

STATE OF GEORGIA

CITY OF MORROW

ORDINANCE NO. 2021-05

AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF MORROW, GEORGIA IMPOSING A ONE HUNDRED AND TWENTY (120) DAY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR PERMITS, LICENSES OR INSPECTIONS RELATED TO THE DEVELOPMENT OR CONSTRUCTION WITHIN THE MIXED USE (MU) DISTRICT; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN ADOPTION DATE AND EFFECTIVE DATE; TO PROVIDE A PENALTY; AND FOR OTHER PURPOSES.

WHEREAS, the City of Morrow has been vested with substantial powers, rights and functions to generally regulate the practice, conduct or use of property for the public purposes of maintaining health, morals, safety, security, peace, and the general welfare of the citizens of the City of Morrow; 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; and

WHEREAS, the Courts take judicial notice of a local government's inherent ability to impose moratoria on an emergency basis; and

WHEREAS, the Mayor and Council of the City of Morrow have, as a part of planning, zoning and growth management, been in discussion with the Planning and Zoning Board regarding the City's Zoning Ordinances and the anticipated need to evaluate what is currently in place for development; and

WHEREAS, the Mayor and Council deem it important to direct development in a manner that is consistent with the current Comprehensive Plan, represents the quality growth Morrow's residents and businesses deserve, and that add a new level of sustainability, and consider this moratorium a necessary and proper exercise of its police powers; and

WHEREAS, the Mayor and Council therefore 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 of Morrow. The Mayor and Council have always had a strong interest in growth management so as to promote the City's goals of health, safety, morals, aesthetics and the general welfare of the community: and

WHEREAS, the Mayor and Council are, and have been interested in, assessing the feasibility of future growth and development in regard to the regulations stated in the Mixed Use district zoning code.

WHEREAS: the Mayor & Council and the Planning & Zoning Board have collectively determined that it is an appropriate time to review and evaluate the city's Mixed Use zoning code to ensure the regulation contributes to balanced growth that is in adherence to the City's Comprehensive Plan which will further the prosperity of the City as a whole.

BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MORROW and by the authority of the same:

IMPOSITION OF MORATORIUM

(a) There is hereby imposed a moratorium of approximately ONE HUNDRED AND TWENTY (120) days on the acceptance by the staff of the City of Morrow of any application for variances, permits or for the development or construction within the Mixed Use zoning district.

(b) The duration of this moratorium shall be until the City adopts a revision to the City Code of the City of Morrow related to the above referenced regulatory code, or until August 25, 2021, whichever occurs first. This moratorium shall be effective as of the date of its adoption.

(c) This moratorium shall have no effect upon approvals or permits previously issued or as to

development plans previously approved by the City. The provisions of this Ordinance shall not affect the issuance of permits or site plan reviews that have received preliminary or final approval by the City on or before the effective date of this Ordinance. There shall be no other exceptions to the moratorium.

(d) As of the effective date of this Ordinance, no applications for rezoning, development, variances, licenses, occupation tax certificates or permits for the above described regulatory code will be accepted by any agent, employee or officer of the City with respect to any property in the City of Morrow, and any permit so accepted for filing will be deemed in error, null and void, and of no effect whatsoever, and shall constitute no assurance whatsoever of any right to engage in any act, and any action in reliance on any such permit shall be unreasonable.

ORDAINED this 11 day of May, 2021.

CITY OF MORROW, GEORGIA



John Lampl, Mayor

ATTEST:




Sylvia Redic, Interim City Clerk