

ROCKDALE COUNTY

A RESOLUTION ADOPTING A MORATORIUM ON THE ESTABLISHMENT OF CERTAIN USES WITHIN UNINCORPORATED ROCKDALE COUNTY, GEORGIA, FOR A PERIOD OF ONE HUNDRED TWENTY (120) DAYS; TO PROVIDE FOR EXCEPTIONS; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Rockdale County has not updated its Unified Development Ordinance (“UDO”) for over ten (10) years; and

WHEREAS, Rockdale County is in the process of initiating an update of its UDO; and

WHEREAS, Rockdale County has had certain uses develop in a manner that results in the concentration of such uses rather than a diverse set of uses as outlined in the County’s Comprehensive Plan; and

WHEREAS, Rockdale County desires to adopt a moratorium on the acceptance, review and issuance of all new permits, or approvals, for such uses; and

WHEREAS, public notice of a hearing will have to be published and a hearing held prior to consideration and adoption of any changes to the UDO which pertain to such uses;

WHEREAS, additional time is required to complete the review and adoption process.

NOW THEREFORE, be it and it is hereby resolved by the Board of Commissioners of Rockdale County, that:

Section I. Findings.

In consideration of the adoption of this Ordinance, and based upon information provided to the Rockdale County Board of Commissioners, it is hereby determined that:

- (a) The UDO of Rockdale County, Georgia was adopted in November, 2006; and
- (b) Rockdale County has had an excessive number of Small Box Discount Retailers, as defined in this Resolution, and desires to limit the number of such stores based upon the study done by DeKalb County, Georgia, titled “Evaluation of Small Box Discount Retailers and Negative Outcomes in Unincorporated DeKalb County,”; and
- (c) Rockdale County has also experienced a proliferation of gas stations within unincorporated Rockdale County and desires to limit both the number of such uses and proximity to existing gas stations; and
- (d) Rockdale County has also seen a surge in uses associated with the sale of vaping products and desires to limit both the number of such uses and proximity to existing, similar uses; and

- (e) A number of mini-warehouse facilities, as defined in this resolution have been established in unincorporated Rockdale County. The County further desires to limit the number and location of such uses and proximity to existing similar uses; and
- (f) In considering limitations on the uses set forth herein, and proximity of similar uses, the County further desires to consider the market demands for such uses so as to maintain a balance of uses within unincorporated Rockdale County;
- (g) It is necessary to review the UDO and make a determination as to the necessary changes to conform with its review of existing uses, the proximity of similar uses; and the goal of achieving a balance of different uses in unincorporated Rockdale County.

Section II. Moratorium on Gas Stations.

- (a) A moratorium is hereby adopted on the acceptance of applications for permits, plans, or any other approval or occupation tax certificates for Gas Stations for a period of One Hundred Twenty (120) days beginning on the date of adoption of this Resolution. As used in this Resolution, the term "Gas Stations" shall be defined as follows: a retail establishment where gasoline or other motor vehicle fuel is sold at retail, and dispensed by persons at dispensing devices, and may include facilities for minor repairs and services. This Resolution is hereby expressly declared to not apply to motor fuel dispensing units which are not open to the public. This definition shall control any use that fits the same despite otherwise being termed "Convenience Store," or "Travel Center" under the provisions of the Rockdale County UDO or Code of Ordinances. The purpose of the moratorium extension is to permit the County to complete its review of a proposed amendment to the UDO as it pertains to Gas Stations, to allow a period for publication of notice and to complete public hearing and consideration.
- (b) During the period of this moratorium, including any extension, no permits, plans, approvals or occupation tax certificates shall be issued for new Gas Stations within unincorporated Rockdale County, nor shall applications for such uses be accepted and reviewed during the moratorium period; provided however, this moratorium shall not apply to nor affect the issuance of permits, plans approvals or occupation tax certificates based upon complete applications meeting the standards of the UDO and submitted to the City prior to the effective date of this moratorium; nor shall it apply to or affect repairs to such uses in existence at the time of adoption of this Resolution.

Section III. Moratorium on Small Box Discount Retailers.

- (a) A moratorium is hereby adopted on the acceptance of applications for permits, plans, or any other approval or occupation tax certificates for Small Box Discount Retailers for a period of One Hundred Twenty (120) days beginning on the date of adoption of this Resolution. As used in this Resolution, the term "Small Box Discount Retailers" shall be defined as follows: a retail establishment with a floor area less than 12,000 square feet that offers for sale a combination and variety of convenience shopping goods and consumer shopping goods, and continuously offers a majority of the items in its inventory for sale at a price per item of \$10.00 or less, adjusted for inflation.

This definition shall control any use that fits the same despite otherwise being termed "Grocery Store," or "Variety Store" under the provisions of the Rockdale County UDO. The purpose of the moratorium extension is to permit the County to complete its review of a proposed amendment to the UDO as it pertains to Small Box Discount Retailers, to allow a period for publication of notice and to complete public hearing and consideration.

- (b) During the period of this moratorium, including any extension, no permits, plans, approvals or occupation tax certificates shall be issued for new Small Box Discount Retailers within unincorporated Rockdale County, nor shall applications for such uses be accepted and reviewed during the moratorium period; provided however, this moratorium shall not apply to nor affect the issuance of permits, plans approvals or occupation tax certificates based upon complete applications meeting the standards of the UDO and submitted to the City prior to the effective date of this moratorium; nor shall it apply to or affect repairs to such uses in existence at the time of adoption of this Resolution.

Section IV. Moratorium on Vape Shops.

- (a) A moratorium is hereby adopted on the acceptance of applications for permits, plans, or any other approval or occupation tax certificates for Vape Shops for a period of One Hundred Twenty (120) days beginning on the date of adoption of this Resolution. As used in this Resolution, the term "Vape Shop" shall be defined as such term is defined in the City of Conyers, Georgia Code of Ordinances, which definition is incorporated herein by express reference as if set forth herein verbatim. The purpose of the moratorium extension is to permit the County to complete its review of a proposed amendment to the UDO as it pertains to Vape Shops, to allow a period for publication of notice and to complete public hearing and consideration.
- (b) During the period of this moratorium, including any extension, no permits, plans, approvals or occupation tax certificates shall be issued for new Vape Shops within unincorporated Rockdale County, nor shall applications for such uses be accepted and reviewed during the moratorium period; provided however, this moratorium shall not apply to nor affect the issuance of permits, plans approvals or occupation tax certificates based upon complete applications meeting the standards of the UDO and submitted to the City prior to the effective date of this moratorium; nor shall it apply to or affect repairs to such uses in existence at the time of adoption of this Resolution.

Section V. Moratorium on Mini-Storage Warehouses.

- (a) A moratorium is hereby adopted on the acceptance of applications for permits, plans, or any other approval or occupation tax certificates for Mini-Storage Warehouses for a period of One Hundred Twenty (120) days beginning on the date of adoption of this Resolution. As used in this Resolution, the term "Small Box Discount Retailers" shall be defined as follows: a structure or group of structures for storage of customer's personal property, goods and/or wares where individual stalls or lockers are rented out to different tenants for storage and where no stall or locker exceeds 500 square feet of floor area. The purpose of the moratorium extension is to permit the

County to complete its review of a proposed amendment to the UDO as it pertains to Mini-Storage Warehouses, to allow a period for publication of notice and to complete public hearing and consideration.

- (b) During the period of this moratorium, including any extension, no permits, plans, approvals or occupation tax certificates shall be issued for new Mini-Storage Warehouses within unincorporated Rockdale County, nor shall applications for such uses be accepted and reviewed during the moratorium period; provided however, this moratorium shall not apply to nor affect the issuance of permits, plans approvals or occupation tax certificates based upon complete applications meeting the standards of the UDO and submitted to the County prior to the effective date of this moratorium; nor shall it apply to or affect repairs to such uses in existence at the time of adoption of this Resolution.

Section VI. Referral to Planning Commission.

Any proposed revisions to the Rockdale County UDO shall be referred to the Planning Commission for its meeting in March, 2025.

Section IV. Other ordinances.

Except as provided herein, the UDO and all ordinances of Rockdale County, Georgia shall remain in full force and effect.

Section V. Effective date.

This ordinance shall become effective immediately upon its approval on January 28, 2025. The moratorium imposed by this ordinance shall expire at 5:00 p.m. on May 1, 2025, or upon adoption of an amendment to the UDO or Rockdale County Code of Ordinance, whichever occurs first.

Section VI. Ordinances not repealed.

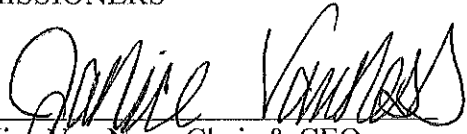
All resolutions and ordinances, or portions thereof, in conflict with the foregoing are hereby suspended, but not repealed, by virtue of this moratorium.

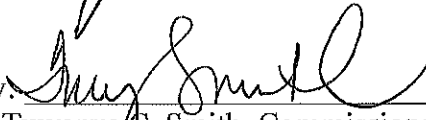
Section VII. Severability.

Should any phrase, sentence, provision or section of this Ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any provision thereof other than the provision specifically declared to be invalid. The Board of Commissioners declares that it would have passed this Ordinance and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases may be declared invalid.

So Resolved this 28th day of January, 2025.

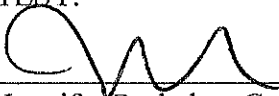
ROCKDALE COUNTY BOARD OF COMMISSIONERS

By: 
JaNice Van Ness, Chair & CEO

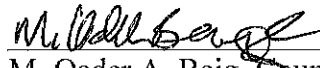
By: 
Tuwanya C. Smith, Commissioner Post 1

By: 
Dr. Doreen Williams, Commissioner Post 2

ATTEST:

By: 
Jennifer Rutledge, County Clerk

Approved as to Form:

By: 
M. Qader A. Baig, County Attorney