



## AGENDA STAFF MEMO

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**TO:** Honorable Mayor and City Council Members  
**FROM:** Robert Buscemi RA, Director of Special Projects  
**DATE:** Submitted on January 28, 2025, for the February 3, 2025, Regular City Council Meeting

**AGENDA ITEM:** Consideration of the City of Milton, Georgia extending through July 7, 2025, an Existing Moratorium on Acceptance of Applications for Use Permits, Rezoning, Zoning Condition Amendments, or Any Sort of Approval Considered a Zoning Decision by the Zoning Procedures Law for Property Within the Deerfield/Highway 9 Area.

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### **SUMMARY:**

The enclosed Resolution, if approved, will extend a moratorium through July 7, 2025, on the acceptance of applications for use permits, rezonings, zoning condition amendments, or any sort of approval considered a zoning decision by the zoning procedures law for property within the Deerfield/Highway 9 area. There was an emergency moratorium enacted on May 6, 2024, to last until June 3, 2024, to allow the appropriate time for legal advertising to provide for a longer moratorium. The Mayor and City Council extended the moratorium at the public hearing on June 3, 2024, meeting where the moratorium was extended for six (6) months, ending on December 2, 2024. The Mayor and City Council extended the moratorium at the public hearing on December 2, 2024, where the moratorium was extended for three (3) months, ending on February 3, 2025. Staff is recommending that the moratorium further be extended until July 7, 2025. This extension has been legally advertised to be heard on the February 3, 2025, Council Meeting.

The purpose of this moratorium is to allow the City adequate time to consider amendments to the Zoning Ordinance (following public hearings) that may alter or change the policies, standards, guidelines, and requirements for the development within the Deerfield district. City Staff and their consultant, Cooper Carry have held numerous public meetings with the residents of Milton, especially those living and working in the Deerfield area. In addition, City Staff has worked closely with the consultant in preparation of producing an Urban Design Manual which will be presented to the Council at a Joint Work Session with the Planning Commission on February 10, 2025. In addition, Staff will be seeking guidance from the Council and Planning Commission regarding key policies for the Deerfield Implementation Plan which will impact what text amendments need to be initiated.

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The next phase is the text amendment process and will be completed by no later than July 7, 2025. This moratorium does not limit the ability of any property owner or developer to continue to develop land and receive permits in accordance with existing zoning approvals, already issued/active permits or applications for permits that are under review by Milton staff where applications were properly submitted to the City of Milton prior to the enactment of this moratorium.

**FUNDING AND FINANCIAL IMPACT:**

None

**ALTERNATIVES:**

Do not issue moratorium and allow applications for the above applications for use permits, rezonings, zoning condition amendments or any sort of approval considered a zoning decision by the zoning procedures law for property within the Deerfield/Highway 9 area.

**PROCUREMENT SUMMARY (if applicable)**

**REVIEW & APPROVALS:**

**Legal Review:** Ken Jarrard, Jarrard & Davis, LLP – January, 2025

**Concurrent Review:** Steven Krokoff, City Manager –January, 2025

**ATTACHMENT(S):**

Resolution to adopt an extended moratorium



STATE OF GEORGIA

RESOLUTION NO. \_\_\_\_\_

COUNTY OF FULTON

**A RESOLUTION OF THE CITY OF MILTON, GEORGIA  
EXTENDING THROUGH JULY 7, 2025 AN EXISTING MORATORIUM ON  
ACCEPTANCE OF APPLICATIONS FOR USE PERMITS, REZONINGS, ZONING  
CONDITION AMENDMENTS, OR ANY SORT OF APPROVAL CONSIDERED A  
ZONING DECISION BY THE ZONING PROCEDURES LAW FOR PROPERTY  
WITHIN THE DEERFIELD/HIGHWAY 9 AREA**

**WHEREAS**, the City of Milton, Georgia (“City”) is a duly formed political subdivision of the State of Georgia, with all the powers attendant thereto; and

**WHEREAS**, Section 1.12(b)(27) of the City’s Charter empowers the City to regulate development within the City limits through zoning; and

**WHEREAS**, the City’s current Unified Development Code (“UDC”), formerly Chapter 64 of the Code of Ordinances (“Code”), divides property within the City into various districts and regulates the use and development of property based on the district to which the property is designated (both referred to as the “Zoning Ordinance”); and

**WHEREAS**, Article 7B of the UDC, and formerly Article XX of Chapter 64 of the Code (“form-based code”), sets policies, standards, guidelines, and requirements for the development of the Deerfield/Highway 9 area (“Deerfield district”), the boundaries of which are depicted on the map attached as Exhibit A; and

**WHEREAS**, the City Council desires that the Community Development Department consider and formulate proposed changes to policies, standards, guidelines, and requirements for the development of property in the Deerfield district; and

**WHEREAS**, the City Council desires that the Community Development Department return such proposed changes to the City Council for possible approval and implementation; and

**WHEREAS**, the City Council intends to consider amendments to the Zoning Ordinance with respect to the policies, standards, guidelines, and requirements for the development of property in the Deerfield district – as proposed by the Department of Community Development; and

**WHEREAS**, the City Council desires to delay further rezonings and/or land use changes in that portion of the Deerfield district subject to the form-based code until it receives and considers the recommendations from the Community Development Department; and

**WHEREAS**, a moratorium is a necessary land use tool enabling local governments to temporarily discontinue new land use applications in order to update land use ordinances, rules, and regulations; and

**WHEREAS**, if a moratorium is not in place, often there will be a rush of land use/zoning applications for the parcels affected by the new rules – as owners and developers seek to avoid the new rules while those rules are being prepared and implemented; and

**WHEREAS**, this can lead to the will of the legislative body being undermined as many times the new ordinance, rules, and regulations only have application to new zonings. Properties already zoned or with pending rezoning applications may be exempt; and

**WHEREAS**, on May 6, 2024, the City Council enacted an emergency moratorium specifically barring through June 3, 2024, the acceptance of applications for use permits, rezonings, zoning condition amendments, or any other sort of approval designated as a zoning decision under the Zoning Procedures Law for properties within the Deerfield district that are subject to the form-based code so the Community Development Department may have time to consider, formulate, and present recommendations for the City Council’s consideration regarding the Deerfield district; and

**WHEREAS**, the City Council deemed the emergency moratorium to be reasonably necessary, the least restrictive means available, a reasonable exercise of the City's police power, and in the best interests of the public health, safety and welfare; and

**WHEREAS**, the City Council conducted a properly noticed and advertised public hearing on June 3, 2024 to consider extending the existing moratorium; and

**WHEREAS**, following that June 3, 2024 public hearing, the City Council extended the existing moratorium through December 2, 2024; and

**WHEREAS**, on December 2, 2024, following a public hearing, the City Council extended the existing moratorium through February 3, 2025; and

**WHEREAS**, the Community Development Department is continuing the process of formulating recommendations for the City Council's consideration regarding the Deerfield district, including potentially amending the UDC, with such changes possibly altering the policies, standards, guidelines, and requirements for development within the Deerfield district; and

**WHEREAS**, the City Council finds that extending the existing moratorium through and including July 7, 2025 to be reasonably necessary, the least restrictive means available, a reasonable exercise of the City's police power, and in the best interests of the public health, safety and welfare.

**NOW THEREFORE, BE IT RESOLVED,**

1. The statements set forth in the preamble are incorporated herein by reference and constitute a material part of this Resolution; and
2. The City of Milton does hereby extend a moratorium barring through midnight on July 7, 2025, the acceptance of applications for use permits, rezonings, zoning condition amendments, or any other sort of approval designated as a zoning

decision under the Zoning Procedures Law for properties within the Deerfield district that are subject to the form-based code;

3. The purpose of this moratorium is to allow the City sufficient time to consider amendments to the Zoning Ordinance (following public hearings) that may alter or change the policies, standards, guidelines, and requirements for the development of property within the Deerfield district; and
4. The moratorium imposed by this Resolution shall terminate on the earliest of (1) midnight on July 7, 2025; (2) approval by the City Council of an additional moratorium after a public hearing; or (3) the adoption of an amendment to the Zoning Ordinance relating to the Deerfield district; or (4) City Council action terminating the moratorium.
5. The moratorium imposed herein does not limit the ability of any property owner or developer to continue to develop land and receive permits in accordance with (i) existing zoning approvals, (ii) already issued/active permits or (iii) applications for permits that are under review by Milton staff where such applications were properly tendered to the City of Milton prior to enactment of this moratorium.
6. This Resolution shall be effective upon a majority vote of the City Council.

**SO RESOLVED**, the public health, safety and welfare demanding it, this 3rd day of February, 2025.

Approved:

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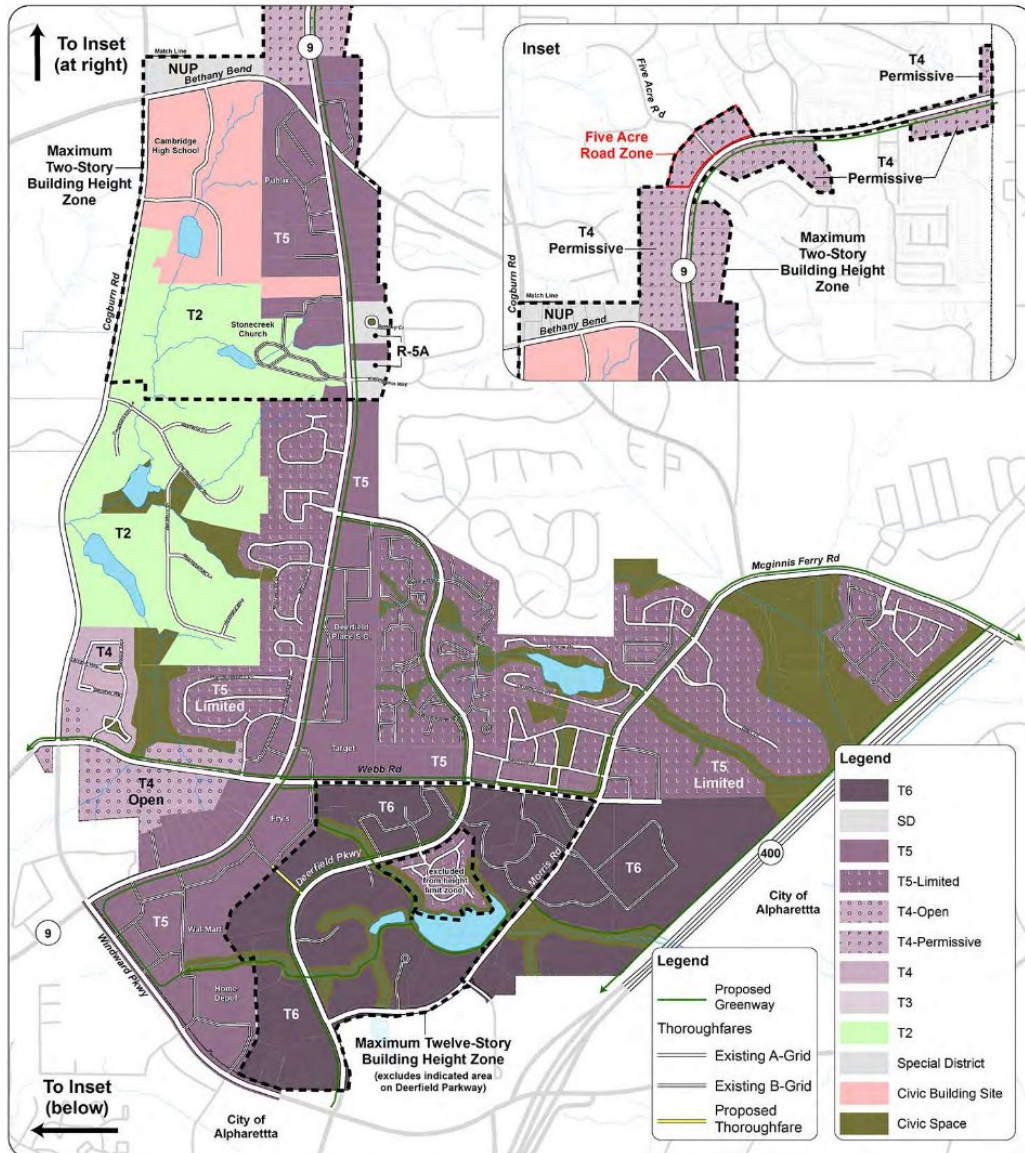
Peyton Jamison, Mayor

Attest:

[SEAL]

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City Clerk



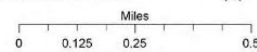
## Regulating Plan

AMENDED DEERFIELD/HIGHWAY 9 FORM-BASED CODE

April 27, 2015

Prepared by TSW

This map produced using data provided by the City of Milton, Fulton County, the Atlanta Regional Commission, and other public sources. Data are not guaranteed.



## EXHIBIT "A"