

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION TO APPROVE THE AMENDED DESIGN AND CONSTRUCTION PLANS FOR PEEKSVILLE ROAD EXTENSION AND FOR OTHER PURPOSES**

**WHEREAS**, the City of Locust Grove (the “City”) has determined that it is in the best interests of the public to extend Peeksville Road from its current terminus with Highway 42 westerly to Frances Ward Drive (“Peeksville Road Extension”) so that Peeksville Road Extension will connect Highway 42 with Frances Ward Drive; and,

**WHEREAS**, the City thereafter timely advertised the approval and designation of the location for the proposed new Peeksville Road Extension as required and provided for in O.C.G.A. § 32-3-5(c);

**WHEREAS**, the City also hired a licensed and qualified engineer to design and create construction plans for Peeksville Road Extension and to coordinate with the Georgia Department of Transportation regarding the approvals and permitting, if any necessary, required to implement the construction of the designed Peeksville Road Extension;

**WHEREAS**, that engineer completed the design and construction plans for Peeksville Road Extension, named “Peeksville Road Extension (From Frances Ward Drive to SR42)” on July 17, 2023;

**WHEREAS**, the Mayor and Council, along with staff, have reviewed these design and construction plans;

**WHEREAS**, the City formally approved the initial design and construction plans for the proposed Peeksville Road Extension on July 18, 2023 by and through Resolution No. 23-07-061;

**WHEREAS**, the City’s engineer has amended the design and construction plans for Peeksville Road Extension to reflect an updated data sheet on September 29, 2023;

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**WHEREAS**, the amended design and construction plans for Peeksville Road Extension, named “Peeksville Road Extension (From Frances Ward Drive to SR42)” dated September 29, 2023, are incorporated herein by reference and made a part hereof, marked Exhibit “A”;

**WHEREAS**, the Mayor and Council, along with staff, have reviewed these amended design and construction plans;

**WHEREAS**, the City now desires to formally approve the amended design and construction plans for the proposed Peeksville Road Extension;

**WHEREAS**, the City is authorized by the Georgia Constitution and state law to perform this undertaking; and,

**NOW, THEREFORE, UPON MOTION BEING DULY MADE AND SECONDED, THE FOLLOWING RESOLUTION IS HEREBY ADOPTED:**

1.

The above preamble is incorporated here.

2.

The City’s Mayor and Council hereby approve the amended design and construction plans for the proposed Peeksville Road Extension attached hereto and incorporated herein as Exhibit “A”.

3.

The City’s employees, agents, or both, are hereby authorized and specifically directed to take all actions necessary or convenient to effectuate the purposes of this resolution, including, but not limited to: hiring appraisers or other professionals and individuals as the case may be to begin the preliminary process of valuing the property interests that may be required to construct the Peeksville Road Extension and to solicit bids from contractors to build the Peeksville Road

Extension.

4.

To the extent any portion of this Resolution is declared to be invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of this Resolution.

5.

All City resolutions are hereby repealed to the extent they are inconsistent with this resolution.

6.

This Resolution shall take effect immediately upon adoption.

**SO RESOLVED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
ROBERT PRICE, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

(Seal)

EXHIBIT "A"  
Amended Design and  
Construction Plans for  
Peeksville Road Extension  
(From Frances Ward Drive to SR42)  
Dated September 29, 2023









## Community Development Department

P. O. Box 900  
Locust Grove, Georgia 30248  
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# Item Coversheet

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**Item:** AN ORDINANCE TO RATIFY THE ADOPTION OF A MORATORIUM ON SUBMISSION, ACCEPTANCE, OR ACTION ON APPLICATIONS FOR CONDITIONAL USE OR DEVELOPMENT OR TRUCK PARKING FACILITIES IN THE CITY OF LOCUST GROVE FOR A PERIOD OF THREE HUNDRED, SIXTY-FIVE (365) DAYS.

**Action Item:**  Yes  No

**Public Hearing Item:**  Yes  No

**Executive Session Item:**  Yes  No

**Advertised Date:** N/A

**Budget Item:** No

**Date Received:** N/A

**Workshop Date:** September 18, 2023

**Regular Meeting Date:** October 2, 2023

### Discussion:

The City of Locust Grove City Council adopted a moratorium on submission, acceptance, or action on applications for conditional use or development of truck parking facilities in the city of locust grove for a period of three-hundred, sixty-five (365) days on September 18, 2023. This ordinance is to ratify the adoption of said moratorium.

### Recommendation:

Approval

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*... in The Grove*



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO ADOPT A MORATORIUM ON SUBMISSION, ACCEPTANCE, OR ACTION ON APPLICATIONS FOR CONDITIONAL USE OR DEVELOPMENT OF TRUCK PARKING FACILITIES IN THE CITY OF LOCUST GROVE FOR A PERIOD OF THREE-HUNDRED, SIXTY-FIVE (365) DAYS; TO ESTABLISH A PUBLIC PURPOSE TO BE SERVED BY THE MORATORIUM; TO REPEAL INCONSISTENT PROVISIONS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Locust Grove (the “City”) 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 Locust Grove;

**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 Mayor and Council are, and have been interested in addressing the extent to which tractor-trailer parking facilities are needed within the City, while being mindful of the impact of such facilities on properties within the City and the growth and development of the City and the impact of tractor-trailer traffic on public infrastructure inside the City;

**WHEREAS**, the Mayor and Council, therefore, wishes to exercise the City’s the traditional police power goals of protecting the environment, health, safety, morals, and the general welfare of the community and establish zoning policy and laws in a public, transparent and orderly fashion for landowners and citizens of the City; and

**WHEREAS**, it is the belief of the Mayor and Council of the City of Locust Grove that the concept of “general welfare” is broad and inclusive and includes, but is not limited to, the valid public objectives of protecting the environmental resources of the City; minimizing traffic impacts within the City; conserving aesthetics of the City; preserving of the values of existing lands and buildings within the City, making the most appropriate use of resources, preserving existing neighborhood and downtown characteristics, enhancing and protecting the economic well-being of the community, and minimizing the impacts to public facilities and services.

**NOW THEREFORE** be it ordained by the Mayor and Council of the City of Locust Grove and by the authority of same:

**SECTION I.**

The preamble of this Ordinance is hereby incorporated by reference as if fully set out herein.

**SECTION II.**

## FINDINGS OF FACT

- A. In addition to statements in the preamble, the City has experience rapid and extensive growth in industrial and warehouse use, both inside and outside the City, which by their nature use tractor-trailers for transport of goods inside and outside the City.
- B. Historically, the unlawful or undesired parking of tractor-trailers in neighborhoods, along road ways and streets, and in parking lots of businesses within the City has been a problem.
- C. The City has sought to provide tractor-trailer parking facilities to alleviate such illegal and impermissible parking. To that end, the City adopted a conditional use for unpaved tractor trailer-parking facilities, Section 15.46.060, on January 3, 2023 (the “Conditional Use Ordinance”).
- D. The City also permits paved tractor-trailer parking in the following zoning districts: M-1 (Light Manufacturing) and M-2 (Heavy Manufacturing).
- E. Rather than seeking to build paved tractor-trailer parking facilities and associated stormwater controls, there has been an unanticipated rush by property owners seeking conditional use permits for unpaved tractor-trailer parking facilities in areas of the City where such uses have significant adverse impacts to the health, safety and general welfare of the City and its citizens.
- F. The City is concerned with the impact tractor-trailer parking facilities, both paved and unpaved, will have on existing property values, stormwater and ground water, impact on public facilities, including but not limited to streets and stormwater drainage, traffic congestion, and aesthetics, among other things.
- G. Accordingly, the City desires to take those steps necessary to protect the rights of the public in an equitable and effective manner, while simultaneously promoting aesthetics, traffic safety, public health, safety and public welfare, and functioning public facilities. In light of certain requirements imposed by state law, the City Charter, and local ordinance, the City calculates that such efforts will take not less than one year from the enactment of this moratorium.
- H. In an effort to narrowly restrict the impact of the moratorium to achieve the compelling interests mentioned above, the City will limit the scope of the moratorium to bar acceptance or action on any applications for the aforementioned conditional use or submissions or approvals or licensing for any development-related permits whatsoever for tractor-trailer parking facilities within the City.

## SECTION III.

## MORATORIUM

- A. The Mayor and Council does hereby enact a moratorium for 365 days beginning at 11:59 PM on September 18, 2023 to bar the submission to or acceptance or approval by the City of applications for the aforementioned conditional use for truck or tractor-trailer parking facilities within the City, or the submission to, or acceptance or approval by the City of any development plans for truck or tractor-trailer parking facilities in the City except those for which a conditional use permit has been approved by the City Council within the preceding 365 days. Any such applications or development plans tendered and/or submitted to the City of Locust Grove or any of its Departments during this moratorium period shall not be accepted, considered, nor acted upon by the City of Locust Grove or any of its Departments. Any application so accepted for filing will be deemed in error, null and void and of no effect whatsoever and shall constitute no assurance whatsoever of any right to engage in any act, and any action in reliance on any such permit or approval shall be unreasonable.
- B. Notwithstanding the foregoing, the City recognizes that, unbeknownst to the City, de facto vesting may have occurred in some instances. Accordingly, the following procedure is established to provide consideration of an exemption request from this moratorium where a claim of legal vesting is made:
- i. A written application shall be submitted to the Locust Grove City Council, with verified supporting data, documents, and facts which the Applicant feels supports a claim of legal vesting. Such information will be reviewed by the Locust Grove City Council and approved/denied within sixty (60) days of submission in a public meeting. During this 60-day timeframe, additional facts and data may be requested by the City's staff to further the review process.
  - ii. Should the Applicant fail to provide requested information or otherwise fail to cooperate during the review process, the exemption request will be denied. If the information provided fails to support a claim of legally vested rights, the exemption request will be denied.
  - iii. Any exemption granted by the Locust Grove City Council shall merely grant the Applicant the right to have City Staff accept and process the underlying application in accordance with all existing City and State laws.

#### **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 Ordinance 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 sections, paragraph, sentence, clause of this Ordinance is severable from every other section, paragraph, sentence, clause, or phrase of this Ordinance. 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 Ordinance is mutually dependent upon any other section, paragraph, section, clause or phrase of this Ordinance.

C. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance 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, unconstitutionally 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 Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**SECTION V.**

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

**SECTION VI.**

This Ordinance shall be effective as of September 18, 2023.

This 18<sup>th</sup> day of September 2023.

**CITY OF LOCUST GROVE, GEORGIA**

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ROBERT S. PRICE, Mayor

ATTEST:

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MISTY SPURLING, City Clerk

(Seal)

APPROVED AS TO FORM:

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City Attorney