

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BALL GROUND, STATE OF GEORGIA, TO IMPOSE A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF ANY APPLICATIONS FOR OR CONSIDERATION OF VARIANCES OR OTHER APPEALS WITHIN THE PURVIEW OF THE BOARD OF ZONING APPEALS

WHEREAS, the governing authority of the City of Ball Ground, Georgia (hereinafter, the “City”), is the Mayor and City Council thereof; and

WHEREAS, the City is vested with substantial powers, rights and functions to generally regulate the use of property for purposes of maintaining the health, morals, safety, security, peace, and general welfare of the City; and

WHEREAS, the Constitution of the State of Georgia provides for the self-government of municipalities without the necessity of action by the General Assembly; and

WHEREAS, Georgia law recognizes that local governments may impose moratoria on zoning decisions, building permits and other development approvals where exigent circumstances warrant same, pursuant to City of Roswell v. Outdoor Systems, Inc., 274 Ga. 130 (2001); Taylor v. Shetzen, 212 Ga. 101 (1955); Lawson v. Macon, 214 Ga. 278 (1958); and

WHEREAS, the Georgia Supreme Court, in DeKalb County v. Townsend, 243 Ga. 80 (1979), held that “[t]o justify a moratorium, it must appear first, that the interests of the public generally, as distinguished from those of a particular class, require such interference; and second, that the means are reasonably necessary for the accomplishment of the purpose, and not unduly oppressive upon individuals”, and

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

WHEREAS, the City has found that the interests of the public necessitate the enactment of a moratorium for health, safety, morals and general welfare purposes by means which are reasonable and not unduly oppressive; and

WHEREAS, the City, as part of its planning and growth management finds an immediate need to review the City’s Zoning Ordinance, specifically Code Section 109.3 ; and

WHEREAS, zoning regulations are not universally applicable and property owners with unique conditions on their parcels may need to seek relief from these regulations, and the City therefore considers that land use regulation continues in an orderly and predictable manner with the least amount of disturbance to land owners and citizens of the City while the City maintains a strong interest in growth management so as to promote the traditional police power goals of health, safety, morals, aesthetics and the general welfare of its citizens; and

WHEREAS, it is in the best interests of the citizens of the City to place a moratorium on the acceptance of applications for or issuance of variances or other appeals as provided herein,

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of Ball Ground do hereby declare and adopt a temporary moratorium on the acceptance of applications for variances or other appeals to the City's Board of Zoning Appeals, as follows:

1. The moratorium shall be effective as of the date of adoption of this Resolution and run from said date until January 11, 2024.
2. During the period of this moratorium, no applications for variances or other appeals to the Board of Zoning Appeals shall be accepted and/or processed by City staff.
3. During the period of this moratorium, the City or any division thereof shall not hear or decide on any case that pertains to the powers and duties of the Board of Zoning Appeals as given in Ball Ground Code *Sec. 109.3. - Powers and duties*.

ADOPTED this 12th day of October, 2023.

MAYOR AND CITY COUNCIL OF BALL GROUND

Mayor, City of Ball Ground

Clerk, City of Ball Ground