

**RESOLUTION NO. BR2022-07**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BLUE RIDGE, STATE OF GEORGIA, TO RE-ADOPT THE SIX-MONTH MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR LAND DISTURBANCE AND BUILDING PERMITS WITHIN THE CENTRAL BUSINESS DISTRICT BUT TO CLARIFY THAT THE MORATORIUM DOES NOT APPLY TO RENOVATION OR REMODELING PROJECTS IN THE CENTRAL BUSINESS DISTRICT THAT REQUIRE BUILDING PERMITS BUT DO NOT INVOLVE LAND DISTURBING ACTIVITIES AND THE EXPANSION OF AN EXISTING BUILDING FOOTPRINT**

**WHEREAS**, the governing authority of the City of Blue Ridge, Georgia (hereinafter, the “City”), is the Mayor and City Council thereof; and

**WHEREAS**, the City has been vested with substantial power to regulate the use of property for the purposes of maintaining the health, morals, safety, security, peace, and general welfare of the City; 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; and

**WHEREAS**, the City has the legislative power to adopt reasonable ordinances, resolutions, or regulations relating to property within the City for which no provision has been made by general laws and which are not inconsistent with the Constitution or any charter provision applicable thereto; 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 (see, e.g., City of Roswell v. Outdoor Systems, Inc., 274 Ga. 130, 549 S.E.2d 90 (2001); Lawson v. Macon, 214 Ga. 278, 104 S.E.2d 425 (1958); Taylor v. Shetzen, 212 Ga. 101, 90 S.E.2d 572 (1955)); and

**WHEREAS**, the Georgia Supreme Court, in DeKalb County v. Townsend Associates, 243 Ga. 80, 252 S.E.2d 498 (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 City has received complaints about flooding and other storm water management issues in the downtown area (i.e., that area of the City zoned “Central Business District”); and

**WHEREAS**, the City recently received an *ante litem* notice from an attorney, threatening to sue the City over issues relating to storm water runoff and management in the downtown area; and

**WHEREAS**, the Mayor and City Council wish to determine whether flooding and storm water management and runoff could be impacting the health and well being of the citizens of the City; and

**WHEREAS**, the Mayor and City Council 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; and

**WHEREAS**, the Mayor and City Council have always had 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 the community; and

**WHEREAS**, the Mayor and City Council are directing City staff to investigate and study any issues of flooding and storm water management in the downtown area (i.e., that area of the City zoned “Central Business District”); and

**WHEREAS**, at their January 18, 2022 regular meeting, the City Council approved Resolution No. BR2022-01, which resolution imposed a 6-month moratorium on the acceptance of land disturbance and building permit applications in the downtown area (i.e., that area of the City zoned “Central Business District”); and

**WHEREAS**, since the January 18, 2022 regular meeting, the Mayor and City Council have become aware of one or more proposed renovation or remodeling projects in the Central Business District that require building permits but do not involve land disturbing activities and the expansion of an existing building footprint; and

**WHEREAS**, the Mayor and City Council do not believe that such projects (i.e., renovation or remodeling projects that do not involve land disturbing activities and the expansion of an existing building footprint) implicate the same concerns with respect to flooding and storm water management in the downtown area; and

**WHEREAS**, the Mayor and City Council believe that such projects (i.e., renovation or remodeling projects that do not involve land disturbing activities and the expansion of an existing building footprint) should be exempt from the 6-month moratorium.

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and City Council of Blue Ridge do hereby re-adopt the six-month moratorium on the acceptance of land disturbance and building permit applications in the area of the City zoned CBD (“Central Business District”) with certain clarifications, as follows:

1. No plans or applications for land disturbance and building permits shall be accepted by City Staff for projects within the area of the City zoned CBD (“Central Business District”) from January 1, 2022 until June 30, 2022.

2. No land disturbance or building permits shall be issued by City Staff for projects within the area of the City zoned CBD (“Central Business District”) from January 1, 2022 until June 30, 2022.
3. During this six-month period, City staff is hereby directed to investigate and study any issues of flooding and storm water management in the downtown area (i.e., that area of the City zoned “Central Business District”).
4. This moratorium shall not apply to any project for which a land disturbance or building permit application was submitted to City staff for review and approval prior to December 31, 2021.
5. This moratorium shall not apply to renovation or remodeling projects in the Central Business District that require building permits but do not involve land disturbing activities and the expansion of an existing building footprint.

ADOPTED this 15<sup>th</sup> day of February, 2022.

MAYOR AND CITY COUNCIL OF BLUE RIDGE

  
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Mayor, City of Blue Ridge

  
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Clerk, City of Blue Ridge

