



AGENDA REPORT

MEETING DATE:	October 19, 2026	Regular 
DEPARTMENT:	Community Development	Sara Leaders, Community Development and Public Works Director
SECTION OF AGENDA:	Public Hearing	October 19, 2026
AGENDA ITEM TITLE:	Consideration of a Resolution Enacting and Extending for Up to Sixty (60) Days a Moratorium Within the South Deerfield Study Area Barring the Acceptance of Certain Zoning, Land Use, Site Plan, and Land Disturbance Applications; Providing for Limited Exceptions; Directing a Focused Review of the Area's Vision, Land Use, Development Standards, Infrastructure, and Implementation Tools; and for Other Lawful Purposes.	
STATEMENT OF PURPOSE:	The purpose of this agenda item is to conduct the advertised public hearing and consider extending the existing temporary moratorium within the South Deerfield Study Area for up to 60 additional days to allow continued evaluation and development of coordinated recommendations for Council.	
FINANCIAL IMPACT:	There is no direct financial impact associated with the proposed resolution. Any future expenditures resulting from the focused review would require separate consideration and approval.	
RECOMMENDED ACTION:	Following the public hearing, approve the resolution continuing the existing moratorium without interruption for up to 60 additional days.	

EXECUTIVE SUMMARY:

The South Deerfield area is an important employment and commercial center that also includes land planned for a future athletic park. The City is developing concept plans and considering coordinated public and private investment within the area generally bounded by State Route 9, Webb Road, Georgia State Route 400, and Windward Parkway, as depicted on Exhibit A.

On September 21, 2026, Council adopted a temporary 30-day moratorium on the acceptance of specified development applications within the South Deerfield Study Area. The City, Development Authority, staff, and consultants have begun the focused review, but additional time is needed to continue evaluating the area and develop coordinated recommendations.

Notice of the October 19 public hearing was published in accordance with applicable notice requirements. Following the hearing, Council will consider a resolution continuing the existing moratorium without interruption for up to 60 additional days from adoption.

The moratorium remains limited to the Study Area and the application types specified in the resolution. It preserves active permits, previously accepted applications, and legally vested rights as provided in the resolution.



PURPOSE/BACKGROUND:

South Deerfield is an important employment and commercial center and a significant component of the City's economic base. The City is developing concept plans and considering coordinated public and private investment within the area generally bounded by State Route 9, Webb Road, State Route 400, and Windward Parkway, as depicted on Exhibit A.

The City has announced the acquisition of property within the Study Area and activated the Deerfield Focused Development Authority to assist with economic-development activities and planning. These efforts warrant a coordinated evaluation of land use, infrastructure, investment, and implementation opportunities.

The initial moratorium provided time to begin this review and advertise a public hearing concerning an additional moratorium period. The proposed resolution would provide up to 60 additional days to continue the work while maintaining existing development conditions. The Development Authority's recommendations remain advisory, and legislative zoning authority remains with Council.

STAFF ANALYSIS:

The proposed resolution would continue the prohibition on accepting new applications within the Study Area for:

- Rezoning and special-use, conditional-use, or use-permit approvals;
- Zoning or use modifications, amendments, or administrative approvals that would authorize a new principal use, increase development intensity, or change an approved site plan;
- Variances associated with new development or material expansion;
- Preliminary plats, site plans, development plans, or comparable development approvals; and
- Land disturbance permits, land development permits, and substantially similar applications or submissions under the UDC.

The moratorium would not affect active permits, applications properly tendered to and accepted by the City before adoption, or legally vested rights.

Community Development and the Deerfield Focused Development Authority, in consultation with the City Attorney and appropriate staff and consultants, would continue evaluating the area's vision, land uses, zoning, development intensity, design and performance standards, transportation and utility infrastructure, public facilities, open space, economic-development tools, property acquisition and disposition strategies, phasing, and implementation measures.

The moratorium would terminate at the earliest of: 11:59 p.m. on the 60th day following adoption; Council adoption of an ordinance, resolution, plan, or other action contemplated by the focused review; Council repeal or termination of the moratorium; or Council approval of an additional moratorium following the applicable hearing or other process identified by the City Attorney.

FINANCIAL IMPACT:

There is no direct financial impact associated with the proposed resolution. Any future expenditures resulting from the focused review would require separate consideration and approval.

ALTERNATIVES CONSIDERED:

Option 1: Approve the resolution and continue the existing moratorium without interruption for up to 60 additional days.

Option 2: Do not approve the resolution, allowing the existing moratorium to expire under its current terms and the City to resume accepting affected applications.

Option 3: Modify the proposed resolution for duration, boundaries, application types, exceptions, or other terms of the moratorium.

LEGAL AND REGULATORY CONSIDERATIONS:

The proposed resolution follows publication of the required public notice and will be considered following the October 19 public hearing. It continues a moratorium limited by duration, geography, and application type.

The resolution preserves development under active permits, applications properly tendered to and accepted by the City before enactment, and legally vested rights. The property owner or applicant bears the burden of establishing a vested right. Exhibit A controls the Study Area boundaries if they differ from the narrative description.

Any subsequent legislative changes would require separate consideration under the Georgia Zoning Procedures Law, the Unified Development Code, and other applicable requirements.

OPERATIONAL IMPACT:

Community Development staff would continue screening applications for property within the Study Area and would not accept applications prohibited by the resolution during the extended period. Permits and applications outside its scope would continue to be processed under existing procedures. Staff, the Development Authority, the City Attorney, and appropriate consultants would continue the focused review and present recommendations to Council.

COMMUNITY/STAKEHOLDER IMPACT:

The extension would temporarily affect property owners, developers, businesses, and applicants seeking to submit specified new development applications within the Study Area. The advertised public hearing provides an opportunity to comment before Council considers the extension. Active permits, previously accepted applications, and legally vested rights remain protected as provided in the resolution.

STRATEGIC ALIGNMENT:

Aligns with Strategic Priority #2 – Continue smart land planning and keep Milton unique.

STAFF RECOMMENDATION:

Approval of the resolution continuing the existing moratorium without interruption for up to 60 additional days.

REVIEWS & APPROVALS:

Legal Review: Ken Jarrard, Jarrard & Davis, LLP – October 8, 2026

Concurrent Review: Steven Krokoff, City Manager


Steven Krokoff (Oct 14, 2026 14:15:47 EDT)

ATTACHMENTS:

Resolution

Exhibit A - South Deerfield Study Area

STATE OF GEORGIA

RESOLUTION NO. _____

COUNTY OF FULTON

A RESOLUTION OF THE CITY OF MILTON, GEORGIA ENACTING AND EXTENDING FOR UP TO SIXTY (60) DAYS A MORATORIUM WITHIN THE SOUTH DEERFIELD STUDY AREA BARRING THE ACCEPTANCE OF CERTAIN ZONING, LAND USE, SITE PLAN, AND LAND DISTURBANCE APPLICATIONS; PROVIDING FOR LIMITED EXCEPTIONS; DIRECTING A FOCUSED REVIEW OF THE AREA'S VISION, LAND USE, DEVELOPMENT STANDARDS, INFRASTRUCTURE, AND IMPLEMENTATION TOOLS; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the City of Milton, Georgia ("City") is a duly formed political subdivision of the State of Georgia, with all powers attendant thereto; and

WHEREAS, Section 1.12(b)(27) of the City's Charter empowers the City to regulate development within the City limits through zoning and associated land development regulations; and

WHEREAS, the City has adopted the City of Milton Unified Development Code ("UDC"), which regulates zoning, land development, permitting, administration, and related standards within the City; and

WHEREAS, the South Deerfield area is an important employment and commercial center and a significant component of the City's economic base; and

WHEREAS, the City is developing concept plans and considering coordinated public and private investment for the South Deerfield area, generally located near and within the area bounded by State Route 9, Webb Road, Georgia State Route 400, and Windward Parkway, as more particularly shown on Exhibit A attached hereto and incorporated herein (the "Study Area"); and

WHEREAS, the City has announced the acquisition of certain property within the Study Area, which acquisition may materially affect development expectations in and around the property and the City's planning and implementation options for the area; and

WHEREAS, the City Council has activated a Deerfield focused development authority (the "Development Authority") to assist with lawful economic-development functions, which may include property acquisition and disposition, comprehensive market analysis, concept refinement, infrastructure and implementation planning, and recommendations concerning land use, zoning, policy, design, performance standards, and related matters; and

WHEREAS, any planning, policy, or zoning recommendations of the Development Authority will be advisory, and all legislative zoning authority will remain with the City Council, subject to the UDC, the Georgia Zoning Procedures Law, and all other applicable law; and

WHEREAS, the City Council desires to maintain existing development conditions for a brief period so that the Development Authority, Community Development Department, City Attorney, and other appropriate staff and consultants may evaluate the Study Area holistically and present coordinated recommendations for the City Council's consideration; and

WHEREAS, during that limited review period, the filing or processing of new by-right land-disturbance proposals or zoning and land-use applications could create unintended consequences, undermine coordinated planning, or foreclose visioning options before the City has completed its focused review; and

WHEREAS, because the Study Area is economically critical, the City Council intends this moratorium to be geographically focused, limited to specified application types, and of short duration, so as to avoid unnecessary disruption to existing businesses, approved projects, ordinary maintenance, and routine occupancy; and

WHEREAS, a moratorium is a necessary land development tool enabling local governments to suspend the acceptance of specified applications for a reasonable period while it evaluates and updates applicable plans, policies, codes, and regulations; and

WHEREAS, if a moratorium is not in place, there may be filing of new land-development, rezoning, land-disturbance, or related applications within the Study Area that could alter existing conditions, foreclose planning opportunities, create unintended consequences, or limit the City's ability to consider and implement a coordinated vision for the area; and

WHEREAS, maintaining existing development conditions for a brief and defined period will allow the City, the Development Authority, and appropriate City staff and consultants to complete a focused evaluation of the Study Area before new development proposals are accepted and reviewed under the City's existing regulations; and

WHEREAS, on September 21, 2026, the City Council adopted a resolution enacting a temporary thirty (30) day moratorium within the Study Area; and

WHEREAS, during the initial moratorium period, the City, the Development Authority, and appropriate City staff and consultants have begun the focused review described herein, but additional time is reasonably necessary to continue that review and develop coordinated recommendations for the City Council's consideration; and

WHEREAS, following publication of a legal advertisement in accordance with the notice requirements of the Georgia Zoning Procedures Law, the City Council held a public hearing on October 19, 2026, concerning extending the moratorium within the Study Area; and

WHEREAS, Georgia law recognizes that local governments may impose temporary moratoria on zoning decisions, building permits, and other development approvals where exigent circumstances warrant such action, including pursuant to City of Roswell v. Outdoor Systems, Inc., 274 Ga. 130 (2001); and

WHEREAS, the City Council finds that a sixty (60) day extension of the existing moratorium is reasonably necessary to maintain existing development conditions, appropriately limited in duration and geographic scope, a reasonable exercise of the City's police power, and in the best interests of the public health, safety, and welfare.

NOW THEREFORE, BE IT RESOLVED BY THE MILTON CITY COUNCIL, as follows:

1. The statements set forth in the preamble are incorporated herein by reference and constitute a material part of this Resolution.

2. STUDY AREA: This Resolution applies only to property located within the South Deerfield Study Area depicted on Exhibit A. If the narrative description of the Study Area differs from Exhibit A, Exhibit A shall control.

3. MORATORIUM DURATION: The City of Milton does hereby enact and continue the moratorium enacted on September 21, 2026, without interruption for an additional period not to exceed sixty (60) days following adoption of this Resolution, barring the acceptance of any new application concerning property within the Study Area for: (a) rezoning; (b) special use, conditional use, or use permit approval; (c) a zoning or use modification, amendment, or administrative approval that would authorize a new principal use, increase development intensity, or change an approved site plan; (d) variance approval directly associated with a new development or material expansion; (e) preliminary plat, site plan, development-plan, or comparable development approval; or (f) a land disturbance permit or land development permit, including any substantially similar application or submission under the UDC. City staff shall not accept an application prohibited by this section during the moratorium period.

4. PURPOSE: The purpose of this moratorium is to maintain existing development conditions for a brief period while the City conducts a focused review of the Study Area and considers coordinated recommendations concerning the area's vision, land uses, zoning, development intensity, design and performance standards, transportation and utility infrastructure, public facilities, open space, economic-development tools, property acquisition or disposition strategies, phasing, and other implementation measures.

5. DIRECTION: The Community Development Department and the Deerfield Focused Development Authority, in consultation with the City Attorney and any other appropriate City staff or consultants, are hereby directed to evaluate the matters described in Section 4 and promptly present recommendations to the City Council. Nothing in this Resolution delegates the City's legislative zoning power or authorizes the Development Authority to make a final zoning decision.

6. TERMINATION: This moratorium shall terminate on the earliest of (1) 11:59 p.m. on the sixtieth (60th) day following adoption of this Resolution; (2) adoption by the City Council of an ordinance, resolution, plan, or other action contemplated by the focused land use/visioning review described herein; or (3) repeal or termination of this moratorium by further action of the

City Council; or (4) approval by the City Council of an additional moratorium after any public hearing or other process deemed necessary by the City Attorney.

7. NO IMPAIRMENT: The moratorium imposed herein does not limit the ability of any property owner or developer to continue to develop land and receive permits in accordance with already issued and active permits, or applications for permits or approvals that were properly tendered to and accepted by the City prior to enactment of this Resolution. This Resolution shall not disturb legally vested rights that began before the effective date of this Resolution. The property owner or applicant shall bear the burden of establishing any vested right.

8. SEVERABILITY: The provisions of this Resolution are severable and should any part of this Resolution be deemed by a tribunal of competent jurisdiction to be invalid, such invalidity shall not affect the validity of this Resolution as a whole or any part hereof, other than the part declared to be invalid.

9. EFFECTIVE DATE: This Resolution shall be effective upon a majority vote of the City Council.

SO RESOLVED, the public health, safety and welfare demanding it, this 19th day of October, 2026.

Approved:

Mayor

Attest:
[SEAL]

City Clerk

SOUTH DEERFIELD PARKWAY STUDY AREA

EXHIBIT A

