

COUNTY OF DOUGLAS

STATE OF GEORGIA

RESOLUTION NO. 25- 116

**A RESOLUTION TO IMPOSE A MORATORIUM ON FUTURE LAND USE MAP AMENDMENTS, REZONING OR SPECIAL USE PERMIT APPLICATIONS, OR VARIANCE APPLICATIONS, AND ALL PUBLIC HEARINGS FOR COMPUTER INFRASTRUCTURE PROVIDERS, DATA PROCESSING, WEB HOSTING, AND RELATED SERVICES FOR FACILITIES OR CAMPUSES IN EXCESS OF 50,000 SQUARE FEET, AND INCLUDING ACCESSORY STRUCTURES AND USES FOR THESE FACILITIES FOR A PERIOD NOT TO EXCEED NINETY (90) DAYS WHILE THE COUNTY CONSIDERS CHANGES TO ITS UNIFIED DEVELOPMENT CODE, COMPREHENSIVE PLAN, AND MAPS; TO PROVIDE FOR THE PURPOSE OF THE MORATORIUM, TO PROVIDE FOR FINDINGS OF FACT, IMPOSITION OF MORATORIUM, THE DURATION OF THE MORATORIUM; TO PROVIDE FOR AN APPEAL PROCESS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Board of Commissioners for Douglas County (“County”) have been vested with substantial powers, rights and functions to generally regulate the practice, conduct or use of property for the purposes of maintaining health, morals, safety, security, peace, and the general welfare of Douglas County; 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 the case law found at Taylor v. Shetzen, 212 Ga. 101, 90 S.E.2d 572 (1955); Lawson v. Macon, 214 Ga. 278, 104 S.E.2d 425 (1958); and most recently City of Roswell et al v. Outdoor Systems, Inc., 274 Ga. 130, 549 S.E. 2d 90 (2001); and

**WHEREAS**, the Courts take judicial notice of a local government's inherent ability to impose moratoria on an emergency basis; and

**WHEREAS**, the Georgia Supreme Court, in the case of DeKalb County v. Townsend, 243 Ga. 80 (1979), held that, “To justify a moratorium, it must appear first,

Moratorium – certain applications

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 County 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 County has, as a part of planning, zoning and growth management, been reviewing the County’s Comprehensive Plans and the Unified Development Code and have been studying the County's best estimates and projections of the type of development which could be anticipated within Douglas County; and

**WHEREAS**, the Board of Commissioners deem it important to develop a Unified Development Code which integrates all of these concerns and therefore considers this moratorium a proper exercise of their police powers; and

**WHEREAS**, the County therefore considers it paramount that land use regulation continues in the most orderly and predictable fashion with the least amount of disturbance to landowners and to the citizens of Douglas County. The Board of Commissioners 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 in particular the lessening of congestion on County 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 County 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 Board of Commissioners 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 County “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), it is also the opinion of the County that “general welfare” includes the valid public objectives of aesthetics, conservation of the value of existing lands and buildings within the County, 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 County; and

**WHEREAS**, the Board of Commissioners are, and have been interested in developing a cohesive and coherent policy regarding residential and commercial growth and zoning in the County, and have intended to promote community development

Moratorium – certain applications

through stability, predictability and balanced growth which will further the prosperity of the County as a whole; and

**WHEREAS**, the Planning and Zoning Manager, the County’s selected stakeholders, and the County Attorney are reviewing the County’s comprehensive plan and Unified Development Code; and

**WHEREAS**, it is in the best interest of the citizens of Douglas County to place a moratorium on Future Land Use Map Amendments, Rezoning or Special Use Permit Applications, or Variance Applications for computer infrastructure providers, data processing, web hosting and related services for facilities or campuses in excess of 50,000 square feet, and including accessory structures and uses for these facilities until the review is completed. This moratorium shall include any application which has initiated a local or regional review, but has not been duly advertised in accordance with the Zoning Procedures Law (OCGA 36-66, et seq) and the Douglas County Unified Development Code.

**NOW THEREFORE, BE IT RESOLVED BY THE DOUGLAS COUNTY BOARD OF COMMISSIONERS AND IT IS HEREBY RESOLVED:**

**SECTION 1. FINDINGS OF FACT**

The Board of Commissioners hereby make the following findings of fact:

- a. It appears that the County’s Unified Development Code is in the process of being reviewed and revised by the County staff;
- b. The County’s ongoing revision of its Unified Development Code requires that a limited cessation of the acceptance and consideration of Future Land Use Map Amendments, Rezoning or Special Use Permit Applications, or Variance Applications for computer infrastructure providers, data processing, web hosting and related services for facilities or campuses in excess of 50,000 square feet, and including accessory structures and uses for these facilities, including any application which has initiated a local or regional review, but has not been duly advertised in accordance with the Zoning Procedures Law (OCGA 36-66, et seq) and the Douglas County Unified Development Code;
- c. It is necessary and in the public interest to delay, for a reasonable period of time, the processing of any applications for Future Land Use Map Amendments, Rezoning or Special Use Permit, or Variance for computer infrastructure providers, data processing, web hosting and related services for facilities or campuses in excess of 50,000 square feet, and including accessory structures and uses for these facilities, including any application which has initiated a local or regional review, but has not been duly advertised in accordance with the Zoning Procedures Law (OCGA 36-66, et seq) and the Douglas County Unified

## Moratorium – certain applications

Development Code, to ensure that the same are consistent with the long-term planning objectives of the County; and

### **SECTION 2. IMPOSITION OF MORATORIUM**

- a. There is hereby imposed a moratorium on the application and issuance by the staff of the County of Douglas and on their acceptance of applications Future Land Use Map Amendments, Rezoning or Special Use Permit, or Variance for computer infrastructure providers, data processing, web hosting and related services for facilities or campuses in excess of 50,000 square feet, and including accessory structures and uses for these facilities. Computing infrastructure providers, data processing, web hosting and related services include establishments primary engaged in providing computing infrastructure, data processing services, Web hosting services (except software publishing), and related services, including streaming support services (except streaming distribution services). This moratorium shall include any application which has initiated a local or regional review, but has not been duly advertised in accordance with the Zoning Procedures Law (OCGA 36-66, et seq) and the Douglas County Unified Development Code.
- b. The duration of this moratorium shall be until the County completes its review and update to its Comprehensive Plan and/ or Unified Development Code or until the expiration of ninety (90) days from enactment, whichever first occurs.
- c. This moratorium shall be effective as of the date of adoption of this Resolution.
- d. This moratorium shall have no effect upon approved permits, applications, annexations, rezonings, etc. occurring before the effective date of this Resolution.

As of the effective date of this Resolution, except for the allowances in Section 2(d), no applications Future Land Use Map Amendments, Rezoning or Special Use Permit, or Variance for aforementioned computer infrastructure providers, data processing, web hosting and related services will be accepted by any agent, employee or officer of the County with respect to any property in the County. Should any be so accepted for filing, it will be deemed in error, null and void and of no effect whatsoever and shall constitute no assurance whatsoever of any right to engage in any act, and any action in reliance on any such license or permit shall be unreasonable. In addition, this moratorium shall include any application which has initiated a local or regional review, but has not been duly advertised in accordance with the Zoning Procedures Law (OCGA 36-66, et seq) and the Douglas County Unified Development Code.

- e. The following procedures shall be put in place immediately. Under the Supreme Court case of Cannon v. City of Hampton, 255 Ga. 63, 335 S.E.2d 294 (1985), the

## Moratorium – certain applications

Supreme Court stated, “Where a landowner makes a substantial change in position by expenditures and reliance on the probability of the issuance of a building permit, based upon an existing zoning ordinance and the assurances of zoning officials, he acquires vested rights and is entitled to have the permit issued despite a change in the zoning ordinance which would otherwise preclude the issuance of a permit.” Pursuant to this case, the County recognizes that, unknown to the County, de facto vesting may have occurred. The following procedures are established to provide exemptions from the moratorium where vesting has occurred:

1. A written application, including verified supporting data, documents and facts, may be made requesting a review by the Board of Commissioners at a scheduled meeting of any facts or circumstances which the applicant feels substantiates a claim for vesting and the grant of an exemption.

**SECTION 3.** During the duration of the moratorium described in Section II of this Resolution the County’s procedure for variances and annexations shall not be enforced.

**SECTION 4.** It is hereby declared to be the intention of the Board of Commissioners that all sections, paragraphs, sentences, clauses and phrases of this Resolution are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional. It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Resolution is severable from every other section, paragraph, sentence, clause or phrase therein. It is hereby further declared to be the intention of the Board of Commissioners, 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. 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 Board of Commissioners 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.

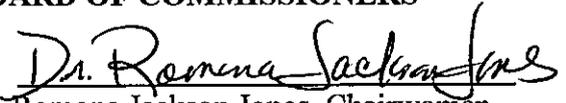
**SECTION 5.** All Resolutions or parts of Resolutions in conflict with this Resolution are, to the extent of such conflict, hereby repealed.

**SECTION 6.** The preamble of this Resolution shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Moratorium – certain applications

SO RESOLVED, this 18th day of March 2025.

**DOUGLAS COUNTY, GEORGIA  
BOARD OF COMMISSIONERS**

  
Dr. Romona Jackson Jones, Chairwoman

ATTEST:

  
\_\_\_\_\_  
Deputy County Clerk  
Sherri Mathis