

ROCKDALE COUNTY

STATE OF GEORGIA

A RESOLUTION TO AMEND RESOLUTION NO. 2025-05 THAT IMPOSED A MORATORIUM ADOPTED ON MARCH 14, 2025. THIS RESOLUTION WILL APPLY ONLY TO DEVELOPMENTS WITH MORE THAN ONE LOT; REMOVING THE APPEAL PROCESS; LEAVING THE EFFECTIVE DATE OF THE MORATORIUM UNCHANGED; AND EXTENDING THE MORATORIUM THROUGH MARCH 2026 WHILE ROCKDALE COUNTY CONSIDERS CHANGES TO ITS CODE

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 Commissioners 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 Code of Rockdale County (hereinafter "Code") 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 a Code 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, the Board of Commissioners adopted a moratorium on March 14, 2025, temporarily suspending certain activities to ensure adequate time for review and revision of applicable codes, regulations, and procedures; and

WHEREAS, the Board of Commissioners recognize the need to amend the moratorium to establish a narrowly tailored scope of applicability that preserves the purpose or intent of the moratorium, and to provide a more adequate timeframe to complete necessary amendments to the County's ordinances; and

WHEREAS, the Board of Commissioners recognizes the need to evaluate the cumulative impacts of newly created lots on the character, density, and infrastructure capacity of the County, particularly as they relate to subdivision activity and land development patterns; and

WHEREAS, the creation of new lots for development purposes has the potential to significantly alter the intensity of land use in a given area, thereby necessitating a comprehensive review of zoning, development, and infrastructure standards to ensure the long-term health, safety, and welfare of Rockdale County residents; and

WHEREAS, development on existing, legally established single lots of record does not, in and of itself, increase the overall density of development in the County, and such lots represent vested property rights that were established under the current regulatory framework; and

WHEREAS, the Board seeks to avoid placing an undue burden on property owners seeking to develop existing single lots, especially where such development is consistent with the existing zoning entitlements; and

WHEREAS, by limiting the scope of the moratorium to land-disturbing activities and applications involving the creation or development of more than one lot, the County can pause further intensification of development while protecting the rights of existing property owners; and

WHEREAS, it is in the best interest of the citizens of Rockdale County to extend the moratorium on residential zonings, re-zonings, site plan, plat approvals, subdivisions of land, and Land Disturbance and Building Permits, where such actions involve more than one lot, until the review and adoption of the updated ordinances is complete. It is also in the County's best interest to suspend the appeal process outlined in the original moratorium related to these activities during this same period, in order to preserve the integrity and effectiveness of the ordinance review process.

NOW, THEREFORE, BE IT RESOLVED and authorized by the Board of Commissioners of Rockdale County, Georgia, that Resolution 2025-05 be repealed and replaced with the following language.

SECTION 1. FINDINGS OF FACT

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

- a. Rockdale County's Code is in the process of being reviewed and revised by the County;
- b. The County's ongoing revision of its Code requires that a limited cessation of residential zonings, re-zonings, site plan, plat approvals, subdivisions of land, and Land Disturbance and Building Permits, where such actions involve more than one lot;
- 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, plat approvals, subdivisions of land, and Land Disturbance and Building Permits, where such actions involve more than one lot, to ensure that the same are consistent with the long-term planning objectives of the County; and

SECTION 2. EXTENSION OF MORATORIUM

- a. The moratorium was previously enacted by Resolution No. 2025-05, effective March 14, 2025, and is hereby extended and replaced with the provisions outline herein in their entirety.
- b. The duration of the extended moratorium shall be until the adoption of the full Code rewrite or until an additional one hundred eighty (180) days from the expiration of the original moratorium, whichever first occurs.
- c. This extension shall be effective immediately upon adoption and shall remain in effect until March 8, 2026, unless lifted as stated herein or further amended by the Board of Commissioners.

- d. This extended moratorium shall have no effect upon approved permits, applications, rezonings, or other actions for residential use that occurred prior to the effective date of the original moratorium. 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 zonings, re-zonings, site plan, plat approvals, subdivisions of land, and Land Disturbance and Building Permits, where such actions involve more than one lot, 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, any development, in whole or in part, that involves a use permitted as residential under the Unified Development Ordinance (UDO), regardless of whether the residential use is primary, accessory, or part of a mixed-use project.

SECTION 3. ENFORCEMENT

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. VALIDITY

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.

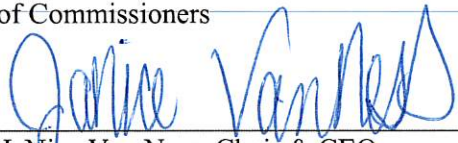
BE IT FURTHER RESOLVED, all Resolutions or parts of Resolutions in conflict with this Resolution are, to the extent of such conflict, hereby repealed.

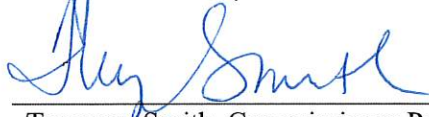
BE IT FURTHER RESOLVED, the preamble of this Resolution shall be considered to be and is hereby incorporated by reference as if fully set out herein.

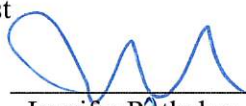
BE IT FURTHER RESOLVED, this resolution shall become effective upon adoption.

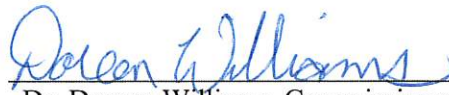
SO RESOLVED, this 26 day of August, 2025.

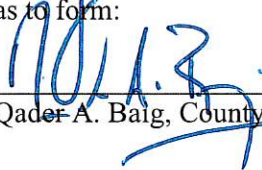
Rockdale County, Georgia
Board of Commissioners

By: 
JaNice Van Ness, Chair & CEO

By: 
Tuwanya Smith, Commissioner Post 1

Attest
By: 
Jennifer Rutledge, County Clerk

By: 
Dr. Doreen Williams, Commissioner Post 2

Approved as to form:
By: 
M. Qader A. Baig, County Attorney