

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF MONROE,
GEORGIA, TO EXTEND THE TEMPORARY MORATORIUM ON THE
ACCEPTANCE OF APPLICATIONS FOR PRELIMINARY PLAT APPROVAL FOR
RESIDENTIAL DEVELOPMENTS OUTSIDE THE CITY CORE AND THE
ACCEPTANCE OF SITE DEVELOPMENT PLANS FOR MULTI-FAMILY AND
TOWNHOME PROJECTS**

WHEREAS, the City of Monroe, Georgia (the “City”) has been vested with substantial power to regulate the use of property within the City for the purposes of maintaining the health, morals, safety, security, peace and general welfare of the City; and,

WHEREAS, pursuant to O.C.G.A. § 36-35-3, the City has the legislative power to adopt reasonable resolutions, ordinances, or regulations relating to property within the City for which no provision has been made by general law and which are not inconsistent with the Constitution of the State of Georgia or any charter provision applicable thereto; and,

WHEREAS, local governments may impose temporary moratoria on zoning decisions, building permits, and other development approvals for the purpose of city planning and implementation of new city regulations and ordinances (See City of Roswell v. Outdoor Sys., Inc., 274 Ga. 130 (2001)); and,

WHEREAS, on March 2, 2021, after review of the 2020 Municipal Water Systems Annual Report, the City passed a resolution to preserve the City’s sewer system capacity and limit future connection to the City’s sanitary sewer wastewater system to only those users located within the City’s limits; and,

WHEREAS, on December 7, 2021, the City imposed a temporary moratorium on the acceptance of preliminary plat applications for residential property until the City could review and approve an updated comprehensive plan for the City (the “2021 Moratorium”); and,

WHEREAS, on June 14, 2022, the City adopted the 2022 Comprehensive Plan Update; and,

WHEREAS, also on June 14, 2022, after the adoption of the 2022 Comprehensive Plan Update, the City extended the 2021 Moratorium until December 31, 2022, to permit the City additional time to implement certain aspects of the 2022 Comprehensive Plan, and to avoid and prevent negative impacts on the City’s finite resources, including but not limited to the City’s water delivery infrastructure system and the City’s sanitary sewer infrastructure system; and,

WHEREAS, on December 13, 2022, the City extended the 2021 Moratorium again until June 30, 2023, due to certain water and sewer capacity concerns; and,

WHEREAS, on April 11, 2023, the City rescinded the 2021 Moratorium and any extension thereof; and,

WHEREAS, since the City rescinded the 2021 Moratorium, numerous residential and commercial developments have been approved by the City; and,

WHEREAS, since the rescission of the 2021 Moratorium, the number of residential and commercial developments approved by the City have been more than anticipated; and,

WHEREAS, the 2022 Comprehensive Plan estimates that the City's population will increase from 14,925 (population size as of April 2022) to 21,688 by the year 2030; and,

WHEREAS, said population increase will increase the sanitary sewer flow demand by an estimated Six Hundred Seventy-Nine Thousand gallons per day (679,000.00 GPD); and,

WHEREAS, the Mayor and City Council have employed consultants for the purpose of reviewing the City's current wastewater treatment capacity; and,

WHEREAS, initial reports from the City's consultants state that additional wastewater treatment capacity is needed at this time to permit continued broad residential and commercial development; and,

WHEREAS, the Mayor and City Council, together with the City's consultants and City staff, are working on a plan to increase the City's wastewater treatment capacity; and,

WHEREAS, the continued development of residential and commercial real estate in the City since the rescission of the 2021 Moratorium has placed a strain on the City's finite resources, including, most notably, its sanitary sewer infrastructure system; and,

WHEREAS, the City processes its sanitary sewer waste product at the Jack's Creek Waste Water Treatment Plant ("JCWWTP"); and,

WHEREAS, JCWWTP has a permitted maximum capacity of 3.4 million gallons per day of wastewater treatment at its current permit level with the Georgia Environmental Protection Division ("GAEPD"); and,

WHEREAS, the GAEPD requires the City to submit its Municipal Water Systems Delegation of Review Annual Report (See Exhibit "A" attached hereto for a copy of the 2024 report) (hereinafter referred to as the "Annual Report") each year; and,

WHEREAS, as of January 1, 2025, if all projects shown by the Annual Report and prior reports were completed and connected to the City's sanitary sewer system, the City would currently need an additional One Million Six Hundred Ninety-Nine Thousand Five Hundred Thirty-One gallons per day (1,699,531 GPD) of sanitary sewer wastewater treatment capacity over

and above its current 3.4 million gallons per day capacity to meet the peak demand requirements; and,

WHEREAS, the City is aware that certain other additional projects not shown on the Annual Report are currently under construction and are expected to come online in the coming months and those projects will increase the deficit shown by the Annual Report even further; and,

WHEREAS, once JCWWTP reaches or exceeds daily flow of seventy-five percent (75%) of its permitted capacity, GAEPD guidelines require the City to submit plans to increase sanitary sewer capacity including but not limited to a (a) Design Average Daily Flow Plan, (b) Design Maximum Daily Flow Plan, (c) Design Peak Hourly Flow Plan, and (d) Design Peak Instantaneous Flow Plan; and,

WHEREAS, from March 2023 to January 2024, an 11-month period, JCWWTP exceeded its daily seventy-five percent (75%) capacity limit on eighty-four (84) different days; and,

WHEREAS, the City has already begun the process of submitting these necessary plans to GAEPD through its wastewater consultants; and,

WHEREAS, the City recently completed certain needed improvements to JCWWTP to improve its reliability though these improvements did not increase daily capacity in any way; and,

WHEREAS, the improvements to the JCWWTP began in 2022 and were finalized on or about December 2023; and,

WHEREAS, the City is currently working to redesign and reengineer JCWWTP to increase the wastewater treatment capacity of JCWWTP; and,

WHEREAS, in light of the most recent residential and commercial developments approved by the City, the City's wastewater treatment capacity is unable to keep up with continued unfettered real estate development within the City; and,

WHEREAS, the Mayor and City Council, as a part of its planning, building, zoning and growth management efforts have been in review of the City's 2022 Comprehensive Plan Update and zoning ordinances, and have studied the City's estimates and projections regarding the anticipated type of residential development and growth patterns both inside and outside the Central Business District, the Downtown Development boundaries, the LCI Study Area boundaries, and the Urban Redevelopment Agency boundaries, said areas being more particularly shown on Exhibit "B" attached hereto (collectively, hereinafter referred to as the "City Core"); and,

WHEREAS, the Central Business District of the City provides for economic growth and wellbeing for the City and the City Core; and,

WHEREAS, the Downtown Development Authority boundaries of the City provide for commercial and residential infill growth for the City and the City Core; and,

WHEREAS, the LCI Study Area of the City provides for infill, walkability, and sustainability for the City and the City Core; and,

WHEREAS, the Urban Redevelopment Agency boundaries of the City provide for redevelopment, mixed housing, and revitalization for the City and the City Core; and,

WHEREAS, the Mayor and City Council understand that continued residential development outside the City Core without additional wastewater treatment capacity will cause further resource strain on the City and may affect the general wellbeing and health of the citizens of the City; and,

WHEREAS, continued residential development outside the City Core will likely require more of the City's finite resources than would similarly situated residential developments located within the City Core; and,

WHEREAS, the Mayor and City Council do not intend to frustrate vested interests that have been already established with property owners and applicants as a result of pending applications for preliminary plat approval, site development plans approval, or final plat approval of residential developments outside the City Core as of the date of this Ordinance; and,

WHEREAS, the Mayor and City Council believe that additional preliminary plat approvals of currently non-existing applications for residential developments located outside the City Core involving the addition of ten (10) or more residential units connected to the JCWWTP at this time (hereinafter being referred to as "Residential Major Projects") will create additional and excessive resource strain on the City's sanitary sewer system; and,

WHEREAS, Residential Major Projects outside the City Core will impact the City's resources and the City's services, such as water, sewer, and public safety at a disproportionate level as compared to other forms and zonings of residential development located within the City Core; and,

WHEREAS, certain multifamily residential developments inside the City will also likely require more of the City's finite resources than would similarly situated single family residential developments located within the City; and,

WHEREAS, the Mayor and City Council do not intend to frustrate vested interests that have been already established with property owners and applicants as a result of pending applications for site development plans and approval of certain multifamily residential developments inside the City as of the date of this Ordinance; and,

WHEREAS, the Mayor and City Council also believe that additional site development plans of currently non-existing applications for residential developments involving Multi-Family (as defined under Article II, Section 210, of the City's Zoning Ordinance) and Townhouse or Townhome (as defined under Article II, Section 210, of the City's Zoning Ordinance) projects

(collectively, hereinafter referred to as “Multi-Family and Townhouse Projects”) will further create additional and excessive resource strain on the City’s sanitary sewer system; and,

WHEREAS, Multi-Family and Townhouse Projects in the City impact the City’s resources and the City’s services, such as water, sewer, and public safety at a disproportionate level as compared to other forms and zonings of residential development located within the City; and,

WHEREAS, the Mayor and City Council are concerned about the health and well-being of the citizens of the City that could be negatively impacted by continued uncontrolled residential development inside and outside the City Core; and,

WHEREAS, the Mayor and City Council, together with City Staff, continue to implement changes consistent with the 2022 Comprehensive Plan Update; and,`

WHEREAS, on December 10, 2024, in light of the 2022 Comprehensive Plan Update, the Mayor and City Council adopted the City’s new Zoning Ordinance to promote the best interests of the City and its citizens; and,

WHEREAS, the Mayor and City Council hold 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 City, and in particular the promotion of health and general welfare of the City’s citizens; and,

WHEREAS, the Mayor and City Council hold a strong belief in maintaining the public objectives of aesthetics, conservation of the value of existing lands and buildings within the City, making the most appropriate use of land and other resources, enhancing and protecting the economic well-being of the community, facilitating adequate provisions of public services, and preserving resources of the City; and,

WHEREAS, the Mayor and City Council hold a strong belief in developing a cohesive, coherent policy regarding residential land use in the City, and intend to promote community development through stable, balanced growth for the prosperity of the City as a whole; and,

WHEREAS, on March 12, 2024, the Mayor and City Council passed an Ordinance that imposed a temporary moratorium until September 30, 2024, on the acceptance of applications for preliminary plat approval for residential developments outside the City Core (the “2024 Moratorium”); and,

WHEREAS, on September 10, 2024, the Mayor and City Council passed an Ordinance to extend the 2024 Moratorium until February 28, 2025, to further include a moratorium on the acceptance of site development plans for multi-family and townhome projects; and,

WHEREAS, the Mayor and City Council have determined it is in the best interests of the City for the protection of the health and public safety that the 2024 Moratorium on the submission

and acceptance of applications for preliminary plat approval for any Residential Major Projects located outside the City Core, as well as any applications for site development plans for Multi-Family and Townhouse Projects located inside the City, be extended for a sufficient and reasonable time to allow for an in-depth review, redesign and reengineering of the City's wastewater management treatment capacity at JCWWTP and continued implementation of the 2022 Comprehensive Plan Update; and,

WHEREAS, a temporary moratorium on the acceptance of applications for preliminary plat approval for Residential Major Projects located outside the City Core, as well as applications for site development plans for any Multi-Family and Townhouse Projects located inside the City is a proper police power while the above-referenced studies and plan updates by the City and City staff are performed.

NOW, THEREFORE, BE IT ORDAINED, that the Mayor and City Council of Monroe do hereby declare and adopt a moratorium on the submission and acceptance of applications for preliminary plat approval for Residential Major Projects located outside the City Core, as well as applications for site development plans for any Multi-Family and Townhouse projects located inside the City as follows:

1. The preamble of this Ordinance shall be considered to be, and is hereby incorporated by reference as if fully set out herein; and,
2. No applications for preliminary plat approval shall be accepted by City staff for Residential Major Projects located outside the City Core from this date forward through and including September 30, 2025; and,
3. No applications for site development plans shall be accepted by City staff for Multi-Family or Townhouse Projects from this date forward through and including September 30, 2025; and,
4. No applications for preliminary plat approval shall be accepted by City staff for multiple residential projects containing nine (9) or fewer dwelling units, located outside the City Core, which in the opinion of City staff based on the congruency, proximity, the intended development of the property, and other determining factors reasonably resembles a Residential Major Project in form; and,
5. This moratorium shall have no impact on applications for preliminary plat approval, site development plans approval or final plat approval for Residential Major Projects located outside the City Core that have previously been submitted to City staff and are pending approval by the City at the time of the adoption of this Ordinance; and,
6. This moratorium shall have no impact on applications for site development plan approval for Multi-Family or Townhouse Projects that have previously been submitted to City staff and are pending approval by the City at the time of the adoption of this Ordinance; and,
7. During the term of this moratorium, the City staff shall work with the City's wastewater management consultants to present a plan to increase the City's wastewater treatment

- capacity consistent with the 2022 Comprehensive Plan Update, and shall study the current mix of housing and commercial uses, make projections on the future mix of housing and proper growth patterns, and impacts of the same on the City’s resources, and make recommendations so as to promote the traditional police power goals of health, safety, morals, aesthetics, and the general welfare of the City; and,
8. This moratorium shall become effective upon its adoption.

FIRST READING. This ____ day of February, 2025.

SECOND READING AND ADOPTED. This ____ day of March, 2025.

SO ORDAINED. This ____ day of March, 2025.

CITY OF MONROE, GEORGIA

Approved: _____
John Howard, Mayor

Attest: _____
Logan Propes, City Administrator

WIEDEMAN AND SINGLETON, INC.

CIVIL AND ENVIRONMENTAL ENGINEERS

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January 22, 2025

Mr. Duplex Tchinda,
Drinking Water Program Permitting and Engineering
Water Resources Branch
Environmental Protection Division
Georgia Department of Natural Resources
2 Martin Luther King Jr. Dr.
Suite 1470, East Tower
Atlanta, GA 30334

Re: Municipal Water Systems Delegation of Review
Annual Report (2024)
City of Monroe Utilities Department
Monroe, Georgia
W&S Project # 052-24-700

Dear Mr. Duplex Tchinda:

On behalf of the City of Monroe Utilities Department, we are submitting the 2024 annual report listing details concerning each addition approved during the previous year as required by the Delegation of Review and Approval for Limited Water System Additions. Items "I" and "J" of the delegation agreement stipulate the following:

- I. The system owner's engineer must evaluate and determine the capacity of the system's wastewater treatment facilities to support each water-using facility that is added to the water system.
- J. The system owner or the engineer must submit a yearly report to EPD each January, listing each addition approved during the previous year and the number of service connections within each.

The table below lists all approved additions to the City of Monroe's Water system during the year 2024 with appropriate details as required in items "I" and "J" above. This is in accordance with our files as submitted to us by the City of Monroe. We have also attached a copy of EPD's standard form outlining the number of service connections added to the City of Monroe's water system in 2024.

Mr. Duplex Tchinda
January 22, 2025
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Project Name	Date Approved	No. of Services/Connections or Equiv. Family Units	Estimated Wastewater Flow, GPD	Remaining Capacity @ WPCP (GPD)
Base Capacity on January 1, 2024				-1,395,681
Oak Meadows Subdivision	4/5/2024	62	27,900	-1,689,346
Bankers Blvd Car Wash	6/20/2024	1	2,125	-1,691,471
Reliant Corporate Office	6/20/2024	1	1,560	-1,693,031
Carson Pointe	6/21/2024	4	1,200	-1,694,231
FY 2021 GEFA Water System Improvements - Division II Water Transmission Main ¹	11/26/2024	0	0	-1,694,231
208 S Broad Street	10/10/2024	1	4,500	-1,698,731
Lee Rowell Sewer ²	10/22/2024	0	0	-1,698,731
511 N Broad St - Pleasant Paws	10/22/2024	1	800	-1,699,531
Base on January 1, 2025		70	38,085	-1,699,531

1 – 16" Water Line from the water plant to a new water tank

2 – Existing sewer line extension for future development.

If you have any questions or need any additional information, please feel free to call. Thank you for your assistance and review of this document.

Sincerely,

WIEDEMAN AND SINGLETON, INC.



Ahmed An-naim, P.E.

cc:

Mr. Rodney Middlebrooks – City of Monroe

Mr. Tommy McClellan – City of Monroe