

STATE OF GEORGIA }

COUNTY OF CHATHAM }

Ordinance O2024-05.A

Moratorium for Certain Zone Types for a Period of Five Months, to Repeal Conflicting Ordinances, and Other Business

I.

WHEREAS, the City of Pooler, a municipality incorporated in the State of Georgia, is empowered with Home Rule by the State to define and determine appropriate development for its residents; and

WHEREAS, the City recognizes the paramount need for thorough consideration and evaluation of new construction and zoning proposals to ensure responsible and sustainable growth; and

WHEREAS, prioritizing the safety and well-being of residents is imperative, demanding rigorous safety assessments and traffic analyses for proposed projects; and

WHEREAS, citizen input and engagement are integral to the decision-making process, with the City committed to actively involving the community in discussions regarding development; and

WHEREAS, proper due diligence is deemed essential to consider all relevant factors and potential impacts before approving new construction and zoning projects in designated zones; and

WHEREAS, the City acknowledges the importance of implementing targeted measures to manage growth effectively while preserving the integrity of neighborhoods and infrastructure; and

WHEREAS, the City of Pooler recognizes the importance of maintaining a competent and adequately staffed workforce to effectively oversee planning and development activities, and acknowledges the necessity of onboarding new personnel during the moratorium period to enhance the city's capacity for thorough review and analysis of zoning laws, ordinances, and development processes;

NOW, THEREFORE, be it resolved in accordance with the aforementioned considerations and in the interest of fostering responsible development practices, the City of Pooler hereby enacts the following Ordinance as a moratorium on new construction and zoning considerations in Industrial consisting of I-1 and I-2, Commercial consisting of C-1, C-2, and C-P, and Residential consisting of R-3A-C, and R4 zones, effective [start date], for a period of five (5) months.

This moratorium aims to facilitate thorough review of our city zoning laws and ordinances, conduct a best practices assessment of our processes, conduct traffic analysis, allow for citizen input, provide a due diligence processes to ensure that future growth aligns with the principles of safety, sustainability, and community welfare, and accommodate the onboarding of new personnel essential for effective planning and development oversight.

BE IT FURTHER RESOLVED, the City Council may extend the moratorium in increments of no more than three (3) months upon establishing a written finding that additional time is necessary to complete the review and analysis processes outlined in this resolution. Any extension will be accompanied by a public announcement outlining the rationale and revised end date. The City Council may shorten the moratorium if the review and analysis processes are completed earlier, with due public notification provided.

BE IT FURTHER RESOLVED, the City of Pooler commits to hosting no fewer than four public listening sessions regarding this topic at times convenient for our residents during this period.

II.

ORDINANCE ENACTING A FIVE-MONTH MORATORIUM ON NEW CONSTRUCTION AND ZONING IN SPECIFIC ZONES

A. ESTABLISH A TIMEFRAME

The period for the effective date of this ordinance shall be no less nor greater than five (5) months from the date of enactment unless modified by the City Council.

The City Council may extend moratorium upon establishing a written finding that additional time is necessary to complete the review and analysis processes outlined in this ordinance. Any extension may not exceed three (3) months. Any extension will be accompanied by a public announcement outlining the rationale and a revised end date.

The City Council may shorten the moratorium at a duly scheduled regular meeting if the review and analysis processes are completed earlier, with due public notification provided through publication online and in the legal organ of record.

B. ZONES INCLUDED

All applications for new construction and zoning in the following zone types shall not be considered by the city for approval until the termination of the moratorium. Applications may be submitted, but they will be held in order of receipt.

LAND USE ZONE TYPES:

Industrial - I-1 and I-2

Commercial - C-1, C-2, and C-P

Residential - R-3A, R-3B, R-3C, and R4

C. REQUESTS FOR EXEMPTION FROM MORATORIUM

Requests for Exemption may be submitted to the city planning office no earlier than fifteen (15) days after the commencement of the moratorium. Applicants must provide documentation proving financial hardship or urgent community need for the exemption application to be

approved. Exemption applications will be reviewed by the Planning & Zoning Commission and given a recommendation for approval with final approval granted by City Council.

i. Financial Hardship:

For the purpose of this ordinance, "financial hardship" shall be defined as a situation where an applicant demonstrates a significant and unexpected financial burden that could be alleviated by starting the proposed project within the moratorium period.

a) Criteria:

Documentation: Applicants must provide verifiable documentation such as tax returns, bank statements, or invoices to demonstrate the financial hardship.

Severity: The hardship must be severe enough to create a substantial risk to the applicant's financial well-being or ability to meet basic needs (e.g., housing, food, healthcare). The Council will use its discretion in evaluating the severity of the financial hardship based on the specific circumstances presented.

Direct benefit: The proposed project must directly address the financial hardship and offer a clear and substantial path to alleviation (e.g., construction of a new medical facility, renovation of a property rendered uninhabitable by natural disaster).

Examples:

A local non-profit organization could request an exemption to build an affordable housing complex, demonstrating the financial hardship of operating with limited resources and the urgent need for affordable housing in the community.

A business destroyed by fire needs to rebuild their business to recoup their financial losses could request an exemption to rebuild their business by demonstrating the financial hardship they would suffer by delaying the project.

ii. Urgent Community Need:

"Urgent community need" shall be defined as a situation where the proposed project addresses a critical and immediate need that cannot be adequately met by existing resources or infrastructure within the moratorium period.

a) **Criteria:**

Documentation: Applicants must provide detailed documentation demonstrating the specific community need and the urgency of addressing it.

Public benefit: The project must demonstrate a clear and substantial benefit to the community as a whole, addressing a critical need that cannot be met by readily available alternatives.

Time-sensitive: The need must be time-sensitive, where delaying the project would cause significant harm or disruption to the community within the moratorium timeframe.

Examples:

The school district could request an exemption to build a new school, by demonstrating the urgent need for additional educational facilities due to overcrowding and the potential negative impact on student learning if the project is delayed.

A local healthcare organization could request an exemption to build a new emergency room, by demonstrating the urgent need for additional emergency services to ensure timely treatment for residents and potentially save lives. This would showcase a clear public benefit, time-sensitivity, and the inability to meet the need with existing resources within the moratorium timeframe.

These are examples and not exhaustive lists. The City Council will have final discretion in reviewing applications and determining whether the criteria for either exemption are met.

D. PUBLIC MEETINGS

The City shall host no fewer than four (4) public meetings during the first two (2) months of the effective period of this Ordinance. The timing and location of these meetings shall be chosen to ensure convenient access and participation for members of the community. Each meeting shall consist of presentations by City staff, an opportunity for public comment, and adequate time for residents to ask questions. While no formal action will be taken at these meetings, City staff and the Council will carefully consider and utilize the input received to inform potential changes to applicable ordinances and zoning regulations.

III.

SEVERABILITY

- A. If any provision of this Ordinance, or its application to any person or circumstance, is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

IV.

All conflicting ordinances are hereby repealed.

This Ordinance shall take effect immediately upon adoption after the second reading.

ADOPTED this XX day of XXXX, 2024 by the Mayor and Council.

FIRST READING

Date

SECOND READING

Date

CITY OF POOLER, GEORGIA

Karen L. Williams, Mayor

ATTEST:

Kiley Fusco, Clerk of Council