

RESOLUTION NO. 20260414

A RESOLUTION BY THE MAYOR AND COUNCIL OF THE CITY OF CONCORD, GEORGIA ENACTING A MORATORIUM TO BAR ACCEPTANCE OF ALL REZONING AND RELATED APPLICATIONS FOR ONE HUNDRED AND EIGHTY (180) DAYS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN ADOPTION DATE AND EFFECTIVE DATE; AND FOR OTHER PURPOSES.

W I T N E S S E T H:

WHEREAS, the City of Concord has been vested with substantial powers, rights and functions to generally regulate the practice, conduct or use of property for the purposes of maintaining health, morals, safety, security, peace, and the general welfare of the City of Concord;

WHEREAS, Georgia law recognizes that local governments may impose moratoria on zoning decisions, building permits, and other development approvals where exigent circumstances warrant to the same, pursuant to case law found at City of Roswell v. Outdoor Systems, Inc., 274 Ga. 130 (2001); Taylor v. Shetzen, 212 Ga. 101 (1955); Lawson v. Macon, 214 Ga. 278 (1958);

WHEREAS, the Georgia Supreme Court, in the case of DeKalb County v. Townsend, 243 Ga. 80 (1979), held that, “[T]o justify a moratorium, it must appear first, that the interests of the public generally, as distinguished from those of a particular class, require such interference; and second that the means are reasonably necessary for the accomplishment of the purpose, and not unduly oppressive upon individuals;”

WHEREAS, the Mayor and Council of the City of Concord have, as a part of planning, zoning and growth management, been reviewing the City’s Planning, Development and Zoning Ordinances and have been studying the City’s best estimates and projections of the type of development which could be anticipated within the City of Concord;

WHEREAS, the Mayor and Council are, and have been, interested in developing a cohesive and coherent policy regarding development in the City and have intended to promote community development through stability, predictability and balanced growth which will further the prosperity of the City as a whole;

WHEREAS, the City wishes to prepare and adopt amendments to its Planning, Development and Zoning Ordinances;

WHEREAS, the Mayor and Council therefore 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 citizens of the City of Concord. The

Mayor and Council have always had a strong interest in growth management so as to promote the traditional police power goals of health, safety, morals, and the general welfare of the community, the lessening of congestion of 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, and facilitation of the adequate provision of transportation and other public requirements; and

WHEREAS, it is the belief of the Mayor and Council of the City of Concord that the concept of “public welfare” is broad and inclusive and includes, but is not limited to, the valid public objectives of aesthetic conservation of the value of existing lands and buildings within the City, making the most appropriate use of resources, preserving existing 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.

**THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF
THE CITY OF CONCORD, GEORGIA, AS FOLLOWS:**

**SECTION I.
FINDINGS OF FACT**

The Mayor and Council of the City of Concord hereby make the following findings of fact:

- (a) It appears that the City’s Planning and Development Ordinance, including the Subdivision and Zoning Ordinances thereunder, and also including the official zoning map of the City, require a comprehensive review and updating by the City of Concord as it relates to all zoning classifications for the City;
- (b) A moratorium on pending and future zoning and rezoning applications for all zoning districts, review and approval of pending and future residential subdivision plats, and review and approval of pending and future residential and commercial site development and subdivision plans is reasonably calculated to assess development trends in the City of Concord, to prepare for adoption of amendments to the Planning and Development Ordinance for the City of Concord and for evaluation of the City’s ability to support and protect development through current and future land use planning;
- (c) It is necessary and in the public interest to delay, for a reasonable period of time, the establishment of any new instances of zoning or rezoning for property, to ensure that the design, development, and location of the same are consistent with the long-term planning of the City;
- (d) The interests of the public necessitate the City exercising its police

powers by enacting a moratorium for health, safety, morals and general welfare purposes by means which are reasonable and not unduly oppressive; and

- (e) The City's ongoing revision of its Planning and Development Ordinance, and possibly its official zoning map, and review of service demands requires the cessation of the acceptance, review and hearing on all zoning applications and residential subdivision plats.

SECTION II.

The preamble of this Resolution shall be considered to be and is hereby incorporated by reference as if fully set out herein.

SECTION III. MORATORIUM

- (1) The Mayor and Council do hereby enact a moratorium, to commence upon the enactment of this Resolution, to bar review and hearings on all zoning or rezoning applications, to bar acceptance of all zoning or rezoning applications, and to bar review of all residential and/or commercial site development plans and subdivision plans.
- (2) The duration of this moratorium shall be until the City adopts a revision of the City's Planning and Development Ordinance or until the expiration of 180 days from the date of adoption of this Resolution, whichever first occurs. The City reserves the right to extend the moratorium if necessary.
- (3) No review or hearing on any zoning or rezoning application will take place and no applications for zoning or rezoning seeking to zone or rezone property to another use or any application seeking to subdivide any property shall take place or be accepted by the City.
- (4) This moratorium shall be effective as of the date and time of adoption of this Resolution.
- (5) This moratorium shall have no effect upon property previously zoned or rezoned or platted.
- (6) This provision will not prevent a property owner that has previously zoned or rezoned property or has an approved final subdivision plat from obtaining development and construction permits.
- (7) Any person or entity who believes it has a vested right infringed on by this Resolution may petition for a hearing before the Mayor and Council. Such petition shall contain the name, address and phone number of the petitioner, a legal description of the property affected, a writing stating the basis upon which the petitioner believes it has vested rights and is

deserving of an exemption from this moratorium, including any facts or circumstances or supporting documentation which the petitioner feels substantiates its claim. Such petition shall be submitted to the City Clerk. After review, petitions shall be scheduled for hearing before the Mayor and Council after providing at least ten (10) days' advance notice to the petitioner.

SECTION IV.

- (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Resolution are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.
- (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause of this Resolution is severable from every other section, paragraph, sentence, clause, or phrase of this Resolution. It is hereby further declared to be the intention of the Mayor and Council that to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Resolution is mutually dependent upon any other section, paragraph, section, clause or phrase of this Resolution.
- (c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of this Resolution and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Resolution shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION V.

All Resolutions or parts of Resolutions in conflict with this Resolution are, to the extent of such conflict, hereby replaced.

SECTION VI.

The Mayor and Council have made the following findings of fact in consideration of this moratorium: the development of multi-family housing would overburden area schools; the development of additional multi-family housing would exhaust available resources, and the development of additional multi-family housing would increase traffic congestion, which also reduces air quality.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council hereby direct its staff to accept no applications for development of any property as multi-family. Multifamily shall include apartments, townhouses, duplexes, condominiums, and assisted living facilities.

SECTION VII.

The Mayor and Council have made the following findings of fact in consideration of this moratorium the development of data centers would exhaust available resources, and increase traffic congestion, which also reduces air quality.

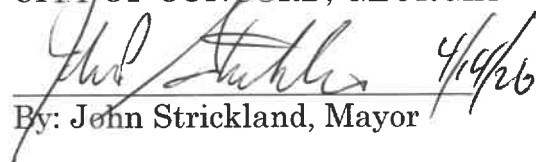
NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council hereby direct its staff to accept no applications for development of any property as data centers.

SECTION VIII.


This Resolution shall be effective immediately upon its adoption.

THIS RESOLUTION adopted this 14th day of April 2026.

CITY OF CONCORD, GEORGIA


By: John Strickland, Mayor

Attest:


Anita Neath, City Clerk

