

ROCKDALE COUNTY

STATE OF GEORGIA

RESOLUTION NO. 2025- 05

A RESOLUTION TO PROVIDE TO IMPOSE A MORATORIUM ON RESIDENTIAL ZONINGS, RE-ZONINGS, SITE PLAN AND PLAT APPROVALS, SUBDIVISIONS OF LAND, AND LAND DISTURBANCE AND BUILDING PERMITS FOR A PERIOD NOT TO EXCEED ONE HUNDRED EIGHTY (180) DAYS WHILE ROCKDALE COUNTY CONSIDERS CHANGES TO ITS UNIFIED DEVELOPMENT ORDINANCE; 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 of Rockdale 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 Rockdale 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, 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 Board of Commissioner of Rockdale County have 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 Board of Commissioners of Rockdale County have, as a part of planning, zoning and growth management, been reviewing the County's Comprehensive Plans and the County's Unified Development Ordinance (hereinafter "UDO") and have been studying the County's best estimates and projections of the type of development which could be anticipated within Rockdale County; and

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

WHEREAS, the Board of Commissioners of Rockdale County therefore consider it paramount that land use regulation and development continues in the most orderly and predictable fashion with the least amount of disturbance to landowners and to the citizens of Rockdale County. The Board of Commissioners of Rockdale County 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 Rockdale 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 of Rockdale County 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 Rockdale 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 Rockdale County that "general welfare" includes the valid public objectives of aesthetics, conservation of the value of existing lands and buildings within Rockdale 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 Rockdale County; and

WHEREAS, the Board of Commissioners of Rockdale County are, and have been interested in developing a cohesive and coherent policy regarding residential development, growth and zoning in Rockdale County, and have intended to promote community development through stability, predictability and balanced growth which will further the prosperity of Rockdale County as a whole; and

WHEREAS, County Staff, consultants, the County’s legal advisors, and the Board of Commissioners are reviewing the County’s comprehensive plan and UDO; and

WHEREAS, it is in the best interest of the citizens of Rockdale County to place a moratorium on residential zonings, re-zonings, site plan and plat approvals, subdivisions of land, and Land Disturbance and Building Permits until the review is completed.

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

SECTION 1. FINDINGS OF FACT

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

- a. Rockdale County’s UDO is in the process of being reviewed and revised by the County;
- b. The County’s ongoing revision of its UDO requires that a limited cessation of residential zonings, re-zonings, site plan and plat approvals, subdivisions of land, and Land Disturbance and Building Permits;
- c. It is necessary and in the public interest to delay, for a reasonable period of time, the processing of residential zonings, re-zonings, site plan and plat approvals, subdivisions of land, and Land Disturbance and Building Permits 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 residential site plans, development plans, permits and other approvals and on their acceptance of applications for new residential zoning applications and re-zonings for all zoning districts.
- b. The duration of this moratorium shall be until the County completes its review and update to its UDO or until the expiration of one hundred eighty (180) days from enactment, whichever first occurs.
- c. This moratorium shall be effective as 5:00 p.m. on Friday, March 14, 2025.
- d. This moratorium shall have no effect upon approved permits, applications, rezonings, etc. for a residential use occurring before the effective date of this Resolution. Further, this moratorium shall have no effect upon the applications for

permits, rezonings, site plan approvals, or land disturbance permits that have been submitted to the County as of the effective date of this moratorium.

- e. As of the effective date of this Resolution, except for the allowances in Section 2(d), no residential applications for development, re-zoning or permits will be accepted by any agent, employee or officer of the County with respect to any property in Rockdale 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.
- f. As used herein, the term “residential” shall include, but is not limited to all uses allowed in a residential district under the current UDO. The term “residential district” shall mean the definition for such term under the current UDO.
- g. 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 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, Rockdale 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 of Rockdale County 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 2 of this Resolution, Rockdale County’s procedure for variances, special use permits, or conditional use permits shall not be enforced.

SECTION 4. It is hereby declared to be the intention of the Board of Commissioners of Rockdale County that all sections, paragraphs, sentences, clauses and phrases of this Resolution are and were, upon their enactment, believed by the Board of Commissioners of Rockdale County to be fully valid, enforceable and constitutional. It is hereby declared to be the intention of the Board of Commissioners of Rockdale County 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

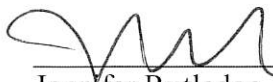
therein. It is hereby further declared to be the intention of the Board of Commissioners of Rockdale County, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase 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 of Rockdale County 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.

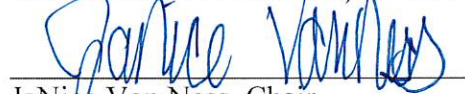
SECTION 6. The preamble of this Resolution shall be considered to be and is hereby incorporated by reference as if fully set out herein.

SO RESOLVED, this 11 day of March, 2025.

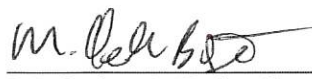
ATTEST:


Jennifer Rutledge, County Clerk

ROCKDALE COUNTY, GEORGIA


JaNice Van Ness, Chair

APPROVED AS TO FORM:


M. Qader A. Baig, County Attorney


Tuwanya Smith, Commissioner


Doreen Williams, Commissioner