

**A RESOLUTION OF THE FORSYTH COUNTY BOARD OF COMMISSIONERS
AMENDING THE MORATORIUM ON RESIDENTIALLY ZONED PROPERTIES IN
COMMISSION DISTRICT 4 TO AUTHORIZE AN EXEMPTION TO ALLOW
IMMEDIATE LAND DISTURBANCE**

WHEREAS, on November 16, 2017, the Forsyth County Board of Commissioners renewed and extended a 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, the Moratorium will terminate on the earliest date of (1) November 16, 2018; (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 an exemption 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;

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, nonetheless, if a property owner or developer chooses to seek early exemption from the Moratorium, those performance standards attached hereto as Exhibit A shall receive adherence; and,

WHEREAS, if early release is sought from the Moratorium, 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.

NOW THEREFORE BE IT RESOLVED as follows:

1. The Moratorium is hereby reaffirmed and ratified, except that a new Paragraph 5 is added thereto, which provides as follows:

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.

2. All other terms and conditions of the Moratorium, except as set forth above, shall remain undisturbed.

SO RESOLVED, this _____ day of _____, 2018.

FORSYTH COUNTY BOARD OF COMMISSIONERS

Todd Levent, Chairman

Laura Semanson, Vice Chairman

Dennis Brown, Secretary

Ralph (Pete) Amos, Member

Cindy Mills, Member

Attest:

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. Garage doors shall be made of wood. A minimum of 20% of homes shall have side a side-entry garage. All garage doors (except pedestrian doors) shall be equipped with electric actuators.
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 architectural features, commonly referred to as offsets or bump outs, which create variation in the depth of, at a minimum, the front and rear of the home and foundations. All homes shall have a minimum of three (3) house and foundation offsets or bump outs on the front and one (1) house and foundation offset on the rear with each offset measuring a minimum of twelve (12) inches deep. In addition to offsets or bump outs which expand the interior of the home, qualifying offsets or bump outs may include, but are not limited to, covered porches, covered stoops, and garages.
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.
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 eighteen (18) 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 all 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 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 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 façade above the water table.
 - iv. On all homes utilizing more than twenty-five percent (25%) lap siding on the front façade, 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 35% 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 five-foot wide sidewalk along one side of each street.

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 2,400 square feet for one (1) story, and 2,800 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, Landcape Installation and Maintenance and Civic Space requirements.
20. Other than in a senior living community, developer shall implement one children's playground in the common area. At a minimum, the playground shall consist of one play structure which shall include a minimum of (1) slide, one (1) climbing feature, and four (4) swings. All playground structures shall be primarily constructed of metal. Playground equipment shall be installed no later 18 months within issuance of the land disturbance permit.
21. 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.
22. Utility equipment and service meters are to be located away from high visibility and usage areas and effectively screened from view. The use of enclosed structures or interior access to utility equity is encouraged. The use of utility closes on exterior walls is prohibited.
23. For 40% 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.

24. Driveways shall be constructed to take the best advantage of existing topography and landscape planning. Driveways shall be located no closer than five (5) feet to the side property line to allow for landscape screening of garage doors and landscape buffering between adjacent driveways.
25. All driveways on corner lots shall be located such that the driveway does not bisect the property, but is located near the side property boundary.
26. Driveway material shall match driveway material used in prior phases, to include aprons if applicable.
27. All dormant trenched areas shall be filled and compacted so as to remain level with land adjacent to such areas.
28. Sod installation shall be substantially similar to the quantity and coverage of sod as was involved in previous phases in the same development.
29. 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 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.
30. 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 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.
31. 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.
32. All fences shall be constructed, installed and maintained consistent with any prior or previous phases of the same development.
33. 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.

34. No above-ground swimming pools shall be permitted.
35. 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.
36. No window air conditioning unit may be installed.