

**ORDINANCE TO IMPOSE A MORATORIUM ON  
RESIDENTIAL MULTI-FAMILY, RENTAL/APARTMENT BUILDINGS**

**CITY OF WOODSTOCK, GEORGIA**

**WHEREAS**, the City of Woodstock (hereinafter sometimes referred to as the "City") is a municipality duly formed and existing pursuant to Georgia law; 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;<sup>1</sup> and

**WHEREAS**, the City of Woodstock, Georgia, has the legislative power to adopt clearly reasonable ordinances, resolutions or regulations relating to its property, affairs and local government for which no provision has been made by general laws, and which are not inconsistent with the Constitution or any charter provision applicable thereto;<sup>2</sup> and

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1 Ga. Const., 1983, Article IX, Section II, Paragraph II provides in pertinent part as follows:

The General Assembly may provide by law for the self government of municipalities and to that end is expressly given the authority to delegate its power so that matters pertaining to the municipalities may be dealt with without the necessity of action by the General Assembly.

2 O.C.G.A. '36-35-3(a) provides as follows:

(a) The governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto. Any such charter provision shall remain in force and effect until amended or repealed as provided in subsection (b) of this Code section. This Code section, however, shall not restrict the authority of the General Assembly, by general law, to define this home rule power further or to broaden, limit, or otherwise regulate the exercise thereof. The General Assembly shall not pass any local law to repeal, modify or supersede any action taken by a municipal governing authority under this Code section, except as authorized under Code Section 36-35-6.

**WHEREAS**, the Mayor and City Council of the City of Woodstock, Georgia established the Multi-Family Residential Goals (Planning Policy) in 2000, espousing the belief, “that uncoordinated and unplanned growth, together with a lack of common goals toward land conservation pose a threat to the environment, public health and welfare and to sustainable economic development;” and

**WHEREAS**, the Planning Policy also, “encourages the availability of housing to all economic segments of the population, and promotes a variety of residential densities and housing types. In determining the suitability of the location and identification of sites for apartments, the Council considered the availability and proximity of adequate transportation, land use, neighborhood compatibility and the availability of public services for the community;” and

**WHEREAS**, the Planning Policy states, “The number of multi-family units (“Apartments”) shall not exceed 20% of the total number of households within the current or future corporate limits of the City of Woodstock;” and

**WHEREAS**, within the corporate limits, the City of Woodstock currently has approximately 3,377 Apartments (Residential – Multi-Family, Rental/Apartment Buildings) entitled over 12 square miles, representing approximately 21.4% of the total housing stock in the City; and

**WHEREAS**, an imbalance of Apartments currently exists in the City of Woodstock, at odds with the Planning Policy of the Mayor and City Council; and

**WHEREAS**, City of Woodstock has experienced extraordinary residential growth over the past five years, inclusive of attached and detached single family units as well Apartments, with over 2,500 total units constructed since the beginning of 2011; and

**WHEREAS**, the Residential – Multi-Family, Rental use, also commonly referred to as, “apartments for rent or lease,” is one of the most dense residential uses in the Land Development Ordinance; and

**WHEREAS**, commensurate with Planning Policy, the Mayor and City Council continue to consider the availability and proximity of adequate transportation, land use, neighborhood compatibility and the availability of public services for the community, as critical elements when analyzing the Residential – Multi-Family, Rental use, among others; and

**WHEREAS**, the Mayor and City Council seek to weigh land use policy with private property rights, while promoting a positive balance of units intended for rental vs. ownership; and

**WHEREAS**, it is the purpose of this Ordinance to provide the opportunity for Mayor and City Council to direct City staff to thoroughly review the Residential – Multi-Family Rental use with regard to the proximity of adequate transportation, land use, neighborhood compatibility and the availability of public services for the community; and

**WHEREAS**, the governing body of the City of Woodstock has determined that it is in the best interest of the City and its citizens to adopt the following; and

**WHEREAS**, an emergency exists as to the lack of concise controls over the regulation of Residential – Multi-Family, Rental/Apartments within certain sections of the Land Development Ordinance; and

**WHEREAS**, the Mayor and City Council of the City of Woodstock are concerned that the life, safety and well being of the citizens of the City could be negatively impacted thereby; and

**NOW THEREFORE**, the Mayor and the City Council of the City of Woodstock hereby ordain that a temporary moratorium is imposed as follows:

- 1.) No public hearing applications will be accepted for projects proposed to include the Residential – Multi-Family, Rental/Apartments use; and
- 2.) No land development (site) plans for land disturbance permits (LDP) will be accepted for projects proposed to include the Residential – Multi-Family, Rental/Apartments use; and
- 3.) No building plans, building permit applications, proposed site or building concepts, renderings, and drawings shall be accepted by City staff for review, which include any proposed Residential – Multi-Family, Rental/Apartments use.

This moratorium shall not apply to units already approved for the Avonlea Phase 3 and South on Main projects which are grandfathered in as having vested rights.

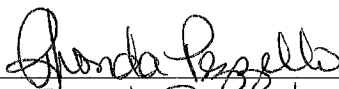
This moratorium is in effect from this date forth until November 14, 2017. It is anticipated that this moratorium shall last until November 14, 2017, but it is subject to change by the Mayor and City Council. During the time this moratorium is in place, the City staff is hereby directed to review the City's land use requirements and zoning ordinances and propose appropriate revisions thereto.

This Ordinance to Impose a Moratorium as detailed herein is effective upon adoption after having been presented to council for a first reading on August 14, 2017, and shall remain in force until November 28, 2017.

This 28 day of August, 2017.



DONNIE HENRIQUES, MAYOR  
CITY OF WOODSTOCK, GEORGIA

  
Rhonda Pezzello, City Clerk