

**A RESOLUTION OF THE FORSYTH COUNTY BOARD OF
COMMISSIONERS ENACTING A LIMITED
MORATORIUM ON THE ACCEPTANCE OF
APPLICATIONS FOR REZONING OF PROPERTY TO
THE CR2, RES3, RES4 AND MPD DISTRICTS**

WHEREAS, the Unified Development Code of Forsyth County (“UDC”) regulates zoning and the use of property throughout the unincorporated areas of Forsyth County, Georgia (“County”); and

WHEREAS, the Forsyth County Board of Commissioners (“Board”) has an interest in substantially modifying the UDC such as to change the residential land use designations, residential zoning performance standards, and other characteristics of the UDC – as they apply to residential development and land use - such as will reflect new approaches to the regulation of residential development in the County; and

WHEREAS, the Board desires to insure that future land use decisions involving residential zoning classifications will occur pursuant to newly created residential zoning regulations rather than the current zoning regulations; and

WHEREAS, on September 3, 2015, the Board approved a moratorium barring the acceptance of applications to rezone property to the Res6 zoning district until 60 days after the approval of a new or updated Comprehensive Plan (“Res6 Moratorium”); and

WHEREAS, the Res6 Moratorium remains in effect; and

WHEREAS, the Georgia Supreme Court has held that a moratorium with respect to application of a zoning ordinance may be put in place for a reasonable period of time without the necessity of complying with the notice requirements of the Georgia Zoning Procedures Law (“ZPL”) (City of Roswell v. Outdoor Systems, Inc., 274 Ga. 130 (2001)); and

WHEREAS, for the reasons set forth above, the Board finds that a moratorium barring until February 4, 2017, the acceptance of applications for rezoning of property to the CR2, Res3, Res4 and MPD zoning districts to be reasonably necessary, the least restrictive means available, a reasonable exercise of the County’s police power, and in the best interests of the public health, safety, and welfare;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF
COMMISSIONERS OF FORSYTH COUNTY, GEORGIA, AS FOLLOWS:**

1. The findings and declarations in the preamble are hereby adopted and incorporated herein;

2. The Forsyth County Board of Commissioners does hereby enact a moratorium barring until February 4, 2017, the acceptance of applications for rezoning of property to the CR2, Res3, Res4 and MPD zoning districts.

3. The moratorium imposed by this Resolution shall terminate on the earliest date of (1) February 4, 2017; (2) approval by the Forsyth County Board of Commissioners of an additional moratorium after a public hearing; or (3) the adoption of an amendment to the current residential land use regulations affecting CR2, Res3, Res4 and MPD; or (4) affirmative action by the Forsyth County Board of Commissioners otherwise terminating the moratorium.

4. This Resolution shall be effective upon a majority vote by the Board of Commissioners.

5. In no event shall this moratorium affect development pursuant to zonings already approved or permits already issued; nor shall this moratorium disturb or hinder development of those properties wherein development rights have vested.


6. A public hearing to possibly extend this moratorium shall be advertised and held on February 2, 2017.

SO RESOLVED this ^{10th} ~~5th~~ day of January, 2017, the public's health, safety, and welfare demanding it.


FORSYTH COUNTY BOARD OF COMMISSIONERS




Todd Levent, Member




Rick Swope, Member



Laura Semanson, Member




Ralph (Pete) Amos, Member



Cindy J. Mills, Member

Attest:



Clerk to the Board