

**CITY OF DALTON
RESOLUTION
Resolution No. 21-15**

A RESOLUTION OF THE CITY OF DALTON DIRECTING DEPARTMENTS AND AGENTS FOR THE CITY AS TO A TEMPORARY MORATORIUM ON ACCEPTANCE OF APPLICATIONS FOR OR ISSUING OF ANY NEW ZONING, RE-ZONING, VARIANCE, BUILDING, OCCUPANCY, LAND DISTURBANCE, ALCOHOLIC BEVERAGE, OR ADMINISTRATIVE PERMITS AS WELL AS ALL OTHER PERMITS OR LICENSES FOR PROPERTIES SITUATED IN CITY OF DALTON REDEVELOPMENT PLAN: TAX ALLOCATION DISTRICT #5 - WEST WALNUT AVENUE CORRIDOR; TO MAKE FINDINGS OF FACT AS TO REASONABLE NECESSITY; TO PROVIDE FOR LIMITED EXCEPTION; TO PROVIDE FOR SEVERABILITY AND EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the City of Dalton (the “City”) was created by Ga. L. 1847, Page 181, as amended, (the “City Charter”) and provided inherent powers as a Georgia municipal corporation to manage its affairs and exercise police powers in accordance with Georgia law;

WHEREAS, the City exercises land use planning and zoning powers, building permitting, land disturbance permitting, and other administrative licensing including alcoholic beverages and occupational tax licensure;

WHEREAS, the City has heretofore commenced a street and design improvement project for one of its major gateway corridors known as the “Market Street Improvement Project” and Tax Allocation District #5 - West Walnut Avenue Corridor for purposes of economic development, traffic control and public safety, and to enhance all contiguous property values to their highest and best use, and to eliminate blight;

WHEREAS, the City has expended substantial sums with consultants and design engineers to implement this Project and particularly as to adjacent properties abutting Market Street and has reached the phase of acquiring necessary right-of-way and easements for the improvements and road corridor;

WHEREAS, the City conducted various public information and stakeholder meetings about the Project whereby receiving feedback regarding the planned “gateway corridor” improvements which was incorporated into the design elements;

WHEREAS, the City plans to implement façade/design standards and zoning/land use standards consistent with the project elements which are being planned for final publication;

WHEREAS, such zoning and land use planning require publication of various notices and hearings regarding zoning, signage, land usage, and related changes which must be met before being finalized under the Zoning Procedure Law, O.C.G.A. §36-66-1 et seq.;

WHEREAS, a reasonable amount of time is necessary to accomplish the foregoing;

WHEREAS, Georgia law recognizes that local government may impose moratoria in zoning and development decisions and approvals where the public interest requires such action and where such action is implemented in a manner which is reasonably necessary and not unduly oppressive.

WHEREAS, a temporary moratorium is deemed presently in the interest of the public to maintain health, morals, safety, security, peace and general welfare of the City;

WHEREAS, the Mayor and City Council have found that the interests of the public necessitate the enactment of a temporary moratorium within designated Tax Allocation District #5 - West Walnut Avenue Corridor, by means which are reasonable and not unduly oppressive;

WHEREAS, the health, safety, welfare, aesthetics and morals of the citizens of the City of Dalton shall be improved and protected by adoption and implementation of this moratorium; and

WHEREAS, the Mayor and City Council of the City believe that a moratorium will not deny property owners economically viable use of their property and will afford City officials and the City Council the time necessary to put into place reasonable regulations to further the aforesaid purposes;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council for the City of Dalton as follows:

SECTION 1

FINDINGS OF FACT

The City is committed to expenditure of over \$8,000,000.00 (eight million) dollars for gateway corridor improvements at the west end of West Walnut Avenue and on Market Street to improve traffic flow and public safety as well as implement façade and design standards intended to enhance existing private property values, enable highest and best use of private property in the corridor, comply with all State and local environmental and land use requirements, achieve custom zoning and land use regulation, abate the nuisance of blighted properties, achieve Code compliance, and provide for creation of jobs. In order to commence the next phase of implementation a temporary moratorium as set forth in Section 2 is necessary to protect the public health, safety and general welfare which the Mayor and Council find to be reasonable in time and scope and to protect the substantial

public investment of resources to be made. The statements contained in the foregoing “WHEREAS” clauses are hereby adopted as Findings of Fact.

SECTION 2

IMPOSITION OF MORATORIUM

1. Within the City’s Tax Allocation District #5 – West Walnut Avenue Corridor , a moratorium shall be enacted upon all abutting property as to the application for, or the issuance of, any new rezoning, variances, land disturbance permits, stormwater management permits, land use permits, land development permits, building permits, sign permits, administrative permits, and any and all other permits or licenses dependent upon, or related to the zoning of land within the subject area effective with adoption of this Resolution to allow for the consideration and adoption of streetscape design and façade standards and acquisition of right-of-way and easements necessary for implementation of the Market Street Improvement Project and City of Dalton Redevelopment Plan – Tax Allocation District #5. In addition, a moratorium shall be enacted upon the application for, or the issuance of, applications for alcoholic beverage licenses and occupational tax certificates to allow for the consideration and adoption of applicable ordinances, excepting alcoholic beverage licenses existing at the date of this Resolution.

2. During the period of the moratorium, no applications for any new rezoning, variances, or for land use permits, administrative permits, land disturbance permits, stormwater management permits, land development permits, building permits, sign permits or other such permits relating to the development or use of the land shall be accepted, nor shall any such permits be issued. In addition, during the period of the moratorium, no applications for alcoholic beverages licenses and occupational tax certificates shall be accepted, or any such permits be issued, except re-issuance of those already in existence on the date of this Resolution.

3. A private property owner subject to this temporary moratorium shall if he, she, they or it consider that the use of their property is significantly diminished under this temporary moratorium, may make special written application to the City Administrator for consideration of an exception. Such application for exception may be given provided the requester accepts the City’s i) design and façade standards applicable to the Market Street Improvement Project limits, and the Tax Allocation District #5 – West Walnut Avenue, and ii) provide the City necessary access, easement, or right-of-way, as the corridor plan indicates for implementation of the Market Street Improvement Project and the Tax Allocation District #5 – West Walnut Avenue.

4. The moratorium shall begin immediately upon adoption, and shall end midnight March 28, 2022, unless sooner terminated by action of Mayor and City Council.

- a. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Resolution

are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.

- b. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each section, paragraph, sentence, clause or phrase of this Resolution is severable from every other section, paragraph, sentence, clause or phrase of this Resolution. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of this Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.
- c. In the event that any phrase, clause, sentence, paragraph or section of this Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Resolution and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Resolution shall remain valid, constitutional, enforceable, and of full force and effect.
- d. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.

5. The within moratorium shall become effective immediately upon adoption.

SO RESOLVED AND EFFECTIVE, this _____ day of December, 2021.

Approved:

David E. Pennington, III, Mayor

Attest:

Bernadette Chattem, City Clerk