

RESOLUTION 2023 - 110

A RESOLUTION EXTENDING THE EXISTING MORATORIUM FOR ONE-HUNDRED FIFTY DAYS (150) DAYS ON THE ACCEPTANCE OF CERTAIN REZONING APPLICATIONS FOR RESIDENTIAL DEVELOPMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS the City of Powder Springs (“the City”) is vested with substantial powers, rights and functions to generally regulate the practice, conduct or use of property for the purpose of preserving the health, safety and welfare of the City; and

WHEREAS Georgia law recognizes that local governments may impose moratoria on zoning decisions, building permits and other development approvals, and the Georgia Supreme Court held that “To 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 the City has, as part of planning, zoning and growth management, been in review of the Code of Ordinances, City of Powder Springs, Georgia (“Code”), the Unified Development Code of Powder Springs, Georgia (“UDC”), the 2021 Update City of Powder Springs Comprehensive Plan (“Comprehensive Plan”), the 2019 Livable Centers Initiative (“LCI”) plan, and the City’s Annexation Plan and has been studying the projections of development that could be anticipated within the City;

WHEREAS the City previously deemed it important to develop a development plan that integrates all issues associated with the projected development including the need for amendments to the Code, the UDC, the Comprehensive Plan and other land use plans, impact fees and development standards in order to continue land use regulations in the most predictable fashion with the least amount of disturbance to landowners and citizens; and

WHEREAS the City has a strong interest in facilitating growth and development for long-term sustainability and diversification of the tax base to promote managed growth and its goals of health, safety, morals, aesthetics and the general welfare of the community;

WHEREAS the City began but has not completed its studies and consideration of potential changes to the UDC, Comprehensive Plan and other land use plans, and an additional reasonable amount of time is necessary to explore and review such potential changes;

WHEREAS the Mayor and Council of the City find that one hundred fifty (150) days is a reasonable and necessary period of time to complete such endeavor.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Mayor and Council of the City of Powder Springs that it makes the following findings of fact:

- a. It appears that the Code, UDC and Comprehensive Plan and other land use plans is in the process of being reviewed and revised by the City;
- b. The City’s ongoing revisions require the limited cessation of residential rezoning applications;

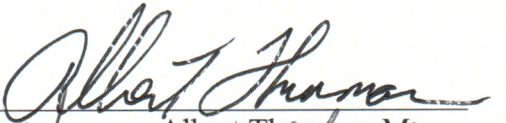
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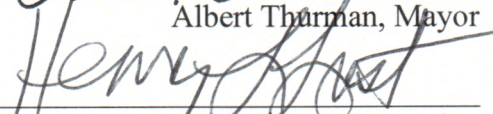
- c. Except for certain rezoning applications identified below, it is necessary and in the public interest to delay for a reasonable period of time the processing of applications for new residential zoning or changes to existing residential zoning conditions to ensure that the same are consistent with the long-term planning objectives of the City; and


BE IT FURTHER RESOLVED that there is hereby imposed a moratorium on the acceptance of applications for new residential rezonings and the duration of the moratorium shall be until the City completes its review and update to its Code, UDC and Comprehensive plan and other land use plans, which shall be for one hundred fifty (150) days, unless extended by resolution of the Mayor and Council. Except as noted below, no applications for residential rezoning or changes in conditions of zoning shall be reviewed or adopted by the Mayor and Council, but the moratorium shall have no effect upon approved permits, applications, rezonings, etc. occurring before the effective date of this Resolution.

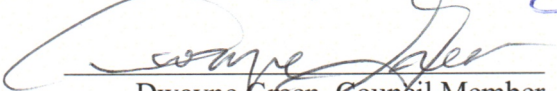
BE IT FURTHER RESOLVED that the City may accept and consider two limited exceptions to this moratorium on the acceptance of applications for rezoning as follows: (1) An application for conditional MXU zoning wherein the commercial component of said zoning district shall be constructed prior to or simultaneously with the development of the first residential unit; and (2) An application for a change in conditions of zoning for applications approved prior to the establishment of the moratorium, if the change affects not more than five percent (5%) of the residential development. This Resolution shall become effective immediately upon expiration of the current moratorium.

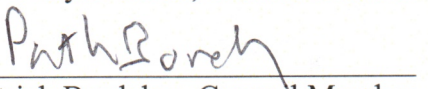
SO RESOLVED this 1st day of May, 2023.

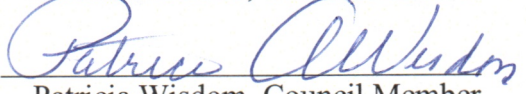

Albert Thurman, Mayor


Henry Lust, Council Member

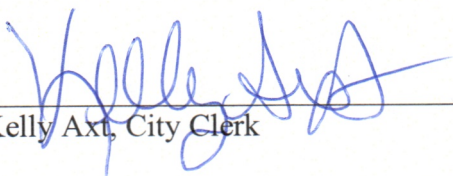

Doris Dawkins, Council Member


Dwayne Green, Council Member


Patrick Bordelon, Council Member


Patricia Wisdom, Council Member

Attest:


Kelly Axt, City Clerk