

**A RESOLUTION OF THE FORSYTH COUNTY BOARD OF
COMMISSIONERS FURTHER AMENDING THE MORATORIUM ON
RESIDENTIALLY ZONED PROPERTIES IN COMMISSION DISTRICT 4
TO AUTHORIZE CERTAIN EXEMPTION(S) TO ALLOW IMMEDIATE
LANDDISTURBANCE, AND OTHERWISE EXTENDING SAID
MORATORIUM TO AUGUST 16, 2019**

WHEREAS, on April 20, 2017, the Forsyth County Board of Commissioners imposed an emergency moratorium on the acceptance of land disturbance permit applications for properties in Commission District 4 that were zoned between January 1, 2000, and December 31, 2012 to a residential zoning designation, excluding agricultural zonings (the "Moratorium");

WHEREAS, that Moratorium has been extended on multiple occasions, following a duly noticed public hearing;

WHEREAS, the Moratorium will presently terminate on the earliest date of (1) May 16, 2019; (2) adoption of an amendment to the UDC enacting architectural standards for the properties impacted by the Moratorium; or (3) affirmative action by the Forsyth County Board of Commissioners terminating the Moratorium;

WHEREAS, due to the duration of the Moratorium, Forsyth County has been approached by certain property owners and/or developers seeking exemption(s) from the Moratorium;

WHEREAS, the Board of Commissioners is aware that it is improper to allow development to be "released" or exempted from a moratorium without providing objective criteria that can be satisfied to warrant such release; (Davidson Mineral Properties, Inc. v. Monroe County, 257 Ga. 215 (1987));

WHEREAS, the Board of Commissioners is willing to offer an early release or

exemption from the Moratorium - such as will authorize the immediate issuance of land disturbance permits - if the property owner, developer, or other person or entity with the requisite authority to obtain a land disturbance permit for a subject property agrees to comply with certain enhanced development criteria and performance standards – or – where a developer/owner demonstrates to the satisfaction of the Director of the Department of Planning & Community Development that the developer and/or owner needs a land disturbance permit for a final phase of a multi-phased development;

WHEREAS, the Board of Commissioners notes that the performance standards attached to this amendment to the Moratorium may be more rigorous than those performance standards currently being formulated by Forsyth County;

WHEREAS, the Board of Commissioners further notes that requiring a final phase of a multi-phase development to adhere to new architectural and design standards may result in the final phase being inconsistent with the other phase(s) of that same development, thereby disrupting the common theme and homogeneous look and feel of the development;

WHEREAS, therefore, the Board of Commissioners wishes to allow an opt out of the moratorium based upon two distinct criteria; (1) if the development is in need of completing the final phase of a multi-phase development, or (2) if the developer or property owner agrees to comply with the rigorous performance standards attached to this Resolution;

WHEREAS, if a property owner or developer chooses to seek early exemption from the Moratorium based upon complying with rigorous performance standards, those

performance standards attached hereto as Exhibit A shall receive adherence; and,

WHEREAS, if early release is sought from the Moratorium based upon a willingness to accept and adhere to enhanced performance standards, and the performance standards attached hereto as Exhibit A are agreed to, then the developer or property owner may not deviate from compliance once those performance standards "currently being formulated" are issued and adopted by the Board of Commissioners, even assuming those standards being formulated are different or less rigorous than those performance standards set forth in Exhibit A;

WHEREAS, if a developer or owner is able to opt out of the moratorium due to completing a final phase of a multi-phase development, then that developer/owner need not comply with the enhanced performance standards attached hereto, but must comply with all other pertinent Forsyth County performance standards, codes, rules, and regulations;

WHEREAS, the Board of Commissioners also desires to extend the duration of the Moratorium, which is presently scheduled to terminate on May 16, 2019;

WHEREAS, the residential design standards, the preparation of which have served as the basis for this Moratorium, are almost – but not yet – complete;

WHEREAS, the Board of Commissioners believes that another extension of the Moratorium is needed to ensure that the residential design standards are completed and adopted before this Moratorium is lifted.

NOW THEREFORE BE IT RESOLVED as follows:

1. The Moratorium is hereby reaffirmed and ratified, including the previously adopted (April 5, 2018) exemption thereto, except that a new exemption is

added (underlined text below):

- (I) A property owner or duly authorized developer whose property is otherwise subject to the Moratorium, shall be entitled to an exemption from the Moratorium such that land disturbance permits may issue, so long as the property owner and/or duly authorized developer agree, in writing tendered to Forsyth County, to comply with those performance standards attached as Exhibit A to the Moratorium Amendment approved on April 5, 2018. This writing anticipated in this paragraph shall state that the property owner and/or developer's agreement to adhere to the Exhibit A performance standards is completely voluntary and shall be binding upon any successors or assigns.

Any Moratorium exemption based upon confirmation of compliance with those Exhibit A performance standards shall be binding, as applicable, on all remaining development on the property for which the exemption was granted; and all build out shall be undertaken consistent therewith, even if the County adopts new performance standards by way of ordinance amendment that are different or less rigorous than those set forth in Exhibit A.

The performance standards set forth in Exhibit A in no way disturb or impair all other applicable local, state, and federal requirements related to development and construction which shall receive full adherence; and such mandatory requirements shall control over any conflicting provision in the performance standards.

(II) Or, as an alternative to option I, a property owner or duly authorized developer whose property is otherwise subject to the Moratorium shall be entitled to an exemption from the Moratorium such that land disturbance permits may issue if the development is a bona fide multi-phased development as determined by the Director of Planning & Community Development; and, if that multi-phased development is in need of land disturbance permits to complete its final phase, with all other phases either complete or substantially complete. This option II shall be in lieu of the exemption in option I. For purposes of this Resolution, a phase shall be considered 'complete or substantially complete' if no less than 90% of the residential structures in the other phases have been issued certificates of occupancy.

2. The Moratorium is hereby extended until August 16, 2019, subject to the above exceptions, thereby prohibiting the Planning & Community Development Office from accepting land disturbance permit applications for properties in Commission District 4 that were zoned

between January 1, 2000, and December 31, 2012, to a residential zoning designation, excluding agricultural zonings.

(3) The previous exception to the Moratorium, approved April 5, 2018, is hereby ratified and reaffirmed;

(4) The Moratorium imposed by this Resolution shall terminate on the earliest date of (1) August 16, 2019; (2) approval by the Forsyth County Board of Commissioners of an extended moratorium after a public hearing; (3) adoption of an amendment to the UDC enacting architectural and/or design standards for the properties impacted by the moratorium; or (4) affirmative action by the Forsyth County Board of Commissioners terminating the moratorium.

(5) This Resolution shall be effective upon a majority vote by the Board of Commissioners.

(6) In no event shall this moratorium disturb or hinder development of those properties wherein development rights have vested; nor shall this moratorium impact land disturbance permit applications that were submitted to the County prior to April 20, 2017.

SO RESOLVED, this _____ day of _____, 2019.

FORSYTH COUNTY BOARD OF COMMISSIONERS

Laura Semanson, Chairman

Cindy J. Mills, Vice Chairman

Dennis Brown, Secretary

Todd Levent, Member

Molly Cooper, Member

Attest:

Clerk to the Board

District 4 Residential Architectural Conditions

1. Carriage style garage doors with decorative hardware or other embellishments shall be used on all homes and each home shall have not less than a two-car garage. All corner lots shall have a side-entry garage, if grade permits.
2. The roofing material used on all homes shall be cedar shake, architectural/dimensional style asphalt shingles or metal as appropriate to the architectural style of each home as determined by the builder.
3. All overhangs including gables and side gables will have a minimum of a 12 inch overhang on all sides.
4. The developer shall use a variety of techniques to avoid the monotonous appearance of identical homes. Such techniques may employ among others the use of differing front elevations, architectural styles, building exteriors, setbacks and other similar techniques to provide a more pleasing appearance to the subdivision.
5. For corner lots, the landscaping along the side of the home facing the street shall be comparable to the front yard landscaping installed on other lots in the project.
6. All roofs and gables shall be of a pitch no less than 8/12. This condition shall not apply to dormers, porches, bay windows, and third floor retreats.
7. All homes shall have a minimum of two 12 inch house and foundation offsets in the front.
8. Poured concrete retaining walls visible from the right of way must be faced with stone or brick. No wooden retaining walls over 3-feet in height shall be permitted.
9. Unless otherwise stated in this condition, the following restrictions shall apply to all of the homes in the subdivision:
 - a. All homes shall include a brick and/or stone, where brick or stone does not cover more than a water table, water table on the sides of each home. All water tables shall adhere to the following minimum requirements:
 - a) On homes with slab elevations the water table shall cover all exposed foundations and shall be no less than twenty-four (24) inches tall.
 - b) On homes with basement elevations the water table shall be no less than the height of the first floor band board and shall cover all exposed foundation walls on the sides of the home.
10. The following restrictions shall apply only to the sides and rear of the homes:

- i. In addition to the water table requirement contained herein, the exterior materials that may be used on the sides and rear of all homes shall be limited to brick, stone, cement-based lap siding, cement-based siding panels, cedar and/or shake.
11. The following restrictions shall apply only to the fronts of all homes:
 - i. A minimum of fifty percent (50%) of all homes shall have a minimum of forty-five (45%) brick, stone and/or shake with accents, such as, but not limited to, hardi-plank lap siding.
 - ii. Up to forty percent (40%) of all homes may have up to thirty percent (30%) brick, stone, and/or shake on the front facades.
 - iii. Up to ten percent (10%) of all homes may contain lap siding on a majority of the front facade above the water table.
 - iv. On all homes utilizing more than twenty-five percent (25%) lap siding on the front facade, said homes must include a significant covered front porch element that is appropriate to the architectural style of the home as determined by the builder. For purposes of this condition the term "significant" shall mean a covered front porch that is a minimum of five (5) feet deep and at least fifty (50) square feet in size.
12. The District 4 Commissioner shall have final approval of the architectural concepts/building elevations of the houses and such approval shall be secured prior to the issuance of a land disturbance permit. The District 4 Commissioner's approval shall be based upon the architectural and building elevation considerations set forth in these conditions. The District 4 Commissioner's approval shall not be unreasonably withheld and a denial of same may be appealed to the Forsyth County Zoning Board of Appeals as is authorized for the appeal of adverse administrative determinations.
13. A minimum of 25% of homes will have basements, unless the subject development is a senior living community or all homes are ranch homes.
14. The project shall have a sidewalk along one side of each street and if applicable, consistent with the existing sidewalks in the community.
15. Stormwater ponds shall be screened from view from all existing and proposed roads. If the location of the pond is not sufficient for screening, then adequate space will be provided for installation of a landscape screen. A fence alone, if required, shall not qualify as adequate screening.
16. Street sign fixtures and street lighting fixtures shall be decorative and shall complemented the design of the homes. If an existing phase has been

constructed within the development signage and lighting shall match the existing development.

17. Homes shall have a minimum heated floor area of 2,000 square feet for one (1) story, and 2,400 square feet heated floor space for two (2) story type homes.
18. For new development entrances, there shall be a landscaped entrance with a monument type sign, set-back ten (10) feet from the right-of-way or out of the clear zone for the main road, whichever is greater. The sign must meet all applicable codes. If an existing phase has been constructed, signage shall be similar to existing phase entrance and landscaping.
19. All landscaping shall adhere to the extent practicable with the "Coal Mountain Overlay" Approved Plant List, Landscape Installation and Maintenance and Civic Space requirements .
20. All roof vents, pipes, antennas, satellite dishes, and other roof equipment (except chimneys) shall be located on the rear elevations and except for satellite dishes shall be painted to match the color of the roof or, if technical considerations prevent installing satellite dishes on the rear elevation, then such equipment shall be installed at a location where it will have minimal visual impact as seen from the street. Pertinent covenants shall incorporate this condition to ensure the HOA or POA, as opposed to the County, will enforce this requirement following development build out.
21. Utility equipment and service meters may not be located on the front of the home. On side entry home sites, it is encouraged to locate all utility equipment and service meters on the side opposite the exposed corner. The use of utility enclosures on exterior wall is prohibited.
22. For 25% of all homes, the finished floor elevation of the entrance level of the main residential structure shall be a minimum of twenty-four (24) inches above grade immediately adjacent to the front porch.
23. Driveways shall be constructed to take the best advantage of existing topography and landscape planning. Driveways shall be located no closer than one (1) foot to the side property line to allow for landscape screening of garage doors and landscape buffering between adjacent driveways.
24. Driveway material shall match driveway material used in prior phases, to include aprons if applicable.
25. All dormant trenched areas shall be filled and compacted so as to remain level with land adjacent to such areas.
26. Sod installation shall be substantially similar to the coverage of sod as was involved in previous phases in the same development.

27. Developer shall be responsible for the maintenance of undeveloped lots in the community, including, but not limited to, the periodic removal of windblown or damaged trees, trash pick-up and construction debris, as needed. Silt fencing and erosion control devices shall be installed on the lot if not vegetated and shall be kept properly maintained at all times. Dirt may be stockpiled on vacant lots for future use; however, construction and landscape debris must be disposed of properly and may not be allowed to accumulate on any vacant lot. Developer is required to provide dumpsters or they must keep all debris to the rear of the lot. Lot maintenance shall commence within sixty (60) days after the purchase of the lot by the developer and shall be performed regularly until construction begins on the lot. Existing county code and regulations shall control if in conflict with this condition.
28. During approved construction, all vehicles in any way connected with such construction shall enter the lot or lots under construction only by approved access points on the lot or lots designed to minimize construction traffic on existing homes. All construction vehicles shall be parked so as to prevent a traffic safety hazard and to avoid damage to trees, paving, curbs, gutters and any other improvements in the development.
29. Construction debris shall be removed as often as necessary to keep the development and any structure thereon attractive. Construction debris shall not be dumped in any area of the community or on any undeveloped portion of the development.
30. All fences shall be constructed, installed and maintained consistent with any prior or previous phases of the same development.
31. All mailboxes shall be the community standard mailbox and shall be mounted on the community standard post. Placement of mailboxes shall be consistent throughout the community. Any requirements of the United States Postmaster shall receive adherence.
32. No above-ground swimming pools shall be permitted.
33. Construction of in-ground swimming pools, including decks or paved areas surrounding any such pool, shall comply with all safety requirements of any governmental authority, state or municipal, having jurisdiction over such matters. All construction shall be completed within the time period of any permit.
34. No window air conditioning unit may be installed.
35. This modification to the moratorium for architectural design standards shall not supersede any other zoning conditions that are more restrictive . More restrictive conditions on any zoning under the current moratorium shall control.
36. No vinyl siding, vinyl soffits, or vinyl cornices shall be permitted.

37. All homes shall have gutters with downspouts made of aluminum.