

ROCKDALE COUNTY

STATE OF GEORGIA

A RESOLUTION AMENDING RESOLUTION NO. 2025-05, AS AMENDED BY RESOLUTION NO. 2025-17, TO FURTHER EXTEND THE TEMPORARY MORATORIUM ON CERTAIN RESIDENTIAL DEVELOPMENT ACTIVITIES THROUGH JUNE 30, 2026; 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 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 and August 26, 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 recognizes 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; and

WHEREAS, an amendment to and including Title 2 (Land Use and Zoning) of the *UDO* and/or an amendment to the official zoning map, per Section 238-4(a)(1) of the *Unified Development Ordinance (UDO)*, are subject to a planning commission public hearing and recommendation to the Board of Commissioners; and

WHEREAS, the Planning Commission was scheduled to hold a public hearing on the proposed *UDO*, but was unable to do so due to a lack of quorum at the meeting to be held in February, 2026; thereby necessitating an extension of the current moratorium; and

WHEREAS, the Board of Commissioners finds it necessary to extend the moratorium to allow the Planning Commission additional time to review proposed *UDO* amendments and make its recommendations to the Board of Commissioners, this extension is a necessary step for community engagement and to complete the required public hearing process.

NOW, THEREFORE, BE IT RESOLVED and authorized by the Board of Commissioners of Rockdale County, Georgia, that Resolution 2025-17 be repealed and replaced with the following language.

SECTION 1. AMENDMENT TO DURATION OF MORATORIUM

Resolution No. 2025-05, as previously amended by Resolution No. 2025-17, Section 2(c), which currently provides that the moratorium shall remain in effect until March 8, 2026, is hereby amended by deleting "March 8, 2026" and replacing it with "April 15, 2026."

SECTION 2. NO OTHER CHANGES

Except as expressly amended herein, all terms, provisions, findings, scope, exemptions, and procedures of Resolution No. 2025-05, as previously amended by Resolution No. 2025-17, shall remain in full force and effect.

SECTION 3. EFFECTIVE DATE

This Resolution shall become effective immediately upon adoption.

SECTION 4. REPEAL OF CONFLICTING RESOLUTIONS

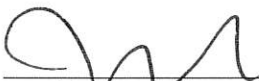
All resolutions or parts of resolutions in conflict with this Resolution are repealed to the extent of such conflict.

SECTION 5. INCORPORATION OF RECITALS

The recitals and findings of Resolution No. 2025-05, as amended by Resolution No. 2025-17, are incorporated by reference as if fully set forth herein.

SO AMENDED, this 3 day of March, 2026.

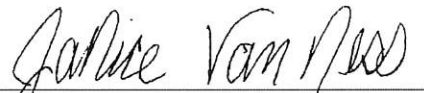
ATTEST:


Jennifer Rutledge, County Clerk

APPROVED AS TO FORM:


M. Qader A. Baig, County Attorney

ROCKDALE COUNTY, GEORGIA


Janice Van Ness, Chair & CEO


Tuwanya Smith, Commissioner Post I


Doreen Williams, Commissioner Post II

**Board of Commissioners
Agenda Item Transmittal Form
Resolution Transmittal Form**



Type of Request: A RESOLUTION AMENDING RESOLUTION NO. 2025-05, AS AMENDED BY RESOLUTION NO. 2025-17, TO FURTHER EXTEND THE TEMPORARY MORATORIUM ON CERTAIN RESIDENTIAL DEVELOPMENT ACTIVITIES THROUGH JUNE 30, 2026; AND FOR OTHER PURPOSES.

County Clerk Use Only
Resolution #:

#R-2026-05

Submission Information:

Contact Name:

Brandon White, Director

Department:

Planning & Development

Information:

Summary of Request:

Resolution to extend temporary moratorium on certain residential development to allow for adoption of updated Unified Development Ordinance

Notes and Comments:

The Board of Commissioners adopted a moratorium on March 14, 2025 and August 26, 2025 temporarily suspending certain activities to ensure adequate time for review and revision of applicable codes, regulations, and procedures; and the Planning Commission was scheduled to hold a public hearing on the proposed UDO, but was unable to do so due to a lack of quorum at the meeting to be held in February, 2026; thereby necessitating an extension of the current moratorium.