

A RESOLUTION OF THE FORSYTH COUNTY BOARD OF COMMISSIONERS RATIFYING AND REAFFIRMING ACTION TAKEN AT THE JULY 11, 2019 BOARD OF COMMISSIONERS MEETING THAT TERMINATED THE EXISTING MORATORIUM(S) IN DISTRICT 4, AND OTHERWISE MADE IMMEDIATELY EFFECTIVE IN DISTRICTS 4 AND 5 THOSE ARCHITECTURAL AND/OR DESIGN STANDARDS THAT WERE ADOPTED – BUT NOT MADE EFFECTIVE - BY THE BOARD ON JUNE 6, 2019; AND ALSO TAKING SIMILAR, NEW ACTION, AND ALSO TO PROVIDES DIRECTION TO PLANNING AND COMMUNITY DEVELOPMENT STAFF AS TO ENFORCEMENT OF THOSE ARCHITECTURAL AND/OR DESIGN STANDARDS

WHEREAS, on April 20, 2017, the Forsyth County Board of Commissioners imposed an emergency 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, that Moratorium has been extended on multiple occasions, following a duly noticed public hearing with the last extension pushing the moratorium to August 16, 2019;

WHEREAS, the Moratorium provided that it would terminate upon adoption of an amendment to the Unified Development Code (“UDC”) enacting architectural and/or design standards for the properties impacted by the moratorium;

WHEREAS, on June 6, 2019, the Board of Commissioners adopted an amendment to the UDC enacting architectural and/or design standards that would have County-wide application (the “New Standards”);

WHEREAS, on June 6, 2019, by separate vote, the Board directed that such New Standards would not be effective, binding, or enforceable until December 6, 2019;

WHEREAS, in order to ensure that no argument or suggestion could be made that the Board of Commissioner's action on June 6, 2019 terminated the Moratorium, on June 7, 2019, the Board of Commissioners adopted a "New Moratorium" (extending until July 12, 2019) the prohibition on acceptance of land disturbance permits on properties in Commission District 4 that were zoned between January 1, 2000, and December 31, 2012 to a residential zoning designation, excluding agricultural zonings;

WHEREAS, this delay in effective date (until December 6, 2019) was intended to ensure that Forsyth County Planning & Community Development staff develop the necessary resources, personnel, and training to effectively implement the New Standards;

WHEREAS, on July 11, 2019, the Board of Commissioners took time sensitive action to adopt a Resolution to terminate the District 4 Moratoriums, and also immediately make the New Standards effective in Districts 4 and 5, only (the "Resolution");

WHEREAS, the time sensitive action taken on July 11, 2019 was due to the significant duration of the District 4 moratorium, as well as the District 4 commissioner having significant concerns that developments not under the moratorium may begin commencing land development activity and therefore avoid the New Standards (see pertinent Board discussion at the July 11, 2019 meeting);

WHEREAS, the Board believed and continues to believe that a rationale and good faith basis exists to authorize and declare that the New Standards become immediately effective, binding, and enforceable with respect to Commission Districts 4 and 5, but not Districts 1, 2, and 3;

WHEREAS, as to District 4, there had been a moratorium on certain residential

development since April 20, 2017; and therefore, it was and remains appropriate that the New Standards are immediately effective in District 4 so as to lift that moratorium at the earliest opportunity and allow development to proceed in compliance with the New Standards – the creation of which was the rationale for imposition of the moratorium;

WHEREAS, as to District 5, that district does not presently have the volume of development such as would place an undue burden on Planning staff to immediately implement the New Standards; and

WHEREAS, allowing the New Standards to become immediately effective, enforceable, and binding in Districts 4 and 5 would allow Planning staff to achieve the gradual ramp up it desires, has a rational basis due to the prolonged moratorium in District 4 and the limited development in District 5, and otherwise would not prejudice those land owners or developers in Districts 1, 2, and 3.

NOW THEREFORE BE IT RESOLVED as follows:

1. That the “Resolution of the Forsyth County of Commissioners Terminating the Existing the Existing Moratorium(s) in District 4, and Otherwise Making Immediately Effective in Districts 4 and 5 those Architectural and/or Design Standards that were Adopted – But Not Made Effective – By the Board on June 6, 2019” is hereby ratified and reaffirmed;
2. To the extent not accomplished at the July 11, 2019 Board of Commissioners meeting or otherwise accomplished by the ratification and reaffirmation in Paragraph 1 of the present Resolution, the existing Moratoriums in District 4 are hereby terminated;
3. To the extent not accomplished at the July 11, 2019 Board of Commissioners meeting or otherwise accomplished by the ratification and reaffirmation

in Paragraph 1 of the present Resolution, the New Standards are hereby and again made immediately effective, binding, and enforceable as to Districts 4 and 5, and therefore any limiting direction in the Board of Commissioner's June 6, 2019 motion is modified accordingly (Board of Commissioners Rule 3.02.01);

4. Any development that is located partially in a District where the New Standards are immediately effective, but also located partially in a District where the New Standards are not yet effective, shall be deemed immediately subject to the New Standards;

5. That as to Districts 1, 2, and 3, the New Standards shall not become effective, enforceable or binding until December 6, 2019, per the Board's (now modified) June 6, 2019 motion;

6. The UDC need not be physically updated with the New Standards, but the New Standards shall be made available to the public and published on the Forsyth County website;

7. The UDC shall be updated to reflect the New Standards after December 6, 2019;

8. That the following enforcement and interpretive guidance is hereby provided by the Board of Commissioners to Forsyth County Planning & Community Development staff regarding the New Standards:

a. The New Standards shall not be enforced as to platted lots within a *partially* completed phase of a major subdivision (wherein the partial completion of the phase occurred prior to the New Standards becoming effective), to ensure that enforcement of the New Standards does not result in lots within the same phase having inconsistent

architectural/design elements;

b. The New Standards shall not be enforced as to platted lots within a *partially* completed phase of a minor subdivision (wherein the partial completion of the phase occurred prior to the New Standards becoming effective), to ensure that enforcement of the New Standards does not result in lots within the same phase having inconsistent architectural/design elements;

c. The New Standards shall not be enforced against a development that is a bona fide multi-phased development that is the product of a single zoning application with a single multi-phase site plan as determined by the Director of Planning & Community Development - where that multi-phased development is in need of land disturbance permits to complete its final phase, with all other phases either complete or substantially complete. For purposes of this Resolution, a phase shall be considered 'complete or substantially complete' if no less than 90% of the residential structures in the other phases have been issued certificates of occupancy.

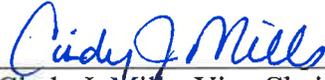
9. While the present Resolution ratifies and reaffirms the July 11, 2019 Resolution, and it is the intention of the Board of Commissioners that the July 11 Resolution and this present Resolution should be consistent (though this present Resolutions adds elements that are not in the July 11 Resolution), to the extent there is a conflict between the July 11 Resolution and this present Resolution, the present Resolution shall control.

SO RESOLVED, this 18th day of July, 2019.

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