

STATE OF GEORGIA

CITY OF COLLEGE PARK

ORDINANCE NO. 2024-

1 AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK,
 2 GEORGIA ESTABLISHING A ONE HUNDRED AND TWENTY (120) DAY MORATORIUM
 3 ON THE ACCEPTANCE OF APPLICATIONS FOR PERMITS, LICENSES, AND
 4 CERTIFICATES RELATED TO THE DEVELOPMENT OF CERTAIN PERMISSIBLE USES
 5 WHILE THE CITY COMPLETES A COMPREHENSIVE REVIEW OF ITS ZONING AND
 6 LAND USE REGULATIONS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE
 7 FOR SEVERABILITY; TO PROVIDE FOR AN ADOPTION DATE AND AN EFFECTIVE
 8 DATE; TO PROVIDE A PENALTY; AND FOR OTHER PURPOSES.

9 **WHEREAS**, the City of College Park (“City”) has been vested with substantial powers,
 10 rights, and functions to generally regulate the practice, conduct or use of property for the purposes
 11 of maintaining health, morals, safety, security, peace, and the general welfare of the City; and

12 **WHEREAS**, Georgia law recognizes that local governments may impose moratoria on
 13 zoning decisions, building permits, and other development approvals where exigent circumstances
 14 warrant the same, pursuant to case law found at *City of Roswell et al v. Outdoor Systems, Inc.*, 274
 15 Ga. 130, 549 S.E.2d 90 (2001); *Lawson v. Macon*, 214 Ga. 278, 104 S.E.2d 425 (1958); *Taylor v.*
 16 *Shetzen*, 212 Ga. 101, 90 S.E.2d 572 (1955); and

17 **WHEREAS**, the courts take judicial notice of a local government’s inherent ability to
 18 impose moratoria on an emergency basis; and

19 **WHEREAS**, the Georgia Supreme Court, in the case of *DeKalb County v. Townsend*, 243
 20 Ga. 80 (1979) held, "To justify a moratorium, it must appear first, that the interests of the public

21 generally, as distinguished from those of a particular class, require such interference; and second,
22 that the means are reasonably necessary for the accomplishment of the purpose, and not unduly
23 oppressive upon individuals." The City of College Park has found that the interests of the public
24 necessitate the enactment of a moratorium for health, safety, morals, and general welfare purposes
25 by means which are reasonable and not unduly oppressive; and

26 **WHEREAS**, the Comprehensive Plan for the City dictates industrial land use character
27 areas to be primarily reserved for assembly, warehousing, and other light industrial operations;
28 and

29 **WHEREAS**, the Comprehensive Plan for the City dictates transportation/utilities land use
30 character areas to be primarily reserved for automobile and transportation-oriented services; and

31 **WHEREAS**, the Mayor and Council deem it important to implement additional
32 regulations governing truck stops, truck terminals, trucking facilities, and warehousing and
33 distribution centers in a manner consistent with the current City's Comprehensive Plan ; and

34 **WHEREAS**, the Mayor and Council, therefore, consider it paramount that land use
35 regulation continue in the most orderly and predictable fashion with the least amount of
36 disturbance to landowners and to the citizens of the City of College Park. The Mayor and Council
37 have always had a strong interest in growth management so as to promote the traditional police
38 power goals of health, safety, morals, aesthetics and the general welfare of the community; in
39 particular, the lessening of congestion on City streets, security of the public from crime and other
40 dangers, promotion of health and general welfare of its citizens, protection of the aesthetic qualities
41 of the City including access to air and light, and facilitation of the adequate provision of
42 transportation and other public requirements; and

- 66 (c) It is necessary and in the public interest to delay, for an additional reasonable period
67 of time, to ensure that the design, development, and location of truck stops, truck
68 terminals, trucking facilities, and warehousing and distribution centers are consistent
69 with the long-term planning objectives of the City; and
- 70 (d) That the Georgia Supreme Court has ruled that limited moratoria are reasonable and
71 do not constitute land use when such moratoria are applied throughout the City under
72 *City of Roswell et al v. Outdoor Systems Inc.*, 274 Ga. 130, 549 S.E.2d 90 (2001).

73 SECTION II.

74 IMPOSITION OF MORATORIUM

- 75 (a) There is hereby imposed a moratorium on the acceptance by the staff of the City of
76 College Park of applications for permits, occupation tax certificates, inspections or
77 applicable licenses for the development of any truck stops, truck terminals, trucking
78 facilities, and warehousing and distribution centers.
- 79 (b) The duration of this moratorium shall be until the City adopts a revision of the Code
80 of Ordinances related to the regulations governing truck stops, truck terminals,
81 trucking facilities, and warehousing and distribution centers, or until one hundred
82 and twenty (120) days from the effective date of this Ordinance, whichever occurs
83 first.
- 84 (c) This moratorium shall be effective as of the date of its adoption.
- 85 (d) This moratorium shall have no effect upon applications submitted prior to the
86 effective date of this Ordinance, nor to approvals or permits previously issued by the
87 City.

88 (e) As of the effective date of this Ordinance, no applications, permits, or licenses
89 governing truck stops, truck terminals, trucking facilities, and warehousing and
90 distribution centers will be accepted by any agent, employee, or officer of the City
91 with respect to any property in the City. Any applications, permits, and licenses so
92 accepted for filing will be deemed in error, null and void and of no affect whatsoever,
93 and shall constitute no assurance whatsoever of any right to engage in any act, and
94 any action in reliance on any such license shall be unreasonable.

95 SECTION III.

- 96 (a) It is hereby declared to be the intention of the Mayor and Council that all sections,
97 paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon
98 their enactment, believed by the Mayor and Council to be fully valid, enforceable,
99 and constitutional.
- 100 (b) It is hereby declared to be the intention of the Mayor and Council that, to the
101 greatest extent allowed by law, each and every section, paragraph, sentence, clause,
102 or phrase of this Chapter is severable from every other section, paragraph, sentence,
103 clause, or phrase of this Ordinance. It is hereby further declared to be the intention
104 of the Mayor and Council that, to the greatest extent allowed by law, no section,
105 paragraph, sentence, clause, or phrase of this Ordinance is mutually dependent upon
106 any other section, paragraph, sentence, clause, or phrase of this Ordinance.
- 107 (c) In the event that any phrase, clause, sentence, paragraph or section of this
108 Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional
109 or otherwise unenforceable by the valid judgment or decree of any court of
110 competent jurisdiction, it is the express intent of the Mayor and Council that such

