

RESOLUTION OF THE BOARD OF COMMISSIONERS OF LEE COUNTY, GEORGIA TO ESTABLISH A TEMPORARY MORATORIUM ON THE ACCEPTANCE, CONSIDERATION, AND APPROVAL OF APPLICATIONS FOR PERMITTING NEW MULTI-FAMILY RESIDENTIAL HOUSING; ON THE ISSUANCE OF LAND DISTURBANCE PERMITS FOR NEW MULTI-FAMILY RESIDENTIAL HOUSING; ON THE AUTHORIZATION AND ISSUANCE OF LAND DEVELOPMENT PERMITS FOR NEW MULTI-FAMILY RESIDENTIAL HOUSING; ON THE ISSUANCE OF MAJOR AND MINOR SUBDIVISION APPROVALS FOR NEW MULTI-FAMILY RESIDENTIAL HOUSING; ON LEE COUNTY'S FUNDING OR CONSTRUCTION OF ANY ROAD OR INFRASTRUCTURE IMPROVEMENTS RELATED TO NEW MULTI-FAMILY RESIDENTIAL HOUSING; AND ON THE ZONING AND REZONING OF LAND FOR MULTI-FAMILY HOUSING IN THE UNINCORPORATED AREAS OF LEE COUNTY, IN ORDER TO DETERMINE WHAT AMENDMENTS OR REVISIONS, IF ANY, ARE REQUIRED TO THE LEE COUNTY LAND USE PLAN AND THE LEE COUNTY ZONING CODE TO DEAL WITH ECONOMIC AND FINANCIAL IMPACT OF THE MULTI-FAMILY RESIDENTIAL HOUSING ISSUES WHICH ARE FACING LEE COUNTY; TO ESTABLISH THE COMMENCEMENT DATE OF THE TEMPORARY MORATORIUM AND TO ESTABLISH THE TERMINATION DATE OF THE MORATORIUM; AND FOR OTHER PURPOSES

WHEREAS, Chapter 70, Article VI, Code Sections 70-196 through 70-206, of the Code of Ordinances of Lee County, Georgia, (the "Lee County Code") establishes the R-2 ("Residential") zoning district in the Lee County Code and authorizes the permitting, construction, and operation of multi-family residential housing within the R-2 zoning district in the unincorporated areas of Lee County; and

WHEREAS, such provisions of the Lee County Code which identify authorized residential uses in an R-2 district, i.e. "multi-family housing", include the following types of residences: single-family detached dwellings, duplexes, apartments, townhouses, condominiums, patio houses, zero-lot-line houses, other high density residential developments, and residential planned unit developments, and all references in this Resolution to "multi-family residential housing", "multi-family dwellings", "multi-family residential developments", and similar designations are intended to reference and include all types of such housing which is included and identified as "multi-family housing" in Chapter 70, Article VI, Section 7-197(a) through Section 70-197(i) of the Lee County Code; and

WHEREAS, Lee County has not revised its Zoning Ordinances relating to the R-2 Multi-Family Residential District in a comprehensive manner in several years; and

WHEREAS, based upon the recent reports from the U. S. Census Bureau, the population of Lee County has increased by 19.9% between the 2010 Decennial Census and July 1, 2023, which makes Lee County one of the fastest growing counties population-wise in the southwest Georgia geographic area; and

WHEREAS, developers continue to seek to construct single-family residences and multi-family residences in Lee County at an unprecedented rate, with the approval and permitting of the Land Disturbance Permits and Major Subdivisions and Minor Subdivisions continuing at a fast pace. Within the last fourteen (14) years, approximately 1,154 single-family residences and 965 multi-family dwelling units have been constructed; and

WHEREAS, particularly with respect to multi-family residential housing, there is typically a substantial amount of increased traffic in the area of such housing; and

WHEREAS, new multi-family residential housing potentially creates additional financial burdens on the Lee County Public School System; and

WHEREAS, multi-family residential housing may not generate sufficient ad valorem tax revenue payable to Lee County and the Lee County Public School System in order to offset the additional costs of public services which must be provided to multi-family residential housing; and

WHEREAS, the Lee County Utilities Authority operates the Kinchafoonee Creek Waste Water Pollution Control Plant (the "Wastewater Treatment Plant") and such Treatment Plant has essentially met its daily discharge capacity limit of 1 Million gallons per day of wastewater from its customers in the unincorporated area of Lee County as limited by the NPDES Permit issued to the Lee County Utilities Authority to operate its Wastewater Treatment Plant by the Georgia Department of Natural Resources, Environmental Protection Division; and

WHEREAS, any discharge of treated wastewater from the Wastewater Treatment Plant in excess of 1 Million gallons per day is a violation of the Lee County Utilities Authority's NPDES permit

WHEREAS, substantially all multi-family residential housing in the unincorporated area of Lee County is required by applicable regulations of the State Georgia Department of Health, acting through the Lee County Health Department, to connect such residential housing to the Lee County Utilities Authority's wastewater treatment system (and not a septic tank system), potentially adding additional gallons of wastewater discharge from the Wastewater Treatment Plant; and

WHEREAS, based upon a recent review by the engineering firm of Hofstadler and Associates undertaken for the Lee County Utilities Authority, the cost of the permitting and construction of a new or additional wastewater treatment facility for processing and discharging the additional wastewater for anticipated new development if such development continues at the current rate in the unincorporated area of Lee County where such new facility is needed would be approximately \$25,000,000.00, and the time to permit and construct such facility, which could potentially increase the discharge capacity of the wastewater treatment facility to an additional 500,000 gallons per day, would take at least an estimated five (5) years; and

WHEREAS, as a result thereof, the Board of Directors of the Lee County Utilities Authority recently adopted a Resolution, effective as of May 24, 2024, imposing limitations on

the issuance of new permits for the connection of new residential sewerage use customers to the sanitary sewer system of the Lee County Utilities Authority due to system capacity constraints and to avoid violation of daily wastewater discharge limitations to which the Utilities Authority is subject in accord with the Utilities Authority's NPDES Permit; and

WHEREAS, as a result of all of the foregoing, Lee County needs to determine the economic and financial impacts of continuing to authorize what is in effect unlimited growth of multi-family residential housing in Lee County upon Lee County, the Lee County School System, the Lee County Utilities Authority, private businesses doing business in Lee County, and Lee County's taxpayers; and

WHEREAS, Lee County needs to have sufficient time necessary to review with appropriate experts and to revise the County's Land Use Plan and the Lee County Code relative to multi-family residential housing to take into account the potential economic and financial costs of such continued multi-family residential housing development to Lee County, the Lee County Public School System, the Lee County Utilities Authority, the businesses doing business in Lee County, and the taxpayers of Lee County, and therefore the governing body of Lee County deems it appropriate to adopt this Resolution placing a temporary moratorium on the acceptance, consideration, and approval of applications for permitting new multi-family residential housing; on the issuance of land disturbance permits for new multi-family residential housing; on the authorization of land development permits for new multi-family residential housing; on the issuance of Major and Minor Subdivision approvals for new multi-family residential housing; on the Lee County's funding or construction of any road or infrastructure improvements related to new multi-family residential housing; and on the zoning and rezoning of land for multi-family residential housing in the unincorporated areas of Lee County, in order to determine what amendments or revisions, if any, are required to the County's Land Use Plan and the Lee County Zoning Code to address the multi-family residential housing issues which are facing Lee County; and

WHEREAS, this temporary moratorium is adopted pursuant to the police powers of the governing body of Lee County for the purpose of protecting the public interest, the property values of residential and commercial property owners in the unincorporated areas of Lee County, and to avoid relatively uncontrolled development of multi-family residential residences and development in Lee County in the future, and this moratorium is narrowly tailored to meet such purposes, with the moratorium being established for the shortest possible duration so that the purpose of the moratorium can be met in a reasonable time period.

NOW THEREFORE, be it resolved by the governing body of Lee County, Georgia, it is hereby resolved by authority of the same, as follows:

1. It is hereby imposed in the unincorporated areas of Lee County, a temporary moratorium on the acceptance, consideration, and approval of applications for permitting new multi-family residential housing; on the issuance of land disturbance permits for new multi-family residential housing; on the authorization of land development permits for new multi-family residential housing; on the issuance of Major and Minor Subdivision approvals for new multi-family residential housing; on Lee County's funding or construction of any road or

infrastructure improvements related to new multi-family residential housing; and on the zoning and rezoning of land for multi-family residential housing in the unincorporated areas of Lee County. Such moratorium shall be in effect within all of the unincorporated areas of Lee County during the term thereof as set out in Paragraph 2 below.

2. The moratorium shall be effective as of the date and time it is adopted by the governing body of Lee County, and shall continue in effect until March 15, 2025, unless such time period is amended by the governing body of Lee County.

3. During the moratorium period, Lee County Planning and Zoning staff and the Lee County Board of Commissioners, in consultation with the Lee County Utilities Authority shall seek to establish and adopt appropriate amendments to the Lee County Comprehensive Land Use Plan and the Lee County Code of Ordinances to provide for the orderly review and consideration of permitting requirements for new multi-family residential housing, the issuance of land disturbance permits for new multi-family residential housing, the authorization of land development permits for new multi-family residential housing, the issuance of Major and Minor Subdivision approvals for new multi-family residential housing and the appropriate zoning and rezoning of land for multi-family residential housing in the unincorporated areas of Lee County.

4. This moratorium shall not be applicable to any multi-family residences or developments for which a final and complete written land development permit has been properly submitted to the appropriate Lee County department prior to the effective date hereof.

5. (A) For the purposes of this Resolution, the term “Lee County Land Use Plan” shall mean the Land Use Plan presently in existence in the unincorporated areas of Lee County adopted by the Lee County Board of Commissioners on February 12, 2019.

(B) The term “Lee County Zoning Code” shall mean the Lee County Zoning Code adopted in accord with Article IX, Section II, Paragraph IV of the Constitution of the State of Georgia of 1983, as amended, said Zoning Code being codified in Chapter 70 of the Code of Ordinances of Lee County, Georgia.

6. The cost of funding the necessary studies and investigations required by the terms of this Resolution shall be funded from the General Fund of Lee County as may be authorized by the governing body of Lee County from time to time.

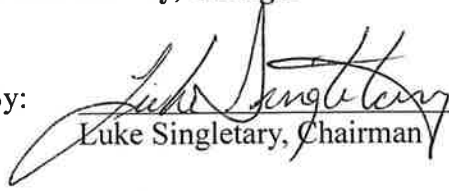
BE IT FURTHER RESOLVED that this Resolution shall be effective as of the day and time of its adoption as set out below.

BE IT FURTHER RESOLVED that all resolutions or parts of resolutions in conflict herewith are hereby rescinded.

SO RESOLVED, effective this _____ day of _____, 2024, at _____ o'clock, _____. M. by the governing body of Lee County.

**Board of Commissioners
of Lee County, Georgia**

By:



Luke Singletary, Chairman

Attest:



Kaitlyn Good, County Clerk