

A RESOLUTION ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF NEW APPLICATIONS FOR SPECIAL USE APPROVAL, PERMITTED USE APPROVAL, OR BUILDING, LAND DISTURBANCE, SITE PLAN AND DESIGN REVIEW OR OTHER PERMITS FOR ANY CONSTRUCTION IN THE DUNWOODY VILLAGE OVERLAY DISTRICT

WHEREAS, the Mayor and City Council of the City of Dunwoody ("City Council") are charged with the protection of the public health, safety and welfare of citizens of the City of Dunwoody ("City"); and

WHEREAS, the City currently has a Dunwoody Village Overlay District ("Village Overlay") which has been adopted over the Dunwoody Village area of the City as defined in the Village Overlay ("Village Overlay Area"); and

WHEREAS, a copy of the current Village Overlay is attached hereto as Exhibit "A"; and

WHEREAS, in January, 2019 the City began the process of developing an amendment to the Village Overlay; and

WHEREAS, after a period of analysis and input from the City Council, City Staff and the public, a proposed amendment to the Village Overlay has been completed and is prepared to move through the zoning process for anticipated adoption by the City ("Village Overlay Amendment"); and

WHEREAS, the Mayor and Council believe that it is in the best interest of the City that a temporary moratorium be enacted regarding the Village Overlay Area to prohibit the filing of any new Applications for Special Use Approval, Permitted Use Approval, or Building, Land Disturbance, Site Plan and Design Review, or other Permits such moratorium will allow the City the opportunity to move the Village Overlay Amendment through the zoning process to receive public input and for the City council to consider the Village Overlay Amendment for adoption; and

WHEREAS, it is determined that a temporary moratorium of 180 (one hundred-eighty) days is the minimum time necessary to allow for a full evaluation of the Village Overlay Amendment via the zoning process and potential adoption by the City;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF DUNWOODY, GEORGIA:

Section 1. The Moratorium imposed herein incorporates the findings and statements set forth in the preceding "whereas" clauses and such clauses are made a part of this moratorium, and the aforesaid recitals are not mere recitals, but are material portions of this Resolution; and

**STATE OF GEORGIA
CITY OF DUNWOODY**

RESOLUTION 2019-12-43

- Section 2.** This moratorium becomes effective immediately upon adoption of this resolution; and
- Section 3.** From the time of adoption of this moratorium notwithstanding any provisions of the Code of Ordinances of the City of Dunwoody, to the contrary, there shall be a complete moratorium on the filing, consideration, or approval of any new Applications for Special Use Approval, Permitted Use Approval, or Building, Land Disturbance, Site Plan and Design Review, or other Permits in the Village Overlay Area; and
- Section 4.** During the moratorium neither the City nor any of its departments or staff shall accept, process or review new applications for Applications for Special Use Approval, Permitted Use Approval, or Building, Land Disturbance, Site Plan and Design Review, or other Permits within the Village Overlay Area; and
- Section 5.** This moratorium shall expire at 11:59 pm. On June 6, 2020, and be of no further force and effect, unless shortened or extended by an official action of the Mayor and City Council of the City of Dunwoody; and
- Section 6.** The moratorium period adopted herein is deemed to be the appropriate minimum time for the development of such regulations without unduly diminishing the rights of individuals; and
- Section 7.** This Resolution shall not apply to or otherwise effect completed applications duly filed prior to the effective date of this Resolution, however, this moratorium shall apply to all applications which have not been completed.
- Section 8.** The provisions of this Resolution are severable, and should any section, subsection, sentence, clause, phrase or other portion of this Resolution, or its application to any person; entity or circumstance, be held by a court of competent jurisdiction to be unconstitutional or invalid, the remainder of the Resolution, or application of the provision to other persons, entities or circumstances, shall not be affected.



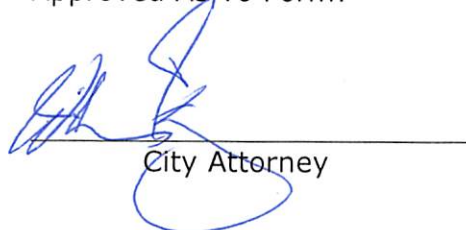
Attest:


Sharon Lowery, City Clerk
(SEAL)

Approved:


Denis L. Shortal, Mayor

Approved As To Form:


City Attorney