

**A RESOLUTION OF THE CITY OF MILTON, GEORGIA ENACTING AN
EMERGENCY MORATORIUM TO BAR UNTIL MAY 8, 2018, THE
ACCEPTANCE OF APPLICATIONS FOR CONCEPT PLAN APPROVAL,
PRIMARY VARIANCES AND APPLICATIONS FOR ISSUANCE OF LAND
DISTURBANCE PERMITS FOR GASOLINE STATIONS AND SERVICE
STATIONS IN THE C-1 (COMMUNITY BUSINESS) ZONING DISTRICT
WITHIN THE RURAL MILTON, STATE ROUTE 9 AND BIRMINGHAM
CROSSROADS OVERLAY DISTRICTS**

WHEREAS, the Section 1.12(b)(26) of the Charter of the City of Milton, Georgia (“City”) empowers the City to regulate development within the City limits through zoning; and

WHEREAS, Chapter 64 of the current Code of the City of Milton, Georgia (“zoning ordinance”) 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; and

WHEREAS, the City Council has asked the Community Development department to consider changes to the development standards and requirements for the Rural Milton Overlay District, State Route 9 and Birmingham Crossroads Overlay District; and

WHEREAS, the City Council intends to consider amendments to the zoning ordinance with respect to possible changes to the standards and requirements for the Rural Milton, State Route 9 and Birmingham Crossroads Overlay Districts; and

WHEREAS, the Georgia Supreme Court has held that a moratorium with respect to application of a zoning ordinance may be put in place for a reasonable period of time without the necessity of complying with the notice requirements of the Georgia Zoning Procedures Law (“ZPL”); and

WHEREAS, the City finds a moratorium barring until May 8, 2018, the acceptance of applications for concept plan approval, applications for issuance of land disturbance permits and applications for primary variances for gasoline stations and services stations in property located in the C-1 (Community Business) zoning district within the Rural Milton, State Route 9 and Birmingham Crossroads Overlay Districts, 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 IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILTON, GEORGIA that:

1. The City does hereby enact a moratorium to bar until May 8, 2018, the acceptance of applications for concept plan approval, applications for issuance of land disturbance permits, and applications for primary variances for gasoline stations and service stations located in the C-1 (Community Business) zoning district within the Rural Milton, State Route 9 and Birmingham Crossroads Overlay Districts, in order to consider a longer moratorium after a public hearing and to consider amendment of the zoning ordinance with respect to standards and requirements for the Rural Milton, State Route 9 and Birmingham Crossroads Overlay Districts.
2. The moratorium imposed by this Resolution shall terminate on the earliest date of (1) May 8, 2018; (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 with respect to the standards and requirements for the C-1 Zoning District within the Rural Milton, State Route 9, Birmingham Crossroads Overlay Districts.
3. The moratorium imposed herein does not limit the ability to submit applications for concept plan approval or for issuance of land disturbance permits or applications for primary variances for property located outside of the C-1 (Community Business) zoning district in the Rural Milton, State Route 9 and Birmingham Crossroads Overlay Districts or to property located outside of the Rural Milton, State Route 9 and Birmingham Crossroads Overlay Districts, or to development other than gasoline stations and service stations.
4. The moratorium imposed herein does not limit the ability of any property owner to develop their land in accordance with previously submitted applications or approvals.

This Resolution shall be effective upon a majority vote by the City Council as ratified by the Mayor of the City of Milton, Georgia.

SO RESOLVED, the public's health, safety, and welfare demanding it, this 9th day of April, 2018.

Joe Lockwood, Mayor

Attest:

Sudie Gordon, City Clerk

(SEAL)