

**RESOLUTION
OF THE BOARD OF COMMISSIONERS OF LEE COUNTY, GEORGIA,
IMPOSING A TEMPORARY MORATORIUM UPON THE ZONING, PERMITTING,
CONSTRUCTION, AND OPERATION OF PACKAGE STORES
IN THE UNINCORPORATED AREAS OF LEE COUNTY
UNTIL JANUARY 20, 2023,
AND FOR OTHER PURPOSES**

WHEREAS, the Board of Commissioners of Lee County adopted a Resolution requesting that a referendum election be held on November 8, 2022, to authorize the issuance of licenses for the package sale of distilled spirits in the unincorporated areas of Lee County; and

WHEREAS, in accord with such Resolution, the Lee County Election Superintendent called a special election for such purpose to be held on November 8, 2022; and

WHEREAS, as far as is known, Lee County has never been authorized to grant licenses for the package sale of distilled spirits in the unincorporated areas of Lee County; and

WHEREAS, neither the provisions of the Lee County Land Use Plan nor the provisions of the Code of Ordinances of Lee County relating to zoning provide for the location of such package stores within the unincorporated areas of Lee County; and

WHEREAS, in order to have the time necessary to review and revise the County's Land Use Plan and Zoning Code relative to the appropriate zoning district or districts for the location and operation of commercial establishments to be authorized to undertake the package sale of distilled spirits, the governing body of Lee County deems it appropriate to adopt a temporary moratorium on the zoning and rezoning applicable to

such package stores and on the permitting, construction, and operation of such package stores for and during the term of such temporary moratorium; 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 in order to avoid issues relating to the proper location of package stores within Lee County upon the adoption of said referendum, and the moratorium is narrowly tailored to meet such purposes, and the moratorium is established for the shortest reasonably possible duration so that the purpose of the moratorium can be met in a reasonable time.

NOW, THEREFORE, BE IT RESOLVED by the governing body of Lee County, and it is hereby resolved by authority of the same, as follows:

1. There is hereby imposed in the unincorporated areas of Lee County a temporary moratorium on the zoning, rezoning, development, permitting, construction, and operation of package stores for the sale of distilled spirits. 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. This 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 January 20, 2023, unless such time period is hereafter amended by the governing body of Lee County.

3. During the moratorium period, the Lee County Planning and Zoning staff and the Lee County Board of Commissioners 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 zoning, rezoning, development, permitting, construction, and operation of package stores for the sale of distilled spirits within the unincorporated areas of Lee County.

4. In the event that the referendum authorizing the County to issue licenses for the package sale of distilled spirits does not receive sufficient votes from the voters at the referendum to be held on November 8, 2022 to pass as required under State law, then upon the official certification of the vote tally with respect to such referendum by the Lee County Board of Elections and Registration, this Resolution shall thereupon be considered rescinded and of no further force or effect.

5. (A) 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.

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

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

SO RESOLVED this 26 day of September, 2022, at 6 o'clock p.m. by the governing body of Lee County.

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

By: 

Billy Mathis, Chairman

Attest: 

Kaitlyn Sawyer, Clerk