
MEMORANDUM

To: Mayor and City Council

From: Steven J. Dush, AICP
Community Development Director

Date: July 22, 2013

Subject: **Discretionary Land Use Application Moratorium**

ITEM DESCRIPTION

The zoning code rewrite project, after 18 months of extensive public outreach and work, is going through the public hearing process with an anticipated adoption in August of 2013 and an effective date 30 days later. This project helps implement the comprehensive planning that the residents of Dunwoody have envisioned to plan their community. In order to advance those community visions, the proposed zoning and development regulations contain some modifications from the existing standards and discretionary uses. Without a moratorium, any applications submitted prior to the effective date of the ordinances are not subject to the new requirements. While some moratoria are far reaching and include all development activities, the proposed moratorium is very narrow in scope. Therefore, to achieve the public purpose of forwarding the community visions as set forth in the comprehensive plan, staff finds it prudent, and recommends that the City Council enact a moratorium on discretionary land use applications, ie Zone Changes or Special Land Use Permits (SLUPS) or any amendments to existing Zoning and SLUPS for 90 days or from the effective date of the proposed land use and zoning regulations, whichever is less.

RECOMMENDED ACTION

Staff recommends Mayor and City Council adopt the resolution.

**STATE OF GEORGIA
CITY OF DUNWOODY**

RESOLUTION 2013-XX-XX

A RESOLUTION IMPOSING WITHIN THE CITY OF DUNWOODY, GEORGIA, A MORATORIUM OF NINETY (90) DAYS (UNLESS SOONER TERMINATED) UPON APPLICATIONS FOR AND ISSUANCE OF REZONINGS AND SPECIAL LAND USE PERMITS IN THE CITY OF DUNWOODY IN ORDER TO ALLOW FOR THE CONSIDERATION, REVIEW AND ADOPTION OF REVISIONS TO SAID PROVISIONS OF THE ZONING ORDINANCE.

WHEREAS, the City of Dunwoody is charged with preserving the health, safety and welfare of the citizens of the City; and

WHEREAS, the City of Dunwoody has an adopted Zoning Ordinance that provides process for, among others, obtaining rezoning of land, including a change in conditions that constitutes a zoning decision of the Mayor and City Council, and obtaining a Special Land Use Permit (SLUP) for such uses as require it in the established zoning districts; and

WHEREAS, the City is currently undertaking the process of rewriting provisions of the Zoning Ordinance, including provisions for rezoning and SLUPs which would potentially include different substantive and procedural provisions for acquisitions of same; and

WHEREAS, the Mayor and City Council, in order to provide for a uniform process for future rezoning and SLUP acquisitions, desire to review potential changes and revise same in accordance with the Future Development Map, Comprehensive Plan and various area Master Plan, prior to their implementation and adoption as anticipated; and

WHEREAS, a reasonable amount of time is necessary in order to accomplish the aforesaid actions; and

WHEREAS, in order to provide for the uniform administration of the City's zoning laws, the Mayor and City Council find it is necessary to place a moratorium on applications for and issuance of rezoning and SLUPs until the Mayor and Council can review and adopt the revised provisions; and

WHEREAS, the failure to allow for such review and orderly adoption would create confusion between the currently existing process and the proposed revised process depending on when such application is submitted into the process; and

WHEREAS, the Mayor and City Council find that a ninety (90) day period of time to conduct review of said provisions and adoption of the necessary revisions is a reasonable period of time.

**STATE OF GEORGIA
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RESOLUTION 2013-XX-XX

NOW THEREFORE, be it resolved by the Mayor and Council of the City of Dunwoody, Georgia as follows:

1. The aforesaid recitals are not mere recitals, but are material portions of this Resolution; and
2. During the period of the within moratorium the Mayor and Council shall consider the proposed revisions to the City of Dunwoody Zoning Ordinance, including the rezoning and SLUP provisions, and adopt the final rewrite of same; and
3. During the period of the within moratorium no applications for a rezoning or SLUP shall be submitted or accepted by the City and no such applications for rezoning or SLUP that were not already filed at the time of this Resolution's adoption shall be reviewed, discussed or adopted by the Mayor and City Council; and
4. During the period of the within moratorium, the Mayor and Council shall adopt the revisions to the City of Dunwoody Zoning Ordinance; and
5. This Moratorium covers any application for rezoning, change in zoning conditions and SLUPs sought to be filed at any time after enactment and adoption of this Resolution; and
6. The within moratorium shall begin upon adoption of this Resolution by the Mayor and City Council of the City of Dunwoody and shall end upon ninety (90) days' expiration therefrom, unless sooner terminated by resolution of the Mayor and Council; and
7. In the event that any one or more of the provisions contained in this Resolution or Moratorium shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not effect any other provision of this resolution or moratorium but this resolution and moratorium shall be construed as if such invalid, illegal, or unenforceable provision has never been contained herein.
8. The within resolution and moratorium shall become effective upon its adoption.

SO RESOLVED AND EFFECTIVE, this the ____ day of _____, 2013.

Approved:

Michael G. Davis, Mayor

**STATE OF GEORGIA
CITY OF DUNWOODY**

RESOLUTION 2013-XX-XX

ATTEST:

Sharon Lowery, City Clerk