RESOLUTION

WHEREAS, by the Mayor and City Council of the City of Pooler, Georgia, 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 the City of Pooler; and

WHEREAS, there is a growing concern in communities throughout the country with properties, or portions of properties, which include areas traditionally delineated as wetlands pursuant to federal law; and

WHEREAS, the Georgia Supreme Court, in the case of DeKalb County v. Townsend, 243 Ga. 80 (1979), has held that, "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"; and

WHEREAS, the definition of wetlands is the subject of ongoing studies and analysis implicating zoning, regulatory and enforcement issues such that the Mayor and Council find that a moratorium is necessary in order for the City, through its staff and elected officials, to investigate and explore the impact of such operations and opportunities to improve the quality of life and to enhance public safety for all residents and visitors to the City of Pooler; and

WHEREAS, the definition of wetlands present a concern to the public generally and the Mayor and City Council of the City of Pooler wish to continue to review the City's ordinances pertaining to zoning and delineation of wetlands; and

WHEREAS, given recent changes in federal law, there could be impacts to areas traditionally delineated as wetlands throughout the City of Pooler, which activities may be potentially injurious to health, safety, and the welfare of the citizens of the City of Pooler, and therefore, the Mayor and City Council find that in the interests of the public the enactment of a moratorium is justified to study the potential impact of the federal law changes; and

WHEREAS, the Mayor and City Council of the City of Pooler declare that their finding that the interests of the public necessitate the immediate enactment of a moratorium as set forth herein, for health, safety, morals, and general welfare purposes, and by means which are reasonable and not unduly oppressive; and

WHEREAS, the Mayor and City Council of the City of Pooler are aware that the City of Pooler's ordinances rely on federal law concerning wetlands protection; and

WHEREAS, the Mayor and City Council of the City of Pooler believe that a moratorium on the acceptance and processing of applications for site-plan approvals which may impact wetlands will not deny property owners economically viable use of their property and will give

city officials the time needed to determine the proper zoning for such businesses; and

NOW, THEREFORE, the City of Pooler hereby ordains the following:

Moratorium on Accepting Applications for Site-Plan Approvals

A 180 day moratorium starting from the effective date of this resolution on the acceptance and processing of any site-plan application which impacts any area of property now or formerly defined as wetlands under federal law, local law, or both. As part of this moratorium the City shall not accept or process any applications, whether new or currently pending, for site-plan approval or any variation thereof which impacts any area of property now or formerly defined as wetlands under federal law, local law, or both.

This moratorium shall be effective in the corporate and municipal boundaries of the City of Pooler.

The Mayor and City Council may extend the moratorium established by this resolution 3 time(s) for a period not to exceed 180 day(s) for each extension, upon a finding by the Mayor and City Council that the problems that gave rise to the original moratorium continue to exist and that progress is being made by the City but that additional time is necessary to adequately address the issues facing the City.

This moratorium has been placed into effect as an emergency measure by the Mayor and City Council as a reasonable measure deemed necessary for the public health, safety, and general welfare of the City and its residents and property owners.

The Mayor and City Council may authorize exceptions to the moratorium imposed by this resolution when it finds, based upon substantial competent evidence presented to it, that the deferral of action on an application for a site-plan approval for the duration of the moratorium would impose an extraordinary hardship on a landowner or petitioner.

Any request for an exception from the moratorium imposed by this resolution shall be filed in writing with the City Manager or designee and shall include the name of the requester, the name and address of the proposed location, the relationship of the requester to the proposed business and location, a recitation of the facts which are alleged to support a claim for an extraordinary hardship, any other information the City Manager deems necessary for the Mayor and City Council to be informed with respect to the request, and shall be signed and notarized.

At least one public hearing on any request for an exception for an extraordinary hardship under the moratorium shall be held by the Mayor and City Council before the Mayor and City Council may take action on such request.

When the Mayor and City Council is tasked with reviewing a written application for an exception from the moratorium imposed by this resolution due to a claim of an extraordinary

hardship they shall consider, at a minimum, the following criteria, but final discretion shall remain with the Mayor and City Council:

(1) Whether, prior to the effective date of this resolution, the applicant has received any permits or licenses from the city for such business location; and

(2) Whether, prior to the effective date of this resolution, the applicant has made substantial expenditures of money or resources in reliance of those permits or licenses which may have been issued by the city; and

(3) Whether, prior to the effective date of this resolution, the applicant has contractual commitments in reliance of those permits or licenses which many have been issued by the city; and

(4) Whether, prior to the effective date of this resolution, the applicant has incurred any financial obligations to a lending institution which, despite a thorough review of alternative solutions, the applicant cannot meet those financial obligations unless granted an exemption and the opportunity to conduct business; and

(5) Whether the moratorium will expose the applicant to substantial monetary liability to third parties or would leave the applicant unable to earn a reasonable return on any investment made on the real property affected by this resolution; and

(6) The history and location of the property, including past uses of the property, if any; and

(7) Any staff report which may have been created based upon the application for an exemption from the moratorium imposed by this resolution; and

(8) Any other criteria the Mayor and City Council deems pertinent to deciding whether such exemption from the moratorium imposed by this resolution should be granted.

This moratorium may be terminated by the Mayor and City Council prior to the expiration of 180 days upon the adoption by the Council of appropriate zoning and licensing ordinances and/or regulations.

If any section, clause, sentence or phrase of this resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this resolution.

This resolution shall become effective immediately upon its adoption by the City Council.

SO RESOLVED this _____ day of _____, 2026.

Karen L. Williams
Mayor

Attest:

Kiley Fusco
Clerk of Council

Wesley Bashlor
Council Member

Michael Carpenter
Council Member

Aaron Henry
Council Member

Tom Hutcherson
Council Member

Shannon Valim
Council Member

John Wilcher
Council Member