

A RESOLUTION OF FORSYTH COUNTY, GEORGIA EXTENDING UNTIL MAY 16, 2019, AN EXISTING MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR LAND DISTURBANCE PERMITS FOR CERTAIN PROPERTIES IN COMMISSION DISTRICT 4 ZONED BETWEEN JANUARY 1, 2000 AND DECEMBER 31, 2012, TO A RESIDENTIAL ZONING DESIGNATION, EXCEPT FOR AGRICULTURAL PROPERTIES

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, Commission District 4 of the County is unique in that it has thousands of unbuilt – but zoned - residential units that were approved with minimal or no architectural standards; and

WHEREAS, the Forsyth County Board of Commissioners (“Board”) desires, in the interest of improving the aesthetics, quality, and overall benefit to the public of the residential build-out of Commission District 4, to enact architectural standards for those old residential rezonings that have sat idle for years; and

WHEREAS, the Board does not intend to frustrate developments that have been recently rezoned; nor to affect development rights that have vested; and

WHEREAS, on April 20, 2017, the Board adopted an emergency, temporary moratorium barring through and until May 18, 2017, 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, (“Existing Moratorium”); and

WHEREAS, on May 18, 2017, August 3, 2017 and November 2, 2017, the Board extended the Existing Moratorium;

WHEREAS, on November 2, 2017, the Board extended the Existing Moratorium until November 17, 2017; and

WHEREAS, the Board conducted a properly noticed public hearing on November 16, 2017 and extended the Existing Moratorium until November 16, 2018; and

WHEREAS, the Board conducted a properly noticed public hearing on April 5, 2018 and amended the Existing Moratorium to add a set of commonly-available non-discriminatory standardized performance standards that, if accepted in writing, would exempt residential development from the Existing Moratorium; and

WHEREAS, on November 15, 2018, following a duly noticed public hearing, the Board extended the Existing Moratorium, as amended until February 15, 2019; and

WHEREAS, the Board conducted a properly noticed public hearing on February 12, 2019 to consider the possible extension of the Existing Moratorium, as amended; and

WHEREAS, the Ordinance modifications that serve as the basis for the moratorium are not yet complete – but continue being prepared – and therefore an additional extension is needed to ensure the status quo benefit of the moratorium is achieved;

WHEREAS, the Board finds extending the Existing Moratorium, as amended, until May 16, 2019, to be reasonably necessary, the least restrictive means available, and a legitimate and reasonable exercise of the County’s police power, and in the best interests of the public health, safety, and welfare of Forsyth County citizens;

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

1. The Forsyth County Board of Commissioners does hereby extend until May 16, 2019, the existing moratorium, as amended, 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.
2. The moratorium imposed by this Resolution shall terminate on the earliest date of (1) May 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.
3. This Resolution shall be effective upon a majority vote by the Board of Commissioners.
4. 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, the public’s health, safety, and welfare demanding it.

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