

SENATE SUBSTITUTE TO HB 155**ADOPTED SENATE****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 Article 2 of Chapter 6 of Title 5 of the Official Code of Georgia Annotated, relating to
6 appellate practice, and Chapter 66 of Title 36 of the Official Code of Georgia Annotated,
7 relating to zoning procedures as pertaining to counties and municipal corporations, so as to
8 provide for the appeal of superior court decisions on zoning decisions of counties and
9 municipal corporations; to repeal provisions authorizing administrative officers to exercise
10 zoning powers; to repeal provisions authorizing quasi-judicial boards and agencies to hear
11 and render decisions on applications for special administrative permits and conditional
12 permits; to revise definitions; to amend Code Section 36-36-20 of the Official Code of
13 Georgia Annotated, relating to "contiguous area" defined, so as to revise provisions for
14 certain properties owned by municipalities; to provide for related matters; to provide for
15 effective dates and applicability; to repeal conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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PART I
SECTION 1-1.

19 Article 7 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to
20 procedure for resolving annexation disputes, is amended by revising Code Section
21 36-36-114, relating to arbitration panel, composition and membership, assistance in
22 formulating record, and regulation, as follows:

23 "36-36-114.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

88 (5) In the event that an arbitrator refuses or becomes unable to serve on a given panel to
89 which he or she has been appointed pursuant to paragraph (3) of this subsection, the
90 department shall randomly appoint a new arbitrator to such panel by randomly selecting
91 an eligible arbitrator from the specific pool of arbitrators from which the original
92 arbitrator was randomly selected under paragraph (1) of this subsection; provided,
93 however, that such new arbitrator shall not have been previously stricken by the county
94 or municipality.

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

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

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

117 (g) The department shall promulgate rules and regulations to provide for uniform
118 procedures and operations of arbitration panels established pursuant to this article.
119 Notwithstanding any provision of Chapter 13 of Title 50, the 'Georgia Administrative
120 Procedure Act,' to the contrary, such proposed rules and regulations shall be submitted to

121 the chairperson of the House Governmental Affairs Committee and the Senate Committee
122 on State and Local Government Operations.”

123 **SECTION 1-2.**

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

126 "36-36-115.

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

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

142 (C) The panel shall first determine the validity of the grounds for objection as specified
143 in the objection. If an objection involves the financial impact on the county as a result
144 of a change in zoning or land use or the provision of maintenance of infrastructure, the
145 panel shall quantify such impact in terms of cost. As to any objection which the panel
146 has determined to be valid, the panel, in its findings, may establish reasonable zoning,

147 land use, or density conditions applicable to the annexation and propose any reasonable
148 mitigating measures as to an objection pertaining to infrastructure demands.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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PART II
SECTION 2-1.

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

204 "(a) Appeals may be taken to the Supreme Court and the Court of Appeals from the
205 following judgments and rulings of the superior courts, the Georgia State-wide Business
206 Court, the constitutional city courts, and such other courts or tribunals from which appeals
207 are authorized by the Constitution and laws of this state:

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

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

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

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

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

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

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

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

- 222 (9) All judgments or orders sustaining motions to dismiss a caveat to the probate of a
 223 will;
- 224 (10) All judgments or orders entered pursuant to subsection (c) of Code
 225 Section 17-10-6.2;
- 226 (11) All judgments or orders in child custody cases awarding, refusing to change, or
 227 modifying child custody or holding or declining to hold persons in contempt of such child
 228 custody judgment or orders;
- 229 (12) All judgments or orders entered pursuant to Code Section 35-3-37; ~~and~~
- 230 (13) All judgments or orders entered pursuant to Code Section 9-11-11.1; and
- 231 (14) All final judgments or orders reviewing a zoning decision, as such term is defined
 232 in paragraph (4) of Code Section 36-66-3."

233

SECTION 2-2.

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

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

- 239 (1) Appeals from decisions of the superior courts reviewing decisions of the State Board
 240 of Workers' Compensation, the State Board of Education, auditors, state and local
 241 administrative agencies, ~~and lower courts, and quasi-judicial decisions of boards or~~
 242 agencies of local governments, including those defined in paragraphs (1.1) and (1.2) of
 243 Code Section 36-66-3 by petition for review; provided, however, that this provision shall
 244 not apply to decisions of the Public Service Commission and probate courts and to cases
 245 involving ad valorem taxes and condemnations;
- 246 (2) Appeals from judgments or orders in divorce, alimony, and other domestic relations
 247 cases including, but not limited to, granting or refusing a divorce or temporary or

248 permanent alimony or holding or declining to hold persons in contempt of such alimony
249 judgment or orders;

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

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

254 (5) Appeals from orders revoking probation;

255 (5.1) Appeals from decisions of superior courts reviewing decisions of the Sexual
256 Offender Risk Review Board;

257 (5.2) Appeals from decisions of superior courts granting or denying petitions for release
258 pursuant to Code Section 42-1-19;

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

260 (7) Appeals, when separate from an original appeal, from the denial of an extraordinary
261 motion for new trial;

262 (8) Appeals from orders under subsection (d) of Code Section 9-11-60 denying a motion
263 to set aside a judgment or under subsection (e) of Code Section 9-11-60 denying relief
264 upon a complaint in equity to set aside a judgment;

265 (9) Appeals from orders granting or denying temporary restraining orders;

266 (10) Appeals from awards of attorney's fees or expenses of litigation under Code
267 Section 9-15-14;

268 (11) Appeals from decisions of the state courts reviewing decisions of the magistrate
269 courts by de novo proceedings so long as the subject matter is not otherwise subject to
270 a right of direct appeal;

271 (12) Appeals from orders terminating parental rights; and

272 (13) Appeals from orders under subsection (a) of Code Section 44-14-610 granting or
273 denying an objection to the filing of a lis pendens or granting or denying a motion
274 canceling a lis pendens."

275

SECTION 2-3.

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

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

286

SECTION 2-4.

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

289 "~~(1.1) 'Quasi-judicial officers, boards, or agencies' means an officer, board, or agency~~
 290 ~~appointed by a local government to exercise delegated, quasi-judicial zoning powers~~
 291 ~~including hearing appeals of administrative decisions by such officers, boards, or~~
 292 ~~agencies and hearing and rendering decisions on applications for variances, special~~
 293 ~~administrative permits, special exceptions, conditional use permits, or other similar~~
 294 ~~permits not enumerated herein as a zoning decision, pursuant to standards for the exercise~~
 295 ~~of such quasi-judicial authority adopted by a local government~~ any board or agency
 296 designated by ordinance to make quasi-judicial decisions.

297 (1.2) 'Quasi-judicial decision' means a final quasi-judicial action that is the exercise of
 298 quasi-judicial land use powers, including hearing appeals of administrative decisions and
 299 hearing and rendering decisions on applications for variances, administrative permits, or
 300 other similar permits not enumerated herein as a zoning decision, pursuant to standards

301 for the exercise of such quasi-judicial authority adopted by a local government. Such
 302 term does not include permits issued or decisions made by administrative staff pursuant
 303 to the authority designated by ordinance which contains an express right to appeal to a
 304 local government board or authority which is subject to these provisions applicable to
 305 quasi-judicial decisions."

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

- 308 (A) The adoption or repeal of a zoning ordinance;
- 309 (B) The adoption of an amendment to a zoning ordinance which changes the text of the
 310 zoning ordinance;
- 311 (C) The adoption or denial of an amendment to a zoning ordinance to rezone property
 312 from one zoning classification to another;
- 313 (D) The adoption or denial of an amendment to a zoning ordinance by a municipal
 314 local government to zone property to be annexed into the municipality;
- 315 (E) The grant or denial of ~~a permit relating to~~ an application for a special use of
 316 property; or
- 317 (F) The grant or denial of an application for a variance or the imposition or
 318 modification of conditions concurrent and in conjunction with a decision pursuant to
 319 subparagraph (C) or (E) of this paragraph, or a subsequent modification to such a
 320 variance or condition."

321 **SECTION 2-5.**

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

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

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

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

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

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

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

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

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

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

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

368 Both the posted notice and the published notice shall include a prominent statement that
369 the proposed zoning decision relates to or will authorize multifamily uses or give ~~blanket~~
370 permission to the property owner to deviate from the zoning requirements of a
371 single-family residential zoning of property in classification previously relating to
372 single-family residential uses. The published notice shall be at least nine column inches
373 in size and shall not be located in the classified advertising section of the newspaper. The
374 notice shall state that a copy of the proposed amendment is on file in the office of the
375 clerk or the recording officer of the local government and in the office of the clerk of the
376 superior court of the county of the legal situs of the local government for the purpose of
377 examination and inspection by the public. The local government shall furnish anyone,
378 upon written request, a copy of the proposed amendment, at no cost.

379 (2) The provisions of paragraph (1) of this subsection shall also apply to any zoning
380 decisions that provide for the abolition of all single-family residential zoning

381 classifications within the territorial boundaries of a local government or zoning decisions
 382 that result in the rezoning of all property zoned for single-family residential uses within
 383 the territorial boundaries of a local government to multifamily residential uses of
 384 property.

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

391

SECTION 2-6.

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

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

402 (c) The policies and procedures required by subsection (a) of this Code section and the
 403 adoption of standards required by ~~subsection~~ subsections (b) and ~~permitted by subsection~~
 404 (b.1) of this Code section shall be included in and adopted as part of the zoning ordinance.
 405 Prior to the adoption of any zoning ordinance enacted on or after July 1, 2022, a local
 406 government shall conduct a public hearing on a proposed action which may be advertised

407 and held concurrent with the hearing required by subsection (a) of Code Section 36-66-4
 408 for the adoption of a zoning ordinance. The provisions of subsection (a) of Code Section
 409 36-66-4 relating to notices of public hearings for the purposes of that subsection shall also
 410 apply to public hearings required by this subsection."

411 **SECTION 2-7.**

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

414 "(2) Quasi-judicial decisions as described in this chapter ~~and zoning decisions under~~
 415 ~~subparagraph (E) of paragraph (4) of Code Section 36-66-3~~ shall be subject to appellate
 416 review by the superior court pursuant to its appellate jurisdiction from a lower judicatory
 417 body and shall be brought by way of a petition for such review as provided for in Title 5.
 418 Such matters shall be reviewed on the record which shall be brought to the superior court
 419 as provided in Title 5."

420 **PART IIA**

421 **SECTION 2A-1.**

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

424 "(c) If, at the time annexation procedures are initiated, the entire area to be annexed is
 425 owned by the municipal governing authority to which the area is to be annexed and if the
 426 annexation of municipally owned property is approved by resolution of the governing
 427 authority of the county wherein the property is located and by a majority of the qualified
 428 voters of such county voting on a referendum to approve such annexation, then the term
 429 'contiguous area' shall mean any area which, at the time annexation procedures are
 430 initiated, abuts directly on the municipal boundary or which would directly abut on the

431 municipal boundary if it were not otherwise separated from the municipal boundary by
432 lands owned by the municipal corporation or some other political subdivision, by lands
433 owned by this state, or by the definite width or by the length of:
434 (1) Any street or street right of way;
435 (2) Any creek or river; or
436 (3) Any right of way of a railroad or other public service corporation
437 which divides the municipal boundary and any area proposed to be annexed.”

438

PART III

439

SECTION 3-1.

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

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

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

447

SECTION 3-2.

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