

**A RESOLUTION OF THE FORSYTH COUNTY BOARD OF
COMMISSIONERS ADOPTING/EXTENDING A
MORATORIUM PROHIBITING THE ACCEPTANCE OF
REZONING APPLICATIONS TO THOSE RESIDENTIAL
ZONING DISTRICTS IN UNIFIED DEVELOPMENT CODE
CHAPTER 11 AND 20(B)**

WHEREAS, Forsyth County, Georgia has been and continues to experience unprecedented residential population growth;

WHEREAS, Forsyth County's current residential population is 280,096;

WHEREAS, Forsyth County's residential population has increased roughly 60% since 2010;

WHEREAS, the Atlanta Regional Commission estimates that by 2050, at its current trajectory, the County's population will be approximately 450,124;

WHEREAS, on April 15, 2025, the Forsyth County Board of Education ("Board of Education") adopted a Resolution requesting Forsyth County and the City of Cumming take affirmative action to reduce high-density residential development (the "Resolution");

WHEREAS, the Board of Education's Resolution stated that the County's growth trajectory was placing unmanageable strains on the school system;

WHEREAS, the Forsyth County public school system is generally considered one of the best systems in the state;

WHEREAS, the Board of Commissioners ("Board") is acutely aware of service and infrastructure demands placed on the County by ongoing residential development;

WHEREAS, the Board understands that such growth pressures also impact the County's elite school system;

WHEREAS, in light of the Board of Education's Resolution, the Board believes it is in the best interest of the citizens and residents of Forsyth County to impose an elongated moratorium on the acceptance of residential rezoning applications in order for the Board, staff, and the County's legal team to review and update the comprehensive plan and the Unified Development Code ("UDC");

WHEREAS, for purposes of this Resolution, the phrase "residential rezoning" shall refer to a proposed rezoning to any zoning designation in UDC Chapters 11 and 20(B);

WHEREAS, the Board previously found - and declares again - that due to the time required to review, deliberate, direct, and ultimately implement modifications to the

comprehensive plan and UDC, a moratorium on acceptance of residential rezoning applications is warranted;

WHEREAS, in order to effectuate immediate relief, on April 17, 2025, the Board instituted a time sensitive moratorium prohibiting the acceptance of residential rezoning applications from April 17, 2025 through and including May 15, 2025;

WHEREAS, absent a moratorium, by the time the Board is able to update the comprehensive plan and make correspondence changes to the UDC to address growth trajectories, property owners may institute rezoning actions to residential districts that will lock in performance standards/density allowances that are or may be changed;

WHEREAS, were that to occur, the will of the Board will have been thwarted as newly instituted performance standard/density allowance changes will have no impact on zoning applications that are ‘in process;’

WHEREAS, the law is well established under the zoning procedures law that a “zoning decision” is a “final legislative action by a local government” that results in the adoption of a zoning ordinance, grant of a special use of property, or amendment to a zoning ordinance that changes the ordinance's text, rezones property, or zones annexed property. Construing the statutory definition in this case, we hold that the city's temporary moratorium on billboard sign applications is not a “final legislative action.” City of Roswell v. Outdoor Systems, Inc., 274 Ga. 130 (2001);

WHEREAS, the Board finds that ratification/extension/imposition of a longer moratorium on the acceptance of residential rezoning applications is consistent with the Board’s land use objectives; and,

WHEREAS, the Board finds that implementing a moratorium (lasting 180 days) on the acceptance of applications seeking to rezone properties to those residential districts in UDC Chapters 11 and 20(B) to be (i) necessary to allow sufficient time to inquire, deliberate, and implement changes to the County’s comprehensive plan and UDC to address the growth trajectories identified above, and (ii) appropriate, reasonably necessary, the least restrictive means available, a reasonable exercise of the County’s police power, and in the best interests of the public health, safety, and welfare.

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

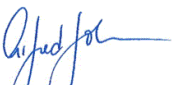
1. The findings, statements, and declarations in the preamble are adopted and made a part of this Resolution as if fully set forth verbatim;
2. The Forsyth County Board of Commissioners hereby readopts and extends, for a period of one-hundred eighty (180) days through and including November 11, 2025, the existing moratorium originally enacted on April 17, 2025 prohibiting

the County from accepting any applications to rezone property(ies) to those zoning districts in UDC Chapter 11 and 20(B):


3. This moratorium is necessary in order to maintain the status quo and allow the County to review and modify its comprehensive plan and UDC to address the growth trajectory/density issues identified by the Board of Education and further identified, understood and acknowledged by the Board without the County becoming inundated with residential rezoning applications that will lock in performance standards/density standards that are otherwise subject to change;
4. The moratorium imposed by this Resolution shall terminate on the earliest of (1) midnight on November 11, 2025; (2) approval by the Board of Commissioners of an extended moratorium following a public hearing; (3) an affirmative act by a majority of a quorum of the Board of Commissioners terminating the moratorium; or (4) the adoption of an amendment to both the comprehensive plan and the County's UDC modifying residential rezoning performance/density standards to address the current untenable growth trajectories identified by the Board of Education and further identified, understood and recognized by the Board of Commissioners;
5. This moratorium shall have no effect on the development of properties where the density allowances under a prior residential zoning have become vested;
6. This moratorium is adopted following a zoning procedures law-compliant public hearing that occurred on May 15, 2025; and,
7. This Resolution shall be effective upon a majority vote by the Board of Commissioners.

SO RESOLVED this 15th day of May, 2025, the public's health, safety, and welfare demanding it.

FORSYTH COUNTY BOARD OF COMMISSIONERS



Alfred John, Chairman



Kerry Hill, Vice Chairman



Mendy Moore, Secretary

Todd Levent

Todd Levent, Member

[Signature]

Laura Semanson, Member

Attest:

Kiersten Law



Clerk to the Board