

**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WHEREAS, the August 3 Moratorium extended an already-existing moratorium which had been originally enacted on April 20, 2017, and which had been the subject of previous public hearings on May 18, 2017 and August 3, 2017;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 2nd day of November, 2017.

FORSYTH COUNTY BOARD OF COMMISSIONERS



Todd Levent, Chairman

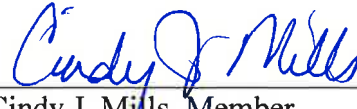
Vacant



Laura Semanson, Secretary



Ralph J. Amos, Member



Cindy J. Mills, Member

Attest:



Clerk to the Board

**A RESOLUTION OF FORSYTH COUNTY, GEORGIA EXTENDING UNTIL
NOVEMBER 3, 2017, 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 the Board extended the Existing Moratorium until August 18, 2017; and

WHEREAS, the Board conducted a properly noticed public hearing on August 3, 2017, to consider the possible extension of the Existing Moratorium; and

WHEREAS, the Board finds extending the Existing Moratorium until November 3, 2017, 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 November 3, 2017, the existing moratorium on the acceptance of land disturbance permit applications for properties

Exhibit A

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) November 3, 2017; (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 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.

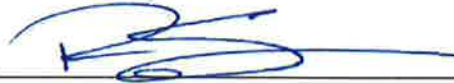
4. In no event shall this moratorium disturb or hinder development of those properties wherein development rights have vested; nor shall this moratorium impact land disturbance permit applications that were submitted to the County prior to April 20, 2017.

SO RESOLVED this 3rd day of August, 2017, the public's health, safety, and welfare demanding it.

FORSYTH COUNTY BOARD OF COMMISSIONERS



Todd Levent, Chairman



Rick Swope, Vice Chairman



Laura Semanson, Secretary



Ralph J. Amos, Member



Cindy J. Mills, Member

Attest:



Clerk to the Board