

Bond Case Briefs

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ZONING & PLANNING - GEORGIA

Schumacher v. City of Roswell

Supreme Court of Georgia - June 30, 2017 - S.E.2d - 2017 WL 2822474

City property owners filed action against city that challenged city's approval of new zoning ordinance and map that rezoned owners' properties.

The Superior Court granted city's motion for judgment on the pleadings. Property owners appealed. The Court of Appeals dismissed appeal. Property owners sought writ of certiorari.

The Supreme Court of Georgia held that city's adoption of development code to govern land use issues was not a "decision" within meaning of statute requiring an application for appeals from decisions of the superior courts reviewing decisions of state and local administrative agencies. Suit challenging adoption of code sought no individualized zoning-related relief, there was no individualized determination by any level of city government, and city council was not acting as an administrative agency; disapproving *Outdoor West, Inc. of Ga. v. Coweta County*, 270 Ga. 527, 512 S.E.2d 604.