



CITY OF PORT WENTWORTH
CITY COUNCIL
JULY 18, 2024

Council Meeting Room

Regular Session

7:00 PM

7224 GA HIGHWAY 21
PORT WENTWORTH, GA 31407

- 1. CALL MEETING TO ORDER**
- 2. PRAYER AND PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL - CLERK OF COUNCIL**
- 4. APPROVAL OF AGENDA**
- 5. RECOGNITION OF SPECIAL GUESTS**
- 6. PUBLIC COMMENTS - REGISTERED SPEAKERS**
- 7. ELECTIONS & APPOINTMENTS**
- 8. ADOPTION OF MINUTES**

- A. Regular Council Meeting Minutes - June 10, 2024
- B. Regular Council Meeting Minutes - June 13, 2024
- C. Regular Council Meeting Minutes - June 20, 2024

9. COMMUNICATIONS & PETITIONS

- A. Proclamation for Robert Johnson "Uncle Bob"

10. COMMITTEE REPORTS

11. CONSENT AGENDA

- A. GDOT Letter of Acknowledgement for Solicited Donation.
- B. Request to close Pinder Point Rd. crossing DOT # 632468C, at-grade RR Mile Post A-484.49,(near) Savannah, Chatham Co. Georgia.

12. UNFINISHED BUSINESS

13. NEW BUSINESS

- A. Consideration of a Zoning Map Amendment Application submitted by Philip R. McCorkle as Agent for Ronald A. Royal, requesting to rezone (+/-)10 of 48.48 acres from R-1 to C-2, to allow for commercial development. PIN # 7-0975-01-024, located in the 1st Council District, at 6510 Georgia Highway 21.
 - Public Hearing

14. RESOLUTIONS/ORDINANCES/PROCLAMATIONS

- A. Resolution Imposing a Moratorium on the Re-Zoning of Any Property to Establish a New Service Station (Gas Station)
- B. Resolution Imposing a Moratorium on the Re-Zoning of Any Property to a Residential Classification or District

15. EXECUTIVE SESSION

- A. Litigation**
- B. Personnel**
- C. Real Estate**

16. ADJOURNMENT



City Council
7224 GA Highway 21
Port Wentworth, GA 31407

Meeting: 07/18/24
Department: Public Works
Category: Agreement
Prepared By: Omar Senati Martinez
Department Head: Omar Senati-Martinez

SCHEDULED

**AGENDA ITEM (ID GDOT
Solicited Donation)**

DOC ID:

GDOT Letter of Acknowledgement for Solicited Donation.

Issue/Item: GDOT Letter of Acknowledgement for Solicited Donation.

Background: The drainage cover that crosses Bonnybridge Rd between Warren Dr and Chiswick St needs to be replaced due to flooding issues during heavy rain.

Facts and Finding: This agreement is between GDOT and the City of Port Wentworth through which the City has agreed to allow Gdot to use the drainage easement we will obtain from North Fork Southern Railroad to allow them to make drainage improvements.

Funding: N/A

Recommendation: Staff recommends Approval.



Russell R. McMurry, P.E., Commissioner
 One Georgia Center
 600 West Peachtree NW
 Atlanta, GA 30308
 (404) 631-1990 Main Office

Letter of Acknowledgement for Solicited Donation

DATE: _____
NAME: City of Port Wentworth
ADDRESS: 7224 GA Hwy 21
CITY: Port Wentworth
STATE: GA **ZIP:** 31407
PROJECT NO.: N/A **P.I. NO.:** 0019665
PARCEL NO: 3
COUNTY/CITY: Chatham/Port Wentworth

The Georgia Department of Transportation is in the process of acquiring property to improve the roadway designated above. In order to make this project possible, _____ acres (or _____ square feet) of your property in fee simple; and/or 2306.53 square feet of your property in permanent construction easement for drainage improvements; and/or _____ square feet of your property in temporary construction easement for _____ will be needed.

This is more particularly shown on the attached plat(s). Since we both have a vested interest in this project, the Georgia Department of Transportation is soliciting a donation for the above described acquisition area owned by you.

We, **the City of Port Wentworth** understand that under federal and state codes that **we** are entitled to just and adequate compensation based on an opinion of value estimate, including any damages to the remainder property, if any. However, **we** desire to waive the appraisal/compensation processes and agree to donate the property to the Georgia Department of Transportation for the



Russell R. McMurry, P.E., Commissioner
One Georgia Center
600 West Peachtree NW
Atlanta, GA 30308
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betterment of this community. However, should I need an appraisal of fair market value for the donation of our property for tax purposes at a later date, the Georgia Department of Transportation agrees to produce an appraisal of value of my property as donated.

This transaction is being done voluntarily, without any coercion or pressure to donate. Furthermore, we are willing to execute all the necessary conveyance documents in favor of the Georgia Department of Transportation. It is understood that I will not incur any expenses related to the execution and recording of documents.

Print Name

Signature

Witness OR Notary



City Council
7224 GA Highway 21
Port Wentworth, GA 31407

Meeting: 07/18/24
Department: Public Works
Category: Agreement
Prepared By: Omar Senati Martinez
Department Head: Omar Senati-Martinez

SCHEDULED

AGENDA ITEM (ID CSX Closing)

DOC ID:

Request to close Pinder Point Rd. crossing DOT # 632468C, at-grade RR Mile Post A-484.49, (near) Savannah, Chatham Co. Georgia.

Issue/Item: Request to close Pinder Point Rd. crossing DOT # 632468C, at-grade RR Mile Post A-484.49, (near) Savannah, Chatham Co. Georgia.

Background: The crossing has been closed to vehicle traffic as a condition of the project's approval. This crossing has already been closed for about 5 years if not longer.

Facts and Finding: GDOT has agreed to the permanent closure of the crossing by CSX.

Funding: CXS is willing to complete the work at no cost to the City.

Recommendation: Staff recommends approval.



City Council
7224 GA Highway 21
Port Wentworth, GA 31407

Meeting: 07/18/24
Department: Development Services
Category: Ordinance
Prepared By: Katie Dunnigan
Department Head: Katie Dunnigan

SCHEDULED

**AGENDA ITEM (ID Royal Tract -
Commercial)**

DOC ID:

Consideration of a Zoning Map Amendment Application submitted by Philip R. McCorkle as Agent for Ronald A. Royal, requesting to rezone (+/-)10 of 48.48 acres from R-1 to C-2, to allow for commercial development. PIN # 7-0975-01-024, located in the 1st Council District, at 6510 Georgia Highway 21.

Issue/Item: A Zoning Map Amendment Application has been submitted by Philip R. McCorkle as Agent for Ronald A. Royal, requesting to rezone (+/-)10 of 48.48 acres from R-1 to C-2, to allow for commercial development. PIN # 7-0975-01-024, located in the 1st Council District, at 6510 Georgia Highway 21.

Background:

- The applicant requests C-2 zoning for future commercial development. The submitted concept plan shows retail development fronting Highway 21, with a self-storage facility to the rear of the property.
- The remaining (+/-) 38 acres of the parcel were approved for rezoning to I-1 on April 18, 2024.
- Access is proposed via multiple points on Jeffers Road leading to right in-right out access to Highway 21.
- The project will be served by Port Wentworth water and sewer.

Facts and Finding:

- Adjacent properties to the north, east, and west are within the I-1 zoning district. The southern boundary is separated from R-5 zoning by Jeffers Road.
 - The rezoning of this portion of the parcel to C-2 may act as transitional zoning between industrial and residential uses.
- The City of Port Wentworth Zoning Ordinances, Section 4.20(B) describes the intent of C-2 zoning, in part, as: *"...intended for a range of retail, office, and service uses, such as large-scale retailers, restaurants, office buildings, professional services, and other related commercial uses serving local and regional markets. Sites may be closer to residential areas and, in some cases, are part of mixed-used development and typically have easy access to arterials or major roadways..."* The proposed use is on Highway 21 and features self-storage adjacent to a multifamily residential development and across Highway 21 from a variety of residential types in close proximity.
- The 2021-2041 Comprehensive Plan shows the property in a suburban character area. While the proposed use does not strictly adhere to the character area description, it does follow suburban character area implementation strategy by allowing *"...appropriate neighborhood scale*

mixed uses...to serve the daily needs of the residents and provide a destination for pedestrians and to minimize the need for long trips”

The proposed rezoning meets applicable zoning criteria and is complimentary to surrounding use.

At the July 8, 2024 meeting, the Planning Commission voted to recommend approval.

Funding:

Recommendation:

- Public Hearing

APPLICATION TO AMEND THE ZONING MAP OF PORT WENTWORTH, GEORGIA



Applicant: Phillip R. McCorkle

Phone # (912) 232-6000

Mailing Address: 319 Tattnell Street, Savannah, Georgia 31401

Property Owner: Ronald A. Royal

Phone # (912) 665-0441

Use back if more than one owner

Owner Address: 6510 Highway 21, Port Wentworth, Georgia 31407

PIN #'s: 7-0975-01-024

of Acres 10.125

Zoning Classification: Present R-1 Requested C-2

Use of Property: Present Vacant Requested Commercial

If the requested change is to extend an existing adjacent zoning district to include this property, explain below why the proposed change should be made.

X If the requested change is not to extend an adjacent zoning district, explain below why this property should be placed in a different zoning district than all adjoining properties. (How does it differ from adjoining properties and why should it be subject to different restrictions than those applying to adjoining properties?)

The property fronts U.S. Highway 21 and is an ideal commercial tract, surrounded on two sides by property being zoned I-1 and multi-family across Jeffers Road.

Attach the following documents:

- 1. Written legal description of the property (e.g. copy of deed) - full metes and bounds description rather than plat reference.
2. Name, PIN #, property address and mailing address of property owners within 300 feet of this property.
3. Plat showing property lines with lengths and bearings, adjoining streets, locations of existing buildings, north arrow and scale. Submit three (3) copies of in 11" x 17", one 1 copy in 8.5" x 11", and a PDF on a flash drive.
4. Site Plan of proposed use of property. Submit three (3) copies in 11" x 17", one 1 copy in 8.5" x 11", and a PDF on a flash drive.
5. Disclosure of Campaign Contributions and Gifts form.
6. Disclosure of Financial Interests form
7. If property owner and applicant are not the same, Authorization by Property Owner form or Authorizations of Attorney form.
8. Filing fee of \$500.00 + \$50.00 per acre + \$75.00 Administrative Fee, payable to the City of Port Wentworth.

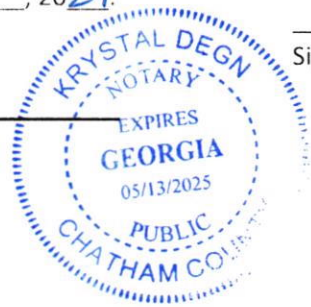
APPLICATION MUST BE FILED 20 BUSINESS DAYS PRIOR TO THE PLANNING COMMISSION MEETING AT WHICH THEY ARE TO BE CONSIDERED.

I hereby authorize the staff of the City of Port Wentworth to inspect the premises of the above described property and to post this property with the duly required notices. I hereby depose and say that all statements herein and attached statements submitted are true and correct to the best of my knowledge and belief.

Sworn to and subscribed before me this 9th day of April, 2024.

Signature of Applicant

Notary Public signature



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

(Required by Title 36, Chapter 67A, Official Code of Georgia Annotated)

Reference: Application filed on _____, 20_____, to rezone real property described as follows:

on Exhibit "A" of the application

Within the two years preceding the above filing date, the applicant has made campaign contributions aggregating \$250.00 or more to each member of the City Council of the City of Port Wentworth who will consider the application and is listed below. List (1) the name and official position of the local government official and (2) the dollar amount, description and date of each campaign contribution.

None

I hereby depose and say that all statements herein are true, correct and complete to the best of my knowledge and belief.

Sworn to and subscribed before me this 7th day of April, 2024.

[Handwritten Signature]

Signature of Applicant

[Handwritten Signature]
Notary Public



DISCLOSURE OF FINANCIAL INTERESTS

(Required by Title 36, Chapter 67A, Official Code of Georgia Annotated)

Reference: Application filed on _____, 20_____, to rezone real property described as follows:

10.125 portion of PIN 7-0975-01-024

The undersigned official of the City of Port Wentworth has a property interest (Note 1) in said property as follows:

The undersigned official of the City of Port Wentworth has financial interest (Note 2) in a business entity (Note 3) which has property interest in said property, which financial interests as follows:

The undersigned official of the City of Port Wentworth has a member of the family (Note 4) having a property interest in said property or a financial interest in a business entity which has a property interest in said property, which family member and property interest or financial interest are as follows:

Note 1: Property Interest – Direct ownership of real property, including any percentage of ownership less than total ownership

Note 2: Financial Interest – All direct ownership interest of the total assets or capital stock of a business entity where such ownership interest is 10 percent or more

Note 3: business entity – Corporation, partnership, limited partnership, firm, enterprise, franchise, association or trust

Note 4: Member of family – Spouse, mother, father, brother, sister, son, or daughter

I hereby depose and say that all statements herein are true, correct and complete to the best of my knowledge and belief.

Sworn to and subscribed before me this _____ day of _____, 20____.

Signature of Official

Notary Public

Updated 8/25/2023

AUTHORIZATION OF PROPERTY OWNER

Application for Rezoning or Variance

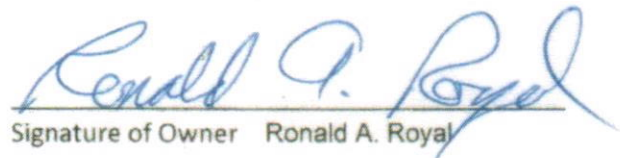
I swear that I am the owner of the property which is the subject matter of the attached application, as is shown in the records of Port Wentworth, Georgia.

I authorize the person named below to act as applicant in the pursuit of a variance or for the rezoning of this property.

Name of Applicant: Phillip R. McCorkle

Address: 319 Tattnall Street, Savannah, Georgia 31401

Telephone Number: (912) 232-6000


Signature of Owner Ronald A. Royal

Personally appeared before me
Ronald A Royal

who swears that the information contained in this authorization is true and correct to the best of his or her knowledge and belief.

Marcella Vassell Robinson
Notary Public

03/06/2024
Date



Surrounding Property Owners Within 300 Feet

JMUSKAAN LLC

PIN: 70975 02005

Property Address: 387 Augusta Road, Port Wentworth, Georgia 31407

Mailing Address: 829 Granite Lane, Savannah, Georgia 31419

Alfred L. Boyett

PIN: 70975 02004

Property Address: 7532 Highway 21, Port Wentworth, Georgia 31407

Mailing Address: 7532 Highway 21, Port Wentworth, Georgia 31407

Reyno Zamorano-Pineda

PIN: 70975 02003

Property Address: 7538 Highway 21, Port Wentworth, Georgia 31407

Mailing Address: 122 Chevis Road, Savannah, Georgia 31419

Evelyn Jones

PIN: 70975 02002

Property Address: 7542 Highway 21, Port Wentworth, Georgia 31407

Mailing Address: 7542 Highway 21, Port Wentworth, Georgia 31407

FAITH GOSPEL TEMPLE DELIVERENCE CENTER, INC.

PIN: 70975 02001

Property Address: 7548 Highway 21, Port Wentworth, Georgia 31407

Mailing Address: P.O. Box 18277, Savannah, Georgia 31418

Odessa Adams

PIN: 70975 02002A

Property Address: 7550 Highway 21, Port Wentworth, Georgia 31407

Mailing Address: 105 E 9th Street, Rincon, Georgia 31326

RICE HOPE – CJ LLC

PIN: 709906 04067

Property Address: 80 Magnolia Blvd, Port Wentworth, Georgia 31407

Mailing Address: P.O. Box 450233, Atlanta, Georgia 31145

RICE HOPE – CJ LLC

PIN: 709906 04037

Property Address: 80 Magnolia Blvd, Port Wentworth, Georgia 31407

Mailing Address: P.O. Box 450233, Atlanta, Georgia 31145

SPH 21, LLC

PIN: 70976 01001B

Property Address: 0 Augusta Road, Port Wentworth, Georgia 31407

Mailing Address: 5 Concourse Parkway, Suite 200, Atlanta, Georgia 30328

SPH 21, LLC

PIN: 70975 01028

Property Address: 0 Jeffers Road, Port Wentworth, Georgia 31407

Mailing Address: 5 Concourse Parkway, Suite 200, Atlanta, Georgia 30328

Birch Circle LLC

PIN: 70975 02006

Property Address: 7514 Highway 21, Port Wentworth, Georgia 31407

Mailing Address: 514A South Main Street, Hinesville, Georgia 31313

LMS-PORT WENTWORTH, LLC

PIN: 70975 01025

Property Address: 0 Jeffers Road, Port Wentworth, Georgia 31407

Mailing Address: 3975 Asbury Road, Birmingham, Alabama 35248

Exhibit "A"

LEGAL DESCRIPTION

BEGINNING AT A 5/8" IRON REBAR SET BEARING THE HORIZONTAL COORDINATES OF NORTHING:805,467.48', EASTING:954,815.28' (P.O.B.2); THENCE N 56°42'47" W A DISTANCE OF 785.87' TO A 4"x4" CONCRETE MONUMENT FOUND DISTURBED; THENCE N 11°49'54" W A DISTANCE OF 69.68' TO A 5/8" IRON REBAR SET; THENCE N 63°22'51" E A DISTANCE OF 992.14' TO A 5/8" IRON REBAR SET; THENCE S 13°54'27" E A DISTANCE OF 229.86' TO A 1/2" IRON REBAR FOUND DISTURBED; THENCE S 20°21'33" W A DISTANCE OF 681.08' TO A 5/8" IRON REBAR FOUND; THENCE N 69°39'41" W A DISTANCE OF 5.00' TO A 5/8" IRON REBAR FOUND; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 89.11', WITH A RADIUS OF 2,290.03', WITH A CHORD BEARING OF S 19°14'25" W, WITH A CHORD LENGTH OF 89.11' TO A 5/8" IRON REBAR SET; WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 441,046 SQUARE FEET, 10.125 ACRES.



City Council
7224 GA Highway 21
Port Wentworth, GA 31407

Meeting: 07/18/24
Department: Administration
Category: Resolution
Prepared By: Zahnay Smoak
Department Head:

SCHEDULED

AGENDA ITEM (ID)

DOC ID:

Resolution Imposing a Moratorium on the Re-Zoning of Any Property to Establish a New Service Station (Gas Station)

Issue/Item: Port Wentworth is experiencing an overabundance of service stations within its municipal city limits.

Background: The city has seen an influx of service station driven re-zoning requests within its municipal city limits over the last 12 months. Currently the city has 14 service stations in operation with 3 new services stations approved for construction. 7 of which are within a 3-square mile radius of Interstate 95 and Highway 21 interchange.

Facts and Finding:

Mayor and Council is vested with powers to regulate property for the purposes of maintaining health, morals, safety, security, peace, and the general welfare of the City; such powers include re-zoning and acceptance of site plans.

The Mayor and Council recognizes that staff are preparing to do a Strategic Plan, Comprehensive Plan, Downtown Development Plan, Transportation Plan, Stormwater Plan, Future Land Use Plan, and Pedestrian/Trail Plan. All of these features are necessary for the long-term future of our community and should be explored and evaluated.

This Moratorium Resolution provides a period for a pause in service station rezoning which the staff will use to develop a cohesive and coherent policy to promote community development through stability, predictability, and balanced growth which will further the prosperity of the City as a whole. The Moratorium is for six (6) months upon the passage and approval of the Resolution.

Funding:

Recommendation:

**STATE OF GEORGIA
COUNTY OF CHATHAM
CITY OF PORT WENTWORTH**

RESOLUTION OF THE CITY OF PORT WENTWORTH

A RESOLUTION IMPOSING A MORATORIUM ON ACCEPTING PERMIT APPLICATIONS FOR VEHICLE SERVICE STATIONS; LIMITED FOR A PERIOD NOT TO EXCEED SIX (6) MONTHS WHILE THE CITY CONSIDERS UPDATES TO ITS ZONING ORDINANCE, COMPREHENSIVE PLAN, AND FUTURE LAND USE MAP; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN ADOPTION DATE AND EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, recent development trends in the City of Port Wentworth suggest that current trends for commercial use, and vehicle service stations specifically, may not be adequately addressed by the current City zoning ordinances, comprehensive plan, and future land use map;

WHEREAS, the Mayor and Council of Port Wentworth is 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;

WHEREAS, Georgia law recognizes that local governments may impose moratoria on zoning decisions, building permits, and other development approvals where exigent circumstances warrant the same;

WHEREAS, Georgia courts take judicial notice of a local government's inherent ability to impose moratoria on an emergency basis;

WHEREAS, to 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 has found that the interests of the public necessitate the enactment of a moratorium for new permits for vehicle service stations for health, safety, morals, and general welfare purposes by means which are reasonable and not unduly oppressive;

WHEREAS, the Mayor and Council has, as a part of planning, zoning, and growth management, been in review of its zoning ordinances, comprehensive plan, and future land use map, and has been studying the City's best estimates and projections of the anticipated developments within Port Wentworth;

WHEREAS, the Mayor and Council deems it important to prudently and deliberately

develop its zoning ordinances, comprehensive plan, and future land use map in a manner which integrates the above-mentioned concerns and therefore considers a moratorium a proper exercise of its police powers;

WHEREAS, the Mayor and Council considers it paramount that land use regulation continues in the most orderly and predictable fashion with the least amount of disturbance to landowners and to the citizens of the City;

WHEREAS, the Mayor and Council has always had 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 traffic on City roads, 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;

WHEREAS, it is the belief of the Mayor and City Council 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 Mayor and Council to determine that a community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled;

WHEREAS, it is also the opinion of the Mayor and Council 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;

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

WHEREAS, the Mayor and City Council is evaluating possible revisions to the City's zoning ordinances, comprehensive plan, and future land use map with respect to the regulation of vehicle service stations so as to address current development trends; and

WHEREAS, it is in the best interest of the citizens of the City to place a moratorium on accepting permit applications for vehicle service stations until the review is completed.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF PORT WENTWORTH, GEORGIA, in regular meeting assembled and pursuant to lawful authority thereof, as follows:

1. It is hereby determined that the City's zoning ordinances, comprehensive plan, and

future land use map require review as they relate to vehicle service stations; that substantial detriment and irreparable harm may result if further regulation of vehicle service stations is needed and not implemented; that such review requires that there be a cessation of limited duration of all new permits for vehicle service stations; and that it is necessary and in the public's interest to delay, for a reasonable and finite period of time, the acceptance or processing of any applications for new vehicle service stations to ensure that the design, development, and location of such are consistent with the long-term planning objectives of the City.

2. There is hereby imposed a moratorium on the acceptance and processing by City staff of new permit applications for vehicle service stations on any property within the City to an under the current zoning ordinances of the City.

3. The duration of this moratorium shall be until the City adopts amendments to its zoning ordinances, comprehensive plan, and future land use map to address the above-mentioned concerns, abandons this effort by vote of the Mayor and Council, or until 5:00pm on December 31, 2024, whichever date is earliest.

4. This moratorium shall have no effect upon completed applications for vehicle service stations which have been accepted for processing by the City's staff prior to the effective date of this Resolution, or the initial moratorium resolution; nor shall the moratorium have an effect on permit applications occurring before such effective date.

5. This moratorium shall have no effect upon permits approvals occurring before the effective date of this Resolution.

6. 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 and were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional. 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 or phrase of this Resolution is severable from every other section, paragraph, sentence, clause or phrase therein. 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, sentence, clause or phrase of this Resolution. 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 judgement 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 the 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.

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

of such conflict, hereby repealed.

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

9. The proper officers and agents of the City are hereby authorized to take any and all further actions as may be required in connection with this Resolution.

10. This Resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED by the Mayor and Council of Port Wentworth, Georgia,
this the 18th day of July, 2024.

GARY NORTON, Mayor

ZAHNAY SMOAK, Clerk of Council



City Council
 7224 GA Highway 21
 Port Wentworth, GA 31407

Meeting: 07/18/24
 Department: Administration
 Category: Resolution
 Prepared By: Zahnay Smoak
 Department Head:

SCHEDULED

AGENDA ITEM (ID)

DOC ID:

Resolution Imposing a Moratorium on the Re-Zoning of Any Property to a Residential Classification or District

Issue/Item: Port Wentworth is experiencing extreme growth and development for residential properties needs to be properly planned.

Background: The city has seen a population growth of over 30% in just the last 3 years.

Facts and Finding:

Mayor and Council is vested with powers to regulate property for the purposes of maintaining health, morals, safety, security, peace, and the general welfare of the City; such powers include re-zoning and acceptance of site plans.

Mayor and Council recognizes that staff is preparing to do a Strategic Plan, Comprehensive Plan, Downtown Development Plan, Transportation Plan, Stormwater Plan, Future Land Use Plan, and Pedestrian/Trail Plan. All of these features are necessary for the long-term future of our community and should be explored and evaluated.

This Moratorium Resolution provides a period of time for a pause in residential rezoning which the staff will use to develop and cohesive and coherent policy to promote community development through stability, predictability, and balanced growth which will further the prosperity of the City as a whole. The Moratorium is for six (6) months upon the passage and approval of the Resolution.

Funding:

Recommendation:

**STATE OF GEORGIA
COUNTY OF CHATHAM
CITY OF PORT WENTWORTH**

RESOLUTION OF THE CITY OF PORT WENTWORTH

A RESOLUTION IMPOSING A MORATORIUM ON THE RE-ZONING OF ANY PROPERTY TO ANY RESIDENTIAL ZONING CLASSIFICATION OR DISTRICT; LIMITED FOR A PERIOD NOT TO EXCEED SIX (6) MONTHS WHILE THE CITY CONSIDERS UPDATES TO ITS ZONING ORDINANCE, COMPREHENSIVE PLAN, AND FUTURE LAND USE MAP; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN ADOPTION DATE AND EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, recent development trends in the City of Port Wentworth suggest that current trends for residential zoning districts, may not be adequately addressed by the current City zoning ordinances, comprehensive plan, and future land use map;

WHEREAS, the Mayor and Council of Port Wentworth is 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;

WHEREAS, Georgia law recognizes that local governments may impose moratoria on zoning decisions, building permits, and other development approvals where exigent circumstances warrant the same;

WHEREAS, Georgia courts take judicial notice of a local government's inherent ability to impose moratoria on an emergency basis;

WHEREAS, to 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 has found that the interests of the public necessitate the enactment of a moratorium for the re-zoning of any property to any residential zoning or classification for health, safety, morals, and general welfare purposes by means which are reasonable and not unduly oppressive;

WHEREAS, the Mayor and Council has, as a part of planning, zoning, and growth management, been in review of its zoning ordinances, comprehensive plan, and future land use map, and has been studying the City's best estimates and projections of the anticipated developments within Port Wentworth;

WHEREAS, the Mayor and Council deems it important to prudently and deliberately

develop its zoning ordinances, comprehensive plan, and future land use map in a manner which integrates the above-mentioned concerns and therefore considers a moratorium a proper exercise of its police powers;

WHEREAS, the Mayor and Council considers it paramount that land use regulation continues in the most orderly and predictable fashion with the least amount of disturbance to landowners and to the citizens of the City;

WHEREAS, the Mayor and Council has always had 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 traffic on City roads, 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;

WHEREAS, it is the belief of the Mayor and City Council 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 Mayor and Council to determine that a community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled;

WHEREAS, it is also the opinion of the Mayor and Council 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;

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

WHEREAS, the Mayor and City Council is evaluating possible revisions to the City's zoning ordinances, comprehensive plan, and future land use map with respect to the re-zoning of any property to any residential zoning or classification so as to address current development trends; and

WHEREAS, it is in the best interest of the citizens of the City to place a moratorium on the re-zoning of any property to any residential zoning or classification until the review is completed.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF PORT WENTWORTH, GEORGIA, in regular meeting assembled and pursuant to lawful authority thereof, as follows:

1. It is hereby determined that the City's zoning ordinances, comprehensive plan, and future land use map require review as they relate to re-zoning of any property to any residential zoning or classification; that substantial detriment and irreparable harm may result if further regulation of re-zoning of any property to any residential zoning or classification is needed and not implemented; that such review requires that there be a cessation of limited duration of all re-zoning of any property to any residential zoning or classification; and that it is necessary and in the public's interest to delay, for a reasonable and finite period of time, the re-zoning of any property to any residential zoning or classification to ensure that the design, development, and location of such are consistent with the long-term planning objectives of the City.

2. There is hereby imposed a moratorium on the acceptance and processing by City staff of re-zoning of any property to any residential zoning or classification on any property within the City to an under the current zoning ordinances of the City.

3. The duration of this moratorium shall be until the City adopts amendments to its zoning ordinances, comprehensive plan, and future land use map to address the above-mentioned concerns, abandons this effort by vote of the Mayor and Council, or until 5:00pm on December 31, 2024, whichever date is earliest.

4. This moratorium shall have no effect upon completed applications for re-zoning of any property to any residential zoning or classification which have been accepted for processing by the City's staff prior to the effective date of this Resolution, or the initial moratorium resolution; nor shall the moratorium have an effect on applications occurring before such effective date.

5. This moratorium shall have no effect upon application approvals occurring before the effective date of this Resolution.

6. 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 and were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional. 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 or phrase of this Resolution is severable from every other section, paragraph, sentence, clause or phrase therein. 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, sentence, clause or phrase of this Resolution. 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 judgement 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 the 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.

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

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

9. The proper officers and agents of the City are hereby authorized to take any and all further actions as may be required in connection with this Resolution.

10. This Resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED by the Mayor and Council of Port Wentworth, Georgia,
this the 18th day of July, 2024.

GARY NORTON, Mayor

ZAHNAY SMOAK, Clerk of Council