

**AN ORDINANCE
OF THE CITY OF TROY, ALABAMA, TO PROTECT THE HEALTH, SAFETY AND
GENERAL WELFARE OF THE PEOPLE RELATING TO MULTI-FAMILY
DEVELOPMENTS, DECLARING A TEMPORARY MORATORIUM
ON THE FILING, ACCEPTANCE, AND/OR APPROVAL OF ANY APPLICATION OR
PERMIT RELATING TO THE CONSTRUCTION, EXTENSION, AND/OR ADDITION OF
MULTI-FAMILY DEVELOPMENTS**

ORDINANCE NO. 432

WHEREAS, the City has been vested with substantial power to regulate the use of property for the purposes of maintaining the health, morals, safety, security, peace, and general welfare of the City; and

WHEREAS, comparatively dense developments such as multi-family developments, including, but not limited to, developments containing one or more multi-family structures, apartments, triplexes, duplexes, condominiums or other form of ownership or operation, have disproportionate impacts on City resources and services (such as water and sewer demands, traffic impacts, public safety demands, stormwater infrastructure, etc.) than other forms of residential development; and

WHEREAS, the Mayor and the City Council of the City of Troy are concerned that the health, safety, and well-being of the citizens of the City will be negatively impacted by uncontrolled development of multi-family developments; and

WHEREAS, the Mayor and the City Council of the City of Troy have determined that the proliferation of multi-family developments in the City of Troy must be monitored to prevent excess units from negatively impacting the safety, health and welfare of its citizens; and

WHEREAS, the Mayor and the City Council of the City of Troy consider it paramount that land use regulation continue in the most orderly and predictable fashion with the least amount of disturbance to landowners and to the health, safety, and welfare of the citizens of the City; and

WHEREAS, the Mayor and the City Council of the City of Troy have always maintained a strong interest in growth management so as to promote the traditional police power goals of health, safety, morals, aesthetics, and the general welfare of the community, and in particular the lessening of congestion on City streets, security of the public from crime and other dangers, promotion of health and general welfare of its citizens, protection of the aesthetic qualities of the City including access to air and light, and facilitation of the adequate provision of transportation and other public requirements; and

WHEREAS, the Mayor and the City Council of the City of Troy believe that the concept of “public welfare” is broad and inclusive, that the values it represents are spiritual as well as physical, aesthetic as well as monetary, and that it is within the power of the City “to determine that a community

should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled” (Kelo v. City of New London, 545 U.S. 469, 125 S. Ct. 2655 (2005); see also Berman v. Parker, 348 U.S. 26, 75 S.Ct. 98 (1954)); and

WHEREAS, the Mayor and the City Council of the City of Troy also believe that “general welfare” includes the valid public objectives of aesthetics, conservation of the value of existing lands and buildings within the City, making the most appropriate use of resources, preserving neighborhood characteristics, enhancing and protecting the economic well-being of the community, facilitating adequate provision of public services, and the preservation of the resources of the City; and

WHEREAS, the Mayor and the City Council of the City of Troy are, and have been committed to, developing cohesive and coherent policies regarding certain land uses in the City and, in furtherance of such commitment, desire to proceed forward in developing and implementing policies to promote community development through stability, predictability and balanced growth which will further the prosperity of the City as a whole; and

WHEREAS, the Mayor and the City Council of the City of Troy have determined that more multi-family developments are being contemplated in the City at this time; and

WHEREAS, the Mayor and the City Council of the City of Troy have determined that the presence of additional multi-family developments in the City at the present time will result in the substantial likelihood of causing negative effects on the health, safety and welfare of the immediate area and the City as a whole; and

WHEREAS, the Mayor and the City Council of the City of Troy have determined that it is necessary and appropriate for the City to temporarily halt the application for, construction of, extension of, and/or addition of multi-family developments in the City while certain studies and investigations can be conducted to properly plan for the location, density, height, and bulk of multi-family developments, including, but not limited to, land use, zoning, and housing studies, to prevent further development from causing deterioration of existing neighborhoods, decreased property values, increased demand for City services, traffic congestion, negative environmental impacts, negative economic impacts, harm to the aesthetics of the City and to preserve the character of the City of Troy; and

WHEREAS, the Mayor and City Council are directing City staff to study the current mix of housing stock, the impact of existing and increased multiple unit developments, and current zoning and regulations associated with such within the City of Troy, and to make recommendations as to the

monitoring, licensing, permitting, zoning, land use, development, and/or regulation of multi-family developments; and

WHEREAS, the Mayor and City Council have determined that a temporary moratorium on the acceptance of applications pertaining to multi-family developments to be a proper exercise of its police powers while these studies, investigations, and planning are being performed;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF TROY, ALABAMA AS FOLLOWS:

Section 1. That the above recitals and determinations are hereby approved, adopted, and confirmed.

Section 2. That there is hereby declared, effective as of the publication of this Ordinance, a temporary moratorium on the application for, construction of, extension of, and/or addition of multi-family developments, including, but not limited to, developments containing one or more multi-family structures, apartments, triplexes, duplexes, condominiums or other form of ownership or operation, and including multi-family group developments and/or cottage housing developments where there is more than one single-family dwelling and/or single dwelling unit on a lot or parcel under one ownership or other form of ownership or operation within the City of Troy. The division of multi-family developments or property by means of condominiums or other form of ownership or operation shall not preclude such developments from this moratorium, and this moratorium shall apply fully to any such development.

Section 3. That this moratorium shall not affect or impact any multi-family developments which have, on or prior to the date of publication of this Ordinance, received written site plan approval from the City of Troy Planning & Zoning Administrator.

Section 4. That this moratorium shall not affect or impact the revitalization, remodeling, or maintenance of any existing multi-family developments in the City of Troy, as long as such revitalization, remodeling, or maintenance shall not increase the number of existing dwelling units of the existing multi-family development on or prior to the date of publication of this Ordinance.

Section 5. That this moratorium shall not affect or impact any new or proposed single-family homes on a single lot and/or duplex on a single lot in the City meeting the requirements of the Zoning Ordinance without any variance or special exception required or for which an unexpired variance or special exception has already been approved by the Board of Adjustment at the time of the passage of this Ordinance, and notwithstanding any required variance of yard requirements for a single-family

dwelling and customary accessory buildings on a non-conforming single lot of record per Section 4.2 of the Troy Zoning Ordinance.

Section 6. In order to continue to promote revitalization and vitality of Downtown Troy and commercial corridors coming to and from Downtown Troy, as well as, the commercial link to Troy University, this moratorium shall not affect or impact any new or proposed mixed-use building with loft-style apartments and/or residential or lodging options on upper floors within the C-3: Central Business Zoning District, C-2: General Commercial Zoning District, and C-1: Neighborhood Commercial Zoning District, provided that the street level floor of any such structure is constructed, designed, and/or improved and used as one or more non-residential or non-lodging uses which are permitted in the commercial zoning district in which it is located. For clarification, this moratorium shall be applicable to and shall restrict any new or proposed residential and/or lodging use, whether it is long-term, short-term, transient, or otherwise, on the first floor, street level floor, and/or any location below street level of any building and/or structure and any strictly multi-family use structure in these zoning districts.

Section 7. The moratorium shall be effective immediately upon its passage and publication as required by law and shall continue for a period of one (1) year from the date of its adoption by the City Council, unless terminated or extended by action of the City Council.

Section 8. That all ordinances, regulations, policies, and rules which are inconsistent herewith are temporarily suspended or superseded by this ordinance during the duration of this temporary moratorium.


Section 9. That the City Planning Department and the City Building Department shall enforce this ordinance by not accepting any applications and/or by not issuing any zoning certificates, site plan approvals, construction or building permits for multi-family developments as restricted herein in the corporate limits of the City of Troy during the duration of this temporary moratorium.

Section 10. It is the intention of the City Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this ordinance be declared invalid or unconstitutional, all other provisions thereof shall remain valid and enforceable.

Section 11. All ordinances or parts of ordinances in conflict herewith, are to the extent of such conflict hereby repealed.

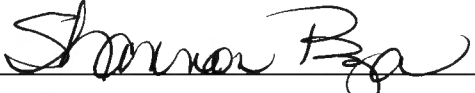
Section 12. This ordinance shall become effective upon its approval and publication as provided by law.

ADOPTED AND APPROVED this 24th day of May, 2022.




Presiding Officer

ATTEST:

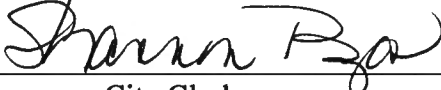


APPROVED this the 24th day of
May, 2022.



Mayor

ATTEST:



City Clerk

PASSED AND APPROVED this 24th day of
May, 2022.



City Clerk