

**RESOLUTION NO. BR2022-21**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BLUE RIDGE, STATE OF GEORGIA, TO ADOPT A 90-DAY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS TO REZONE PROPERTY WITHIN THE CITY OF BLUE RIDGE; TO ADOPT A 90-DAY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR LAND DISTURBANCE AND BUILDING PERMITS WITHIN THE CBD (“CENTRAL BUSINESS DISTRICT”), C-2 (“GENERAL COMMERCIAL”), AND R-3 (“HIGH DENSITY RESIDENTIAL”) ZONING DISTRICTS; AND TO PROVIDE CERTAIN EXEMPTIONS FROM THE MORATORIUM**

**WHEREAS**, the governing authority of the City of Blue Ridge, Georgia (hereinafter, the “City”), is the Mayor and City Council thereof; and

**WHEREAS**, the City has been vested with substantial power to regulate the use of property for the purposes of maintaining the health, morals, safety, security, peace, and general welfare of the City; and

**WHEREAS**, the 1983 Constitution of the State of Georgia provides for the self-government of municipalities without the necessity of action by the General Assembly; and

**WHEREAS**, the City has the legislative power to adopt reasonable ordinances, resolutions, or regulations relating to property within the City for which no provision has been made by general laws and which are not inconsistent with the Constitution or any charter provision applicable thereto; 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 (see, e.g., City of Roswell 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 DeKalb County v. Townsend Associates, 243 Ga. 80, 252 S.E.2d 498 (1979), held that, “[t]o 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;” and

**WHEREAS**, the Mayor and City Council 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; and

**WHEREAS**, the Mayor and City 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; and

**WHEREAS**, the City has retained a consultant to review the Zoning Ordinance of the City of Blue Ridge, Georgia (“Zoning Ordinance”) and other portions of the Code of the City of Blue Ridge, Georgia (“Code”) relating to the use and development of real property within the City; and

**WHEREAS**, the City anticipates that the consultant will recommend changes to the Zoning Ordinance and the Code; and

**WHEREAS**, in order to allow the consultant to complete its work and for the Mayor and City Council to consider any recommend changes to the Zoning Ordinance and the Code, the Mayor and City Council find it in the public interest to impose a 90-day moratorium on the acceptance of all applications to rezone property within the City and a 90-day moratorium on the acceptance of applications for land disturbance and building permits within the CBD (“Central Business District”), C-2 (“General Commercial”), and R-3 (“High Density Residential”) Zoning Districts.

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and City Council of Blue Ridge do hereby adopt a 90-day moratorium on the acceptance of all applications to rezone property within the City and a 90-day moratorium on the acceptance of applications for land disturbance and building permits within the CBD (“Central Business District”), C-2 (“General Commercial”), and R-3 (“High Density Residential”) Zoning Districts, as follows:

1. No applications for rezoning property within the City of Blue Ridge will be accepted for a period of 90 days.
2. No applications for land disturbance and building permits within the City of Blue Ridge will be accepted for a period of 90 days within the CBD (“Central Business District”), C-2 (“General Commercial”), and R-3 (“High Density Residential”) Zoning Districts.
3. No land disturbance or building permits shall be issued by City Staff for projects within the CBD (“Central Business District”), C-2 (“General Commercial”), and R-3 (“High Density Residential”) Zoning Districts.
4. During this 90-day period, City staff is directed to work with the consultant retained by the City to review the City’s Zoning Ordinance and other portions of the City’s Code relating to the use and development of real property within the City and recommend changes, as appropriate, to each.
5. This moratorium shall not apply to any project for which a land disturbance or building permit was issued prior to June 21, 2022.
6. This moratorium shall not apply to transportation projects, water and sewer projects, projects that involve only routine maintenance and repair, and projects that – in the

discretion of City staff – involve only minor land disturbing activities and/or minor changes, additions, or modifications to existing structures.

ADOPTED this 21<sup>st</sup> day of June, 2022.

MAYOR AND CITY COUNCIL OF BLUE RIDGE

  
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Mayor, City of Blue Ridge

  
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Clerk, City of Blue Ridge

