a zoning ordinance. The provisions of subsection (a) of Code Section
430 36-66-4 relating to notices of public hearings for the purposes of that subsection shall also
431 apply to public hearings required by this subsection."

432 **SECTION 2-7.**

433 Said chapter is further amended by revising paragraph (2) of subsection (a) of Code
434 Section 36-66-5.1, relating to judicial review and procedures, as follows:

435 "(2) Quasi-judicial decisions as described in this chapter ~~and zoning decisions under~~
436 ~~subparagraph (E) of paragraph (4) of Code Section 36-66-3~~ shall be subject to appellate
437 review by the superior court pursuant to its appellate jurisdiction from a lower judicatory

438 body and shall be brought by way of a petition for such review as provided for in Title 5.
 439 Such matters shall be reviewed on the record which shall be brought to the superior court
 440 as provided in Title 5."

441 **PART IIA**
 442 **SECTION 2A-1.**

443 Code Section 36-36-20 of the Official Code of Georgia Annotated, relating to "contiguous
 444 area" defined, is amended by revising subsection (c) as follows:

445 "(c) If, at the time annexation procedures are initiated, the entire area to be annexed is
 446 owned by the municipal governing authority to which the area is to be annexed and if
 447 the annexation of municipally owned property is approved by resolution of the
 448 governing authority of the county wherein the property is located, then the term
 449 'contiguous area' shall mean any area which, at the time annexation procedures are
 450 initiated, abuts directly on the municipal boundary or which would directly abut on the
 451 municipal boundary if it were not otherwise separated from the municipal boundary by
 452 lands owned by the municipal corporation or some other political subdivision, by lands
 453 owned by this state, or by the definite width or by the length of:

- 454 (1) Any street or street right of way;
- 455 (2) Any creek or river; or
- 456 (3) Any right of way of a railroad or other public service corporation

457 which divides the municipal boundary and any area proposed to be annexed; provided,
 458 however, that an annexation by the length of paragraphs (1) through (3) of this subsection
 459 shall also be approved by a majority of the qualified voters of such county voting on a
 460 referendum to approve such annexation."

461

PART III

462

SECTION 3-1.

463 (a) Part I of this Act shall become effective on January 1, 2026.

464 (b) Part II of this Act shall become effective on July 1, 2025, and shall apply to all zoning
465 and quasi-judicial decisions occurring on and after such date; provided, however, that no
466 zoning or quasi-judicial decision occurring prior to December 31, 2026, shall be rendered
467 invalid or void if a local government fails to implement the provisions set out in Code
468 Section 36-66-5.1.

469 (c) Part IIA and Part III of this Act shall become effective on July 1, 2025.

470

SECTION 3-2.

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