

**A RESOLUTION OF THE FORSYTH COUNTY BOARD OF COMMISSIONERS
AMENDING A PREVIOUSLY ADOPTED MORATORIUM RESOLUTION AND/OR
IMPOSING A NEW TIME SENSITIVE MORATORIUM**

WHEREAS, on August 3, 2017, the Forsyth County Board of Commissioners, following a public hearing, adopted a moratorium barring until November 3, 2017, the acceptance of applications for land disturbance permits (“LDP”) 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 (the “August 3 Moratorium”) (a true and correct copy of which is attached as Exhibit A);

WHEREAS, the August 3 Moratorium extended an already-existing moratorium which had been originally enacted on April 20, 2017, and which had been the subject of previous public hearings on May 18, 2017 and August 3, 2017;

WHEREAS, the purpose of this LDP moratorium is to maintain the status quo in District 4 with respect to residential build out on older residentially zoned properties while the County prepares and adopts comprehensive residential performance standards;

WHEREAS, efforts at preparing and adopting those residential performance standards are ongoing and it is the County’s intention to adopt and implement those standards as soon as possible;

WHEREAS, the August 3 Moratorium is in need of amendment to extend its duration by approximately fourteen days, until November 17, 2017;

WHEREAS, Forsyth County internal rule of procedure 3.02.01 authorizes the Board of Commissioners to “Amend Something Previously Adopted;”

WHEREAS, this amendment to the previously adopted August 3 Moratorium is in the best interest of the public health safety and welfare of the citizens of Forsyth County;

WHEREAS, alternatively, the August 3 Moratorium is in need of amendment to modify enumerated paragraph 2(2), such that it reads “approval by the Forsyth County Board of Commissioners of an extended moratorium ~~after a public hearing;~~”

WHEREAS, following such an amendment, the present Resolution shall constitute a fourteen-day extension, until November 17, 2017, of the August 3 Moratorium; and,

WHEREAS, alternatively, adoption of this Resolution shall constitute the imposition of a new and immediate time sensitive, emergency moratorium until November 17, 2017, on the acceptance of applications for land disturbance permits (“LDP”) for certain properties in Commission District 4 zoned to a residential zoning designation between January 1, 2000 and December 31, 2012, except for agricultural properties.

NOW THEREFORE BE IT RESOLVED, as follows:

1. That the August 3 Moratorium is hereby amended by striking all references to November 3, 2017 in said moratorium and changing same to November 17, 2017; or,

2. That, alternatively, the August 3 Moratorium is hereby amended by striking the public hearing requirement in enumerated paragraph 2(2), such that paragraph 2(2) reads “approval by the Forsyth County Board of Commissioners of an extended moratorium;” and, upon such amendment having been effectuated, it is further the intent and declaration of the Board that the present Resolution *shall* – then - constitute a fourteen-day extension, until November 17, 2017, of the August 3 Moratorium; or

3. That, alternatively, this Resolution shall constitute the imposition of an immediate time sensitive, emergency moratorium until November 17, 2017, on the acceptance of applications for land disturbance permits (“LDP”) for certain properties in Commission District 4 zoned to a residential zoning designation between January 1, 2000 and December 31, 2012, except for agricultural properties; and,

4. That, except as modified above, all other provisions of the August 3 Moratorium are hereby declared to be binding and in full force and effect. To the extent this Moratorium is deemed a new, time sensitive, emergency moratorium until November 17, 2017, said moratorium shall expire on the earlier of (1) November 17, 2017, (2) the imposition of an extended moratorium following a public hearing, or (3) affirmative action of the Board terminating same; and,

5. It is the intention of the Board of Commissioners that enumerated paragraphs 1 through 3 of this Resolution be read in order of priority and in the alternative; and, for any reason, should enumerated paragraph 1 be deemed ineffective or unenforceable, then paragraph 2 shall control. If, for any reason, paragraph 2 is deemed ineffective or unenforceable, then paragraph 3 shall control.

SO RESOLVED, this _____ day of November, 2017.

FORSYTH COUNTY BOARD OF COMMISSIONERS

Todd Levent, Chairman

Vacant

Laura Semanson, Secretary

Ralph J. Amos, Member

Cindy J. Mills, Member

Attest:

Clerk to the Board