

ORDINANCE NO. _____

**AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM
ON THE CONSIDERATION OF BUILDING PERMITS AND
SUBDIVISION APPLICATIONS FOR RESIDENTIAL AND MULTIPLE OCCUPANCY
PROJECTS IN THE CITY OF OPELIKA TO PROTECT THE HEALTH,
SAFETY AND GENERAL WELFARE OF ITS CITIZENS**

WHEREAS, the City Council of the City of Opelika, Alabama, (the “City Council”) and the Opelika Planning Commission (the “Planning Commission”) have adopted certain regulations, ordinances, codes, policies and procedures which regulate the subdivision of land and the development and approval of various types of residential projects and developments; and

WHEREAS, there has been rapid, sustained and substantial growth in residential housing units in and around the City of Opelika (the “City”); and

WHEREAS, the City Council recognizes, and hereby finds, that the rapid, sustained and substantial growth in the construction of residential subdivisions, condominiums, apartment buildings, townhomes and multi-dwelling units has increased, and will continue to increase, the burdens of the City to provide municipal services (i.e. water, sewer, power and communications), first responder services, public infrastructure, transportation, parks, recreation and other governmental services beyond what was anticipated by the City; and

WHEREAS, the City Council desires to address certain challenges created by the growth with a strategic and deliberate focus on orderly land development in the City limits; and

WHEREAS, the City Council hereby finds that the quality of life for the community, and the health, safety and general welfare of the community will suffer if changes are not made to the City’s regulations, codes, ordinances, policies and procedures pertaining to certain types of residential developments; and

WHEREAS, the City Council has determined that a temporary moratorium on consideration of building permits and subdivision applications for residential subdivisions and multi-dwelling projects will allow the City’s staff, the City Council, the Planning Commission; other City Departments to evaluate, recommend and approve the changes that are needed to address the identified challenges; and

WHEREAS, the City Council has determined that the short-term moratorium on consideration of new subdivisions and multi-dwelling units is appropriate to prevent conditions that may threaten the City’s health, safety and general welfare; and

WHEREAS, the suspension of limited duration and limited scope would be in the public interest and promote orderly land development, permit infrastructure planning and development departments to respond to development pressures and promote the general health and welfare of the citizens of the city.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Opelika, Alabama, as follows:

Section 1. Recitals: That the City Council hereby adopts the findings in the above recitals.

Section 2. Definitions: For the purposes of this Article, the following words and phrases shall have the following meanings:

- (a) **“Building Official”** means the chief building inspector of the Building Inspection Division or his or her designee.
- (b) **“City”** means the City of Opelika, Alabama.

(c) **“Moratorium”** means a temporary prohibition on the issuance of building permits or approvals for the construction, renovation or expansion of residential subdivisions and multi-family dwellings.

(d) **“Multi-Dwelling Unit Building”** means any building or structure comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple family houses, duplexes, townhomes, mobile homes and attached residences. For the purposes of this ordinance, multiple detached single-family units, semi-detached (duplex) dwelling units, and attached dwelling units on the same lot or parcel shall be considered an apartment use.

(e) **“Multi-Use Property”** means any single and distinct parcel of land that maintains two or more major uses; including, but not limited to:

- (1) A property which contains a commercial, residential or industrial use or Public Service Facility having boilers, incinerators, elevators, escalators, automatic garage doors, air conditioners, laundry rooms, utility provisions, health and recreational facilities or other similar devices, systems or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels for another use on the same distinct parcel of land; or
- (2) A building which maintains both commercial (typically on the ground or uppermost floor) and residential uses.

(f) **“Structure”** means anything constructed or erected with a fixed location on or in the ground or attached to something having a fixed location on or in the ground. The word shall include but not be limited to buildings, manufactured homes, walls, fences, billboards, poster panels, swimming pools, posts and poles, including basketball posts.

Section 3. Imposition of Moratorium: A moratorium is hereby imposed on the issuance of any approvals for residential development. This shall include any of the following unless specifically exempted by Section 5 of this ordinance:

- (a) Residential developments that contain one or more new multi-dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple family houses, duplexes, townhomes, new mobile home permits and attached residences;
- (b) Any new multi-use property within the corporate limits of the City of Opelika that contains residential units including those described in subsection (a) of this section;
- (c) Preliminary or Administrative subdivision plats that create five (5) or more residential lots or dwelling units;
- (d) Conditional use approvals for any multi-dwelling units or multi-use property with any residential units;
- (e) Planned Unit Developments, Planned Residential Developments, or similar planned developments that contain any new multi-dwelling units, residential units, or multi-use property with any residential units;
- (f) Rezoning applications that would either create new residential zoning area or increase the dwelling density of residentially zoned property, whether through traditional zoning, overlay zoning, or through Planned Unit Developments or mixed use districts. This shall not prevent the rezoning of property to C-2, C-3, or I-1. However, any rezoning of properties to commercial or institutional zones shall not be considered an entitlement for residential development or an exemption as described in Section 5 of this ordinance.

Section 4. Duration of Moratorium: This moratorium shall take effect on May 1, 2026, and shall remain in effect until April 30, 2027, unless extended, modified or repealed by the City Council. The moratorium may be extended for additional periods upon a majority vote of the City Council.

Section 5. Exemptions: The following shall be exempt from the moratorium imposed by this Ordinance:

- (a) Projects where a building permit application along with building plans have been submitted for review to the Building Official prior to the effective date of this ordinance; provided that the plans, as approved, shall not be changed to substantially alter the appearance, size or shape of the building.
- (b) Essential repairs or maintenance to existing multi-dwelling units provided such work does not significantly change the exterior appearance, size or shape of the building.
- (c) Applications for residential development that received conditional use approval prior to the effective date of this ordinance and where the approval is binding and has not expired.
- (d) Applications for final subdivision plat approval where the preliminary plat approval was granted prior to the effective date of this ordinance and is still valid and binding.
- (e) Application for developments that are located outside of the corporate limits of the City of Opelika and are not seeking annexation.
- (f) Developments that have a valid and binding development agreement with the City of Opelika provided that the terms of the agreement are being met.
- (g) The replacement of a manufactured or mobile home on an existing lot within an approved mobile home park or subdivision.
- (h) Applications for site plan approval or subdivision that are in conformance with a valid master development plan approved through a Planned Unit Development (PUD) or similar process approved prior to the effective date of this ordinance and is still valid and binding.

Section 6. Study and Review: During the term of the moratorium imposed by this Ordinance, the Planning Commission shall, in conjunction with City Staff and other relevant departments:

- (a) Conduct a comprehensive study of the potential impacts of multi-dwelling units on municipal services (i.e. water, sewer, power and communications), first responder services, public infrastructure, transportation, traffic impacts, increased school enrollment, parks, recreation and other governmental services.
- (b) Review existing zoning, design guidelines and building regulations related to multi-dwelling units.
- (c) Engage in public outreach to solicit input from residents, business owners and stakeholders on potential regulations.
- (d) Provide a report to the City Council with recommendations for amendments to the Zoning Ordinance and/or building regulations related to the City's overall zoning plan for development of residential subdivisions, mobile homes and multi-dwelling units.

Section 7. Severability: If any section, clause, sentence or phrase of this section is held to be invalid or unconstitutional by any court of competent jurisdiction, then such holding shall in no way affect the validity of the remaining portion of this article.

Section 8. Conflicting Ordinances: All ordinances or parts thereof which are in conflict with the provisions of this Ordinance are hereby repealed in their entirety to the extent of such conflict, except to the extent that this Ordinance provides for temporary and limited suspension of approvals.

Section 9. Publication: The City Clerk of the City of Opelika, Alabama is hereby authorized and directed to cause this Ordinance to be published one (1) time in a newspaper of general circulation published in the City of Opelika, Lee County, Alabama.

ADOPTED AND APPROVED this the _____ day of _____, 2026.

PRESIDENT OF THE CITY COUNCIL OF THE
CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

TRANSMITTED TO MAYOR on this the ____ day of _____, 2026.

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2026.

MAYOR

ATTEST:

CITY CLERK