

**EMERGENCY ORDINANCE TO IMPOSE A MORATORIUM ON
RESIDENTIAL MULTI-FAMILY, RENTAL**

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;¹ 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;² and

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 it 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 Any such charter provision shall remain in force and effect until amended or repealed as provided in subsection (b) of this Code section.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 3,377 apartments (Residential – Multi-Family, Rental) units entitled over 12 square miles, representing 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 multi-family units, 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 Emergency 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 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 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 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 use.

This moratorium is in effect from this date forth until December 12, 2017. It is anticipated that this moratorium shall last until December 12, 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 Emergency Ordinance to Impose a Moratorium as detailed herein is effective immediately and shall remain in force until December 12, 2017.

This 13 day of November, 2017.

DONNETTA HENRIQUES, MAYOR
CITY OF WOODSTOCK, GEORGIA

RHONDA L. PEZZELLO, CLERK
CITY OF WOODSTOCK

Approved as to form:

