

**AN ORDINANCE BY COUNCILMEMBER JOYCE SHEPERD IMPOSING A MORATORIUM WITHIN THE METROPOLITAN PARKWAY COMMERCIAL CORRIDOR-SOUTH ON THE ACCEPTANCE OF ANY BUILDING PERMIT APPLICATION FOR NEW CONSTRUCTION FOR A PERIOD NOT TO EXCEED ONE HUNDRED AND FIFTY (150) DAYS; AND FOR OTHER PURPOSES.**

WHEREAS, for purposes of this ordinance, Metropolitan Parkway between Langford Parkway and Interstate 85 is known as the Metropolitan Parkway Commercial Corridor-South (hereafter "Corridor"); and

WHEREAS, pursuant to Ordinance 13-0-1216, the City Council previously adopted the Lakewood Livable Centers Initiative (hereafter "Lakewood LCI") planning document into the Comprehensive Development Plan (CDP) as a policy guide for the future development within the Corridor; and

WHEREAS, the Lakewood LCI recommends the rezoning of parcels with the Corridor to the Mixed Residential Commercial (MRC) consistent with the vision and recommendations set forth therein; and

WHEREAS, rezoning legislation will shortly be introduced to carry out the vision and recommendations set forth in the Lakewood LCI; and

WHEREAS, it is expected that the CDP amendment and rezoning process will take approximately one-hundred fifty (150) days before the legislation can be considered by the City Council for a final vote.

WHEREAS, it is the intent of the City Council to impose this moratorium for only that length of time that is necessary for all stakeholders to review the proposed CDP amendment and rezoning and follow the requisite procedures under City Code and state law; and

WHEREAS, new construction inconsistent with the Lakewood LCI would undermine the important planning principles, vision and recommendations set forth therein in furtherance of the public health, safety and general welfare; and

WHEREAS, moratoria is a well-recognized and court-sanctioned land use tool in furtherance of local planning and zoning powers by preserving the status quo while the governing authority formulates a more permanent development strategy. Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency, 535 U.S. 302 (2002); City of Roswell v. Outdoor Systems,

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA,  
HEREBY ORDAINS AS FOLLOWS:

Section 1. A moratorium is imposed on the acceptance of any building permit application for any new construction within the Metropolitan Parkway Commercial Corridor- South, as more fully described on Exhibit "A", attached hereto. The Director of the Office of Buildings shall accept no building permit application for new construction on any parcel within the area set forth on Exhibit "A".

Section 2. For purposes of this ordinance, new construction shall be defined as any construction which would result in one or more new buildings, increased lot coverage, and/or modification of the existing building footprint. Additions to existing buildings shall constitute new construction.

Section 3. The moratorium imposed by this ordinance will expire one hundred and fifty (150) days from the date that this ordinance becomes effective. Notwithstanding the foregoing, if there is a final vote of the City Council on the rezoning of the area described in Exhibit "A" before the expiration of the one hundred and fifty (150) days, the moratorium will expire on the date when the rezoning ordinance becomes effective or on the date when the City Council votes to deny the rezoning ordinance.

Section 4. This ordinance shall become effective immediately upon signing by the Mayor or as otherwise provided by the operation of law.

CITY COUNCIL  
ATLANTA, GEORGIA

16-O-1364

SPONSOR SIGNATURES

  
Joyce Sheperd, Councilmember, District 12

**CITY COUNCIL  
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**Workflow List:**

Clerk of Council	Completed	06/21/2016 3:10 PM
Atlanta City Council	Completed	06/20/2016 1:00 PM
Community Development & Human Resources Committee	Completed	06/28/2016 12:30 PM
Atlanta City Council	Completed	07/05/2016 1:00 PM
Atlanta City Council	Completed	07/05/2016 1:00 PM
Mayor's Office	Pending	

**HISTORY:**

06/20/16    Atlanta City Council    REFERRED WITHOUT OBJECTION

<b>RESULT:</b>	<b>REFERRED WITHOUT OBJECTION</b>	<b>Next: 6/28/2016 12:30 PM</b>
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<b>RESULT:</b>	<b>FAVORABLE [UNANIMOUS]</b>	<b>Next: 7/5/2016 1:00 PM</b>
<b>AYES:</b>	Dickens, Young Jr., Bond, Archibong, Hall, Sheperd, Winslow	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY – BLUE BACK