

**ORDINANCE No. 2018-\_\_\_\_\_**

**TEMPORARY MORATORIUM ON LARGE-SCALE RESIDENTIAL DEVELOPMENT**

WHEREAS, the Town Council of Triana, Alabama finds that it is in the Town's best interest to issue a temporary moratorium on large-scale residential development, specifically multi-dwelling units and residential subdivisions;

WHEREAS, there are historically significant and environmentally sensitive areas and locations within the Town of Triana that the Town has a compelling interest to preserve and protect;

WHEREAS, multi-dwelling units and residential subdivisions require significant utility capacity and the Town has a compelling interest in ensuring that it has the capacity and equipment to provide necessary utilities to large-scale developments without delay or undue destruction of adjoining property, and without affecting the utility service to surrounding areas;

WHEREAS, the development of multi-dwelling units and residential subdivisions requires increased law enforcement and fire department presence, and the Council finds that it is in the Town's best interest to assess the appropriate need for increased law enforcement and fire department officials to anticipate future growth;

WHEREAS, the development of multi-dwelling units and residential subdivisions often alters drainage and water flow in newly developed areas and adjoining parcels, and the Council finds that it is in the Town's best interest to assess drainage regulation and water runoff issues to ensure future growth has the least amount of negative environmental impact on the developed area and adjoining parcels;

WHEREAS, large-scale development projects and the increased population attendant thereto creates a significant effect on traffic patterns, congestion, speed, and places additional strain on thoroughfare infrastructure. Further that large-scale developments place a strain on Town resources related to public schools and public school transportation.

WHEREAS, the Town currently has in place numerous ordinances, resolutions and administrative regulations which apply to the development and planning of residential subdivisions and other large-scale real estate projects. The Council finds that it is in the best interests of the Town to ensure that all such ordinances, resolutions and regulations coincide and do not conflict before approving and future application for the development of multi-dwelling units or subdivisions;

WHEREAS, the Council recognizes that development and construction of large-scale residential developments as discussed herein requires that the Town be properly staffed to address increased demand on certain divisions and departments of the Town, and the Council believes it to be in the Town's best interest to ensure that all such departments are properly staffed to sustain proper growth and address increased demand for Town resources resulting from large-scale residential development projects;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TRIANA, ALABAMA AS FOLLOWS:

Section 1-Title

This Ordinance shall be known as the “Temporary Moratorium on Large-Scale Residential Development” for the Town of Triana.

Section 2 – Incorporation

The recitals set forth above are incorporated into this ordinance as the findings of the Town Council.

Section 3 - Purpose

The Purpose of this Temporary Moratorium is to assess and analyze the effect that future large scale real estate development projects have on the Town’s (1) utility capacity; (2) traffic volume, speed, congestion, and patterns; (3) historically significant and environmentally sensitive areas; (4) law enforcement and fire department use; (5) thoroughfare infrastructure; (6) drainage capacity; and (7) public schools and school transportation. Further, the purpose of the Temporary Moratorium is to ensure that all of the Town’s development and subdivision ordinances, resolutions, regulations and policies coincide, and that they do not conflict with existing contracts made by and between the Town and third parties.

Section 4 - Scope

The Temporary Moratorium shall only apply to new applications submitted to the Town of Triana or any subsidiary thereof following the date that this ordinance is enacted. Further, the Temporary Moratorium shall only apply to large-scale residential development projects, specifically multi-dwelling units (apartments, condos, other residential complexes, etc.) and residential subdivisions.

The Temporary Moratorium shall last for a period of 180 days from the date that this ordinance is enacted.

The Town Council may extend the Temporary Moratorium by a period of ninety (90) days by majority vote completed on or before the day that the Temporary Moratorium terminates.

Section 5 – Moratorium

A temporary moratorium is hereby declared and established such that no multi-dwelling units or residential subdivisions, shall be developed, constructed, or built while this ordinance remains in effect.

The Town of Triana and any subsidiary thereof is hereby directed not to process or approve any application for the development of any multi-dwelling unit, or any residential subdivision, while this Moratorium is in effect. All such applications submitted in violation of this ordinance must be denied within 30 days from the date the application is submitted.

## Section 6 - Exceptions

The Temporary Moratorium shall specifically not apply to the following:

- a. Any valid permits or applications that were filed before the date the Temporary Moratorium is enacted;
- b. Permits or applications for repairs or remodeling of existing structures;
- c. Permits or applications for any accessory use of existing buildings;
- d. Applications for final plats and/or maps pursuant to applications already submitted prior to the date the Temporary Moratorium is enacted;
- e. Permits or applications for site improvements or utility extensions and/or modifications;

## Section 7 – Hardship

Where, by reason of unusual circumstances, the strict application of any provision of this ordinance would result in exceptional practical difficulty or undue hardship upon any owner of real property affected by this ordinance, the Town Council shall have the power to vary or modify strict adherence to the provisions of this ordinance so as to relieve such difficulty or hardship, provided that any such modification or variance shall remain in harmony with the general purpose and intent of this ordinance. The Town Council shall not be permitted to consider any modification or variance until a written request is made by the owner of real property affected by this ordinance to the office of the Town Clerk, specifying the grounds for modification or variance in detail. All such requests made pursuant to this provision shall be considered during a regular meeting by the Town Council within thirty (30) days from the date that such written request is received.

## Section 8 – Penalty

Any owner who is found to have violated the terms of this ordinance shall be punished a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) for each separate offense. After having received ten (10) days written notice from the building inspector to correct or abate any violation of this ordinance, each day that such violation exists or continues, shall constitute a separate offense.

## Section 9 – Severability

In the event any section, subsection, sentence, clause or phrase of this ordinance shall be declared or held invalid or unconstitutional by any court of competent jurisdiction, such holding shall in no manner affect the other sections, sentences, clauses or phrases of this ordinance, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or held invalid or unconstitutional were not originally a part thereof.

Section 10 – When Effective

This ordinance shall become effective immediately upon its adoption and publication.

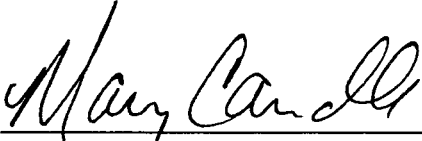
Section 11 – Priority

All laws, regulations, resolutions, and ordinances inconsistent herewith are temporarily suspended or superseded by this ordinance while in effect.


Section 12 – Definitions

- A. Multi-dwelling unit – A classification of housing where multiple separate housing units for residential inhabitants are contained within one building or several buildings within one complex. An apartment building or condo complex are examples.
- B. Subdivision – The division of a tract, lot or parcel of land into two or more lots, plats, sites or other divisions of land.
- C. All other definitions contained in the most updated building code for the Town of Triana shall apply so long as they do not conflict with the specific definitions stated herein.

APPROVED and ADOPTED this 21 day of August, 2018

  
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Mary Caudle, Mayor

ATTEST:

  
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Sharron Humphrey, Town Clerk