RESOLUTION 05-2016

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF CARROLLTON, STATE OF GEORGIA, TO IMPOSE A SIX-MONTH MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR APARTMENT DEVELOPMENTS

WHEREAS, the governing authority of the City of Carrollton, Georgia (hereinafter, the "City"), is the Mayor and City Council thereof; and

WHEREAS, the City has been vested with substantial power to regulate the use of property for the purposes of maintaining the health, morals, safety, security, peace, and general welfare of the City; and

WHEREAS, the 1983 Constitution of the State of Georgia provides for the self-government of municipalities without the necessity of action by the General Assembly; and

WHEREAS, the City has the legislative power to adopt reasonable ordinances, resolutions, or regulations relating to property within the City for which no provision has been made by general laws and which are not inconsistent with the Constitution or any charter provision applicable thereto; and

WHEREAS, Georgia law recognizes that local governments may impose moratoria on zoning decisions, building permits, and other development approvals where exigent circumstances warrant the same (see, e.g., City of Roswell v. Outdoor Systems, Inc., 274 Ga. 130, 549 S.E.2d 90 (2001); Lawson v. Macon, 214 Ga. 278, 104 S.E.2d 425 (1958); Taylor v. Shetzen, 212 Ga. 101, 90 S.E.2d 572 (1955)); and

WHEREAS, the Georgia Supreme Court, in DeKalb County v. Townsend Associates, 243 Ga. 80, 252 S.E.2d 498 (1979), held that, "[t]o justify a moratorium, it must appear first, that the interests of the public generally, as distinguished from those of a particular class, require such interference; and second, that the means are reasonably necessary for the accomplishment of the purpose, and not unduly oppressive upon individuals;" and

WHEREAS, City staff has been reviewing – as a part of its planning, zoning, and growth management efforts – the current mix of housing stock within the City of Carrollton and projections as to the future mix of housing stock within the City; and

WHEREAS, City staff reports that multi-family housing currently constitutes 42.5% of the City's housing stock; and

WHEREAS, a survey of nearby municipalities suggests that this percentage exceeds the ratio of multi-family housing to single-family housing in nearby municipalities; and

WHEREAS, comparatively dense developments such has multi-family housing have disproportionate impacts on City resources and services (such as water and sewer demands, traffic impacts, public safety demands, etc.) than other forms of residential development; and

WHEREAS, the Mayor and City Council are concerned that the health and well being of the citizens of the City could be negatively impacted by uncontrolled development of multi-family housing; and

WHEREAS, the Mayor and City Council consider it paramount that land use regulation continue in the most orderly and predictable fashion with the least amount of disturbance to landowners and to the citizens of the City; and

WHEREAS, the Mayor and City Council have always had a strong interest in growth management so as to promote the traditional police power goals of health, safety, morals, aesthetics, and the general welfare of the community, and in particular the lessening of congestion on City streets, security of the public from crime and other dangers, promotion of health and general welfare of its citizens, protection of the aesthetic qualities of the City including access to air and light, and facilitation of the adequate provision of transportation and other public requirements; and

WHEREAS, the Mayor and City Council believe that the concept of "public welfare" is broad and inclusive, that the values it represents are spiritual as well as physical, aesthetic as well as monetary, and that it is within the power of the City "to determine that a community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled" (Kelo v. City of New London, 545 U.S. 469, 125 S. Ct. 2655 (2005); see also Berman v. Parker, 348 U.S. 26, 75 S.Ct. 98 (1954)); and

WHEREAS, the Mayor and City Council also believe that "general welfare" includes the valid public objectives of aesthetics, conservation of the value of existing lands and buildings within the City, making the most appropriate use of resources, preserving neighborhood characteristics, enhancing and protecting the economic well-being of the community, facilitating adequate provision of public services, and the preservation of the resources of the City; and

WHEREAS, the Mayor and City Council are, and have been interested in, developing a cohesive and coherent policy regarding certain land uses in the City and have intended to promote community development through stability, predictability and balanced growth which will further the prosperity of the City as a whole.

WHEREAS, the Mayor and City Council are directing City staff to engage a certified land planner to study the current mix of housing stock within the City of Carrollton, projections as to the future mix of housing stock within the City, and the impacts of same, and to make recommendations as to the zoning and regulation of multi-family housing; and

WHEREAS, the Mayor and City Council consider a moratorium on the acceptance of apartment applications to be a proper exercise of its police powers while this study is being performed.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of Carrollton do hereby declare and adopt a six-moth moratorium on the acceptance of plans for development for apartment projects within the City, as follows:

1. No plans or applications for apartments shall be accepted by City Staff for projects within the City from this date until July 4, 2016.

2. No land disturbance or building permits for apartments shall be issued by City Staff for projects within the City from this date until July 4, 2016.

3. During this six-month period, City staff is hereby directed to engage a certified land planner to study the current mix of housing stock within the City of Carrollton, projections as to the future mix of housing stock within the City, and the impacts of same, and to make recommendations as to the zoning and regulation of multi-family housing within the City.

4. This moratorium shall not apply to any project for which construction, grading, and/or soil and erosion control plans have been submitted and/or an application for a land disturbance permit has been submitted to City staff for review and approval prior to January 4, 2016.

ADOPTED this 4th day of January, 2016.

MAYOR AND CITY COUNCIL OF CARROLLTON

Mayor, City of Carrollton

Clerk, City of Carrollton

CITY OF CARROLLTON SEAL CARROLLTON, GA.