

AN ORDINANCE

BY COUNCILMEMBERS DUSTIN HILLIS, ANDREA L. BOONE, ANTONIO BROWN, MATT WESTMORELAND, MICHAEL JULIAN BOND AND ANDRE DICKENS AS SUBSTITUTED AND AMENDED (2) BY COMMUNITY DEVELOPMENT/HUMAN SERVICES COMMITTEE

AN ORDINANCE ESTABLISHING A MORATORIUM ON THE ACCEPTANCE OF ANY NEW REZONING APPLICATIONS, BUILDING PERMIT APPLICATIONS FOR NEW CONSTRUCTION, LAND DISTURBANCE PERMIT APPLICATIONS, SPECIAL USE PERMIT APPLICATIONS, SPECIAL ADMINISTRATIVE PERMIT APPLICATIONS, SUBDIVISION APPLICATIONS, REPLATTING APPLICATIONS, AND LOT CONSOLIDATION APPLICATIONS FOR PARCELS WITHIN THE ATTACHED OVERLAY; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (the "City") has been vested with substantial powers, rights and functions to generally regulate the practice, conduct or use of property for the purposes of maintaining health, morals, safety, peace and the general welfare of the City of Atlanta; and

WHEREAS, the City continually welcomes new persons to live and work in the City and the City recognizes that many developed areas of the City, including the Westside and in particular the Westside neighborhoods surrounding the Westside Park are experiencing or are anticipated to experience residential and commercial development and redevelopment on scattered tracts of land; and

WHEREAS, the City has a number of robust planning efforts with joint planning goals including the City's Comprehensive Development Plan, the One Atlanta Housing Affordability Action Plan, City of Atlanta Department of Parks and Recreation Strategic Plan 202 1, Atlanta Belt line Sub-area Plans and the One Atlanta Strategic Transportation Plan; and

WHEREAS, the One Atlanta Housing Affordability Action plan specifically identifies that in neighborhoods in the south and west sides of Atlanta more than 70% of renting households were paying 30% or more of their income and the action plan specifically outlines the goal of ensuring equitable growth by preventing involuntary displacement; and

WHEREAS, among the current policy goals expressed in the City's Comprehensive Development Plan is the creation of an affordable and walkable city, to retain, grow and attract middle-income residents by promoting the development of middle-income housing within the context of mixed income neighborhoods, promoting housing affordability in order to minimize the number of households that must pay more than thirty percent (30%) of their income housing costs, and increasing the availability of affordable workforce housing; and

WHEREAS, the One Atlanta Strategic Transportation Plan specifically outlines the goal of distributing resources based on safety, equity and mobility conditions and recognizes that as the City grows the City must ensure that we are breaking down barriers between communities so that all Atlantans can safely get where they need to go; and

WHEREAS, the neighborhoods depicted on the attached overlay are experiencing significant public and private investment and are adjacent to the developing Westside Park and the neighborhoods to the south of the Westside Park do not have transportation access to the first phase of the park which will open in Spring of 2020; and

WHEREAS, the City desires a limited amount of time to conduct a planning review including development planning and transportation planning for properties located within the attached overlay to further address the impact the Westside Park is having on development in the surrounding area, and to consider alternatives to providing neighborhoods to the south of the Westside Park with transportation access to the first phase of the park; and

WHEREAS, it is necessary to impose a moratorium to maintain the status quo while the planning review is completed and while any planning ordinance is passed; and

WHEREAS, the Department of City Planning will work with the Department of Transportation, Department of Watershed Management, Atlanta Beltline, Inc, Invest Atlanta and the Department of Parks and Recreation to develop an Equitable Development Framework and a comprehensive community engagement strategy for the Westside Park and other Beltline parks in the immediate impact area; align activities in the One Atlanta Housing Affordability Action Plan, develop a Westside Park Transportation Plan in alignment with the One Atlanta Strategic Transportation plan, and identify City or other public agency-controlled land located in the immediate impact Area; and

WHEREAS, moratoria are 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, Inc., 274 Ga. 130 (2001).

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS
as follows:

SECTION 1: A moratorium is imposed on, and the Director of the Office of Buildings and the Director of the Office of Zoning and Development shall not accept new applications, on or after February 17, 2020, per Executive Order No. 2020-03, for rezoning building, permits for new construction, permit applications required for interior alterations or additions on existing structures (except for owner-occupied residences where the owner completes and submits a residency affidavit), land disturbance permits, special use permits, special administrative permits, subdivisions, replattings, and lot consolidations for non-public projects related to any parcel(s) within the overlay, as indicated in Exhibit A, attached to this Ordinance.

Consistent with the goals outlined in the moratorium to develop and implement an Equity Framework Development, this moratorium shall not apply to

- (1) Projects for which a rezoning application, building permit application, land disturbance permit application, special use permit application, special administrative per application,

subdivision permit application or platting application has already been received by the office of Buildings or by the Office of Zoning and Development.

- (2) Permit applications required for emergencies.
- (3) Permit applications from owner-occupied single-family residents on existing lots, provided that the owner completes and submits a residency affidavit.
- (4) Permit applications for affordable housing developments where at least 40% of units are at 60% AMI or less
- (5) Permit applications for grocery stores, as part of developing an equitable framework in a neighborhood that is currently a food desert.

SECTION 2: The City shall create and Council shall adopt an Equitable Framework Development Plan that includes:

1. Providing neighborhoods to the south of the Westside Park with transportation access and parking for the first phase of the park.
2. Establish a comprehensive community engagement strategy for the Westside Park and other Beltline parks in the immediate impact area;
3. Implementing the One Atlanta Housing Affordability Action plan that specifically identifies that in neighborhoods in the south and west sides of Atlanta, more than 70% of renting households are paying 30% or more of their income. The Action Plan specifically outlines the goal of ensuring equitable growth by preventing involuntary displacement.
Given that:

- a. A portion of City land within the Westside Park boundaries will be identified for either transfer to Atlanta Housing Authority or a city-issued RFP (with government subsidy, if necessary) for development as a multi-family project with at least 50% of units serving 50% AMI or less.
 - b. The activities in the One Atlanta Housing Affordability Action Plan will be aligned to include the identification and allocation of a funding source to support anti-displacement efforts, acquisition of land, and development of affordable housing; to be implemented within 12 months of the end of the moratorium
4. A Westside Park Transportation Plan in alignment with the One Atlanta Strategic Transportation, which specifically outlines the goal of distributing resources based on safety, equity and mobility conditions.
 5. The Equitable Framework Development Plan shall also include analysis on how to encourage more grocery stores since the neighborhoods within the moratorium area are currently food deserts.

SECTION 3: The moratorium imposed by this ordinance will expire immediately upon conditions in Section 2 being met or one hundred and eighty (180) days from the date this ordinance becomes effective, whichever comes first.

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