STATE OF GEORGIA
CITY OF HAMPTON

RESOLUTION NO. 2026-09

A RESOLUTION BY THE MAYOR AND COUNCIL OF THE CITY OF HAMPTON, GEORGIA ESTABLISHING A ONE HUNDRED AND TWENTY (120) DAY MORATORIUM ON DATA CENTER APPLICATIONS AND ASSOCIATED DEVELOPMENT PERMITS; PROVIDING LEGISLATIVE FINDINGS AND PURPOSE; DEFINING SCOPE, EXCEPTIONS, AND DURATION; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the City of Hampton, Georgia ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia and is authorized to enact zoning and land use regulations pursuant to its police powers and applicable state law; and

WHEREAS, the Mayor and City Council of the City are vested with authority to regulate the use and development of land within the City in order to promote the public health, safety, morals, and general welfare of the community; and

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, pursuant to case law found at *City of Roswell et al v. Outdoor Systems, Inc.*, 274 Ga. 130, 549 S.E.2d 90 (2001); *Lawson v. Macon*, 214 Ga. 278, 104 S.E.2d 425 (1958); *Taylor v. Shetzen*, 212 Ga. 101, 90 S.E.2d 572 (1955); and

WHEREAS, the Georgia Supreme Court, in the case of *DeKalb County v. Townsend*, 243 Ga. 80 (1979) held, "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." The City has found that the interests of the public necessitate the enactment of a moratorium for health, safety, morals, and general welfare purposes by means which are reasonable and not unduly oppressive; and

WHEREAS, the City has experienced increasing interest in the siting and development of large-scale data center facilities, which by their nature may involve substantial consumption of water, significant electrical load demands, increased infrastructure capacity requirements, and impacts to transportation systems and public safety services; and

WHEREAS, certain proposed or anticipated data center developments may meet or approach the thresholds for classification as a Development of Regional Impact ("DRI") under Georgia law, thereby requiring coordinated review and analysis of regional impacts; and

WHEREAS, the City recognizes the importance of ensuring that development with potential regional impacts is reviewed in coordination with the appropriate regional planning authority, including the Atlanta Regional Commission; and

WHEREAS, the Mayor and Council has determined that additional time is necessary to allow for coordination regarding DRI review requirements, to evaluate the adequacy of existing public infrastructure and municipal services to support data center development, and to consider potential amendments to the City's zoning and development regulations applicable to such uses; and

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. 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, aesthetics and the general welfare of the community; in particular, the lessening of congestion on 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 including access to air and light, and facilitation of the adequate provision of transportation and other public requirements; and

WHEREAS, it is the belief of the Mayor and 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 City "to determine that a community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled," *Berman v. Parker*, 348 U.S. 26, 75 S.Ct. 98 (1954); *Kelo v. City of New London*, 545 U.S. 469, 125 S. Ct. 2655, 162 L. Ed. 2d 439 (2005). It is also the opinion of the City 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 find that the approval of additional data center applications during the pendency of such review and evaluation could result in development inconsistent with the City's planning objectives or infrastructure capacity and could adversely affect the public health, safety, and welfare; and

WHEREAS, the Mayor and Council further find that a temporary moratorium of limited duration is a reasonable and necessary legislative tool to preserve the status quo while the City undertakes such planning and review, and that such moratorium is narrowly tailored in scope and duration and is not intended to permanently prohibit data center development within the City.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and City Council of the City of Hampton, Georgia, as follows:

Section 1. ***Findings of Fact.*** The Mayor and Council hereby make the following findings of fact:

(a) The City's current zoning and land use regulations require additional review as they relate to the siting, intensity, and infrastructure impacts of data center facilities;

(b) Approval of additional data center-related zoning and development applications prior to completion of such review could result in development inconsistent with the City's long-term planning objectives and infrastructure capacity;

(c) It is necessary and in the public interest to temporarily delay the acceptance and approval of such applications in order to allow for coordinated planning and regulatory review; and

(d) The Georgia Supreme Court has recognized that limited, generally applicable moratoria of reasonable duration are permissible and do not constitute an unlawful taking of property.

(e) *Definition of Data Center.* For purposes of this Resolution, the term *"Data Center"* shall mean any facility, campus, or portion thereof, whether existing or proposed, that is primarily designed, constructed, or operated to house computer systems, servers, networking equipment, or related infrastructure for the purpose of data processing, data storage, cloud computing, digital services, or information technology operations, and which typically requires substantial electrical power, cooling systems, water usage, backup power generation, or other supporting infrastructure. The term Data Center includes, but is not limited to, enterprise data centers, colocation facilities, hyperscale data centers, cloud service facilities, cryptocurrency mining facilities, blockchain processing facilities, artificial intelligence or machine-learning computing facilities, and any similar high-intensity computing use, regardless of whether such use is accessory to or combined with another principal use.

Section 2. ***Imposition of Moratorium.***

(a) There is hereby imposed a moratorium on the acceptance, processing, review, and approval of new applications for rezonings, conditional use permits, special use permits, site plans, variances, building permits, or other zoning or development approvals whose primary purpose is the development or expansion of a data center facility.

(b) This moratorium shall apply citywide and shall be generally applicable to all properties and applicants.

(c) This moratorium shall not apply to applications submitted or approvals granted prior to the effective date of this Resolution, nor to projects for which vested rights have accrued under Georgia law.

(d) Any application submitted or accepted in violation of this Resolution shall be deemed null and void and shall confer no rights upon the applicant.

Section 3. ***Exclusions and Exceptions.*** This moratorium shall not apply to:

(a) Any project for which the applicant has obtained vested rights under Georgia law prior to the effective date of this Resolution;

(b) Applications that received final zoning approval prior to the effective date of this Resolution and for which only ministerial permits remain, provided no material modification to the approved development is proposed;

(c) Routine inspections, maintenance, repair, or replacement activities for existing legally established data center facilities that do not increase intensity, capacity, footprint, or operational impact; or

(d) Emergency work necessary to protect life, property, or public safety.

Section 4. ***Duration.*** This moratorium shall be in effect for a period of one hundred twenty (120) days from the effective date of this Resolution, unless earlier terminated or extended by resolution of the Mayor and Council. Any extension of the moratorium shall require adoption of a subsequent resolution supported by additional legislative findings and compliance with all applicable public notice and hearing requirements.

Section 5. ***Planning and Review Activities.*** During the pendency of the moratorium, the City may undertake one or more of the following actions: (i) coordinate with the Atlanta Regional Commission regarding applicable DRI review requirements; (ii) evaluate the capacity of public infrastructure and municipal services to accommodate data center development; (iii) review and consider amendments to the City's zoning ordinance or development regulations applicable to data center uses; and (iv) develop standards or procedures to ensure that future data center development is consistent with the City's comprehensive planning objectives.

Section 6. ***Severability.***

(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 and were, upon their enactment, believed by the City 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, or phrase of this Chapter 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, sentence, 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 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.

Section 7. ***Effective Date.*** This Resolution shall become effective upon adoption by the Mayor and City Council of the City of Hampton, Georgia.

SO RESOLVED this 10th day of February, 2026.

CITY OF HAMPTON, GEORGIA

Ann Tarpley, *Mayor*

ATTEST:

_____(SEAL)
City Clerk

APPROVED AS TO FORM:

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City Attorney