

**A RESOLUTION**

**BY**

**THE BOARD OF COMMISSIONERS OF FORSYTH COUNTY, GEORGIA**

**WHEREAS**, a request has been received that this Board further amend the Unified Development Code of Forsyth County, Georgia, adopted May 22, 2000, as amended, together with the zoning maps likewise duly adopted and amended; and,

**WHEREAS**, **Zoning Application Number ZA3845** presented to the Department of Planning & Community Development which caused to be published in The Forsyth County News, a newspaper of general circulation in Forsyth County in which Sheriff's advertisements are published, a notice of hearing; and,

**WHEREAS**, the aforesaid notice of public hearing (a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference) was published more than 15 days prior to the public hearing; and,

**WHEREAS**, this Board has considered the proposed amendment in light of the Master Plan as adopted; and, has examined the views expressed at the public hearing, the subject parcel and surrounding area, the statutory zoning criteria, and the need to modify the exercise of the police power with regard to this particular parcel as such exercise relates to the comprehensive exercise of that power throughout the unincorporated area of Forsyth County, Georgia;

**NOW THEREFORE BE IT RESOLVED**, that the parcel described on Exhibit "B & C" should be, and hereby is, declared to be zoned as **Multi-Family Residential District (RES6)** and,

**BE IT FURTHER RESOLVED** that the Unified Development Code of Forsyth County, Georgia, adopted May 22, 2000, as amended, and the zoning maps likewise duly adopted and amended, are hereby further amended to effect the above zoning on the subject parcel; and,

**BE IT FURTHER RESOLVED** that the rezoning of the parcel described on Exhibit "B & C" is subject to the following variance and conditions:

**VARIANCE:**

1. UDC Section 18-11.2(B) - A variance of 25 feet to the stream buffer shall be granted.

**CONDITIONS:**

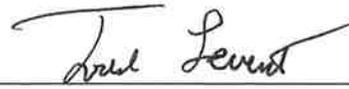
1. The proposed development shall be age restricted to property owners and residents 55 and older to the extent allowable under existing federal, state and local laws, rules, regulations and ordinances.

2. Ownership in individual units will be fee simple, but the common areas and front and side yards will be managed through the homeowners association.
3. Any open space shown on the submitted site plan along creeks shall remain undisturbed, with the exception that the developer can disturb up to ten feet beyond the lot line for grading and slopes as well as for the use of walking/natural trails throughout the community as shown on the site plan.
4. During the clearing and grading operation, if there is an opportunity to save trees that are "at grade" with the "final grade" and are outside the clearing limits, the developer shall actively monitor the grading contractor to save those trees, assuming there is adequate root structure to serve the tree.
5. Development shall tie onto Forsyth County sewer system by gravity. The gravity sewer outfall shall follow natural contours in order to minimize depth.
6. Sewer access must be provided to all upstream properties.
7. Sewer capacity is not guaranteed for this property. All sewer capacity agreements must be approved by the Forsyth County Board of Commissioners.
8. Any improvements to the water and/or systems required to meet fire flow or other requirements shall be done at the developer's expense.
9. There shall be a 10-foot minimum setback from all Utility Easements to any building, unless otherwise approved by the Director of Water & Sewer.
10. There shall be no trees planted within the right-of-way or in utility easements.
11. All development, including access and utility easements, must comply with Forsyth County Standards.
12. The sanitary sewer outfall shall not encroach into the 50-foot Forsyth County stream buffer, unless a variance is approved by the Forsyth County Director of Water & Sewer.
13. All proposed streets shall be designed and constructed in accordance with Forsyth County Ordinance #101, whether the streets are public or private.
14. Owner/Developer shall dedicate right of way 40' from centerline of Settingdown Road as part of site development or when needed for road improvement project as determined by Forsyth County Department of Engineering.
15. The units within the project that are quadriplex will have a minimum of 1,875 square feet. The townhomes will have a minimum of 2,000 square feet. Each unit shall have an enclosed, two car garage, carriage style.
16. There shall be a maximum of 236 units.

17. All homes that abut Settingdown Road shall be a combination of brick and stacked stone on all four sides. The clubhouse will be a combination of 50% brick and stacked stone with an open gable design with cedar beams, cedar shutters, window trim and cedar shake siding.
18. On homes that do not abut Settingdown Road, exterior building materials shall on all sides consist of combinations of brick, stacked stone, masonry based cedar shake, masonry based lap siding or other similar materials. The same quality windows used on the front of the house will be used on the rest of the house.
19. A variety of exterior brick, stone and roof tones shall be utilized to avoid a monotonous appearance.
20. The entrance to the project on Settingdown Road shall consist of a combination of walls, fencing, and heavily landscaped berms, planted with trees, shrubs and flowers. Perennial beds and annual beds (for seasonal color) shall also be incorporated along the road frontage. A landscape plan will be submitted to Forsyth County for approval.
21. The fencing on Settingdown Road will be four-board black fencing with brick columns.
22. The amenities shall consist of a clubhouse and one (1) outdoor pool incorporating an outdoor entertainment area and patio, fire pit, a dog park, walking/nature trails, and pocket parks. The clubhouse shall consist of an exercise room with equipment and a game room. The clubhouse area will be landscaped on all sides with premium landscaping of various sizes.
23. Walking/nature trails shall be constructed in the development separate from the sidewalks and should be maintained by the Homeowners Association.
24. At least one four (4) inch caliper hardwood tree will be planted within the project for each unit within the project (236 units will result in a minimum of 236 trees). The developer is to work with the Forsyth County Arborist on this project.
25. There shall be five (5) foot sidewalks constructed to serve the neighborhood that will be behind a two (2) foot planted "beauty strip".
26. The development shall put a stub out for pedestrian interconnectivity between tax parcel 216-043 or 216-037.
27. All homes shall have a bedroom and bath on the main floor with easy living accessibility including wider doorways and no more than a four inch step up or ramp into the homes.
28. There shall be a mandatory homeowners association, which shall be responsible for the upkeep of all common areas, front and side yards.
29. The project shall be developed in substantial compliance with the submitted site plan.
30. Developer and builder shall comply with Forsyth County Ordinance regarding working hours.

31. Lighting shall consist of old world style lamp posts and no more than fifteen (15) feet high and shall be designed so as to minimize light spillage to not more than one (1) foot candle along the boundary of the property. The lights shall be the black downward facing type currently available from Sawnee EMC.
32. The entire road frontage of the project along Settingdown Road will be landscaped with a berm, plantings, monument, and fence in substantial accordance with the landscape plan.
33. The developer shall record a covenant on the property that no more than ten percent (10%) of the homes on the subject property may be rental units.
34. The design of all improvements within the development with frontage along Dahlenega Highway and Settingdown Road shall conform to those overlay requirements and design standards mandated by the Coal Mountain Overlay. If the developer's LDP application is ready for submission prior to implementation of the Overlay, the developer agrees to ensure improvements along Dahlenega Highway and Settingdown Road shall contain design features consistent with the Coal Mountain Overlay with the District 4 Commissioner having final approval of same.

**SO RESOLVED**, this 2nd day of February, 2017.



TODD LEVENT, CHAIRMAN



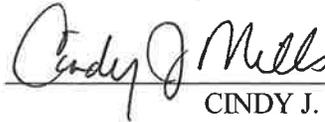
RICK SWOPE, VICE CHAIRMAN



LAURA SEMANSON, SECRETARY



RALPH J. AMOS, MEMBER



CINDY J. MILLS, MEMBER

PUBLIC NOTICE

The Forsyth County Board of Commissioners will hold a Public Hearing on Thursday, February 2, 2017 at 5:00 p.m.

The Public Hearing will be held in the Commissioners Meeting Room (Number 220) on the Second Floor of the Forsyth County Administration Building.

The purpose of said Public Hearing is for the consideration of County Initiated Zoning Application Number 3845 to rezone 61.998 acres from A1 and RES6 to RES6 with a variance of 25 feet to the Stream Buffer (UDC, Section 18-11.2(B)).

This property is located at 3465 and 3505 Settingdown Road, Cumming, GA 30028. This application also includes a portion of the property located at 3670 Dahlonega Highway, Cumming, GA 30028.

Forsyth County Board of Commissioners

Run Date: 01/18/17

(1/18 ZA3845)  
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1/18

## LEGAL DESCRIPTION

*Paran Homes Res 6*

All that tract or parcel of land lying in Land Lots 16, 17, 18, 101, 102 & 103 of the 14th District, 1st Section of Forsyth County, Georgia being as per a survey for Paran Homes by Richard Webb & Associates dated December 19, 2016, being more fully described as follows:

The True Point of Beginning is at an IPF ½" CTP at the Southeast corner of Land Lot 103, corner common to Land Lots 102, 103, 134 & 135:  
 Thence along the Southern Land Lot Line  
 N88°20'50"W a distance of 280.35' to an IPF ½"CT;  
 Thence N88 26'11" W for a distance of 280.55' to an IPF ½"CT;  
 Thence leaving the Land Lot Line crossing into Land Lots 102 & 101;  
 S04°50'36"W a distance of 1,432.70' to an IPF on the Northern R/W of Settendown Rd. (80'R/W)  
 Thence along the R/W the following courses and distances  
 N89°04'14"W a distance of 58.07' to a Point;  
 Thence N89°55'39"W a distance of 70.57' to a Point;  
 Thence S89°11'46"W a distance of 70.05' to a Point;  
 Thence S86°19'45"W a distance of 83.08' to a Point;  
 Thence S83°25'37"W a distance of 68.26' to a Point;  
 Thence S79°36'05"W a distance of 75.81' to a Point;  
 Thence S75°09'16"W a distance of 89.57' to a Point;  
 Thence S70°44'37"W a distance of 58.17' to a Point;  
 Thence S66°46'14"W a distance of 57.81' to a Point crossing into Land Lot 18;  
 Thence S62°12'54"W a distance of 124.30' to a Point;  
 Thence S60°17'49"W a distance of 72.33' to a Point;  
 Thence S59°44'39"W a distance of 52.13' to a IPS;  
 Thence Leaving the R/W N31°07'29"W a distance of 351.51' to a 2"OT@F/C at the Southern Line of Land Lot 17;  
 Thence N01°48'08"E a distance of 1,369.48' to an Axle at the Northern line of Land Lot 17;  
 Thence along Land Lot Line crossing into Land Lot 102  
 S87°58'33"E a distance of 534.06' to an IPF;  
 Thence N31°50'18"E a distance of 4.88' to a Point in the center of a creek;  
 Thence along the creek the following courses and distance, crossing into Land Lot 103;  
 N31°50'18"E a distance of 23.09' to a Point;  
 Thence S77°32'45"E a distance of 27.87' to a Point;  
 Thence N48°34'18"E a distance of 18.77' to a Point;  
 Thence N20°17'24"E a distance of 23.14' to a Point;  
 Thence N14°46'46"W a distance of 8.11' to a Point;  
 Thence N17°48'12"E a distance of 38.03' to a Point;  
 Thence N17°01'04"E a distance of 11.37' to a IPF #4R/B;  
 Thence leaving the center of a creek, crossing into Land Lot 16  
 N63°35'23"W a distance of 1,089.76' to a <IRON;  
 Thence N39°19'42"E a distance of 145.06' to a IPS;

Thence S81°25'45"E a distance of 332.32' to a Point in the center of a creek;

Thence along the center of a creek the following courses and distance;

N53°03'36"E a distance of 143.78' to a Point;

Thence N43°55'03"E a distance of 86.92' to a Point;

Thence N35°55'33"E a distance of 70.26' to a Point;

Thence N61°37'00"E a distance of 43.08' to a Point;

Thence S78°49'56"E a distance of 36.29' to a Point;

crossing into Land Lot 103

Thence N85°16'58"E a distance of 53.27' to a Point;

Thence S71°33'00"E a distance of 72.40' to a Point;

Thence N16°20'53"E a distance of 35.41' to a Point;

Thence N73°19'39"E a distance of 82.49' to a Point;

Thence N60°22'25"E a distance of 44.25' to a Point;

Thence N69°30'21"E a distance of 66.36' to a Point;

Thence N51°57'49"E a distance of 70.90' to a Point;

Thence S33°50'19"E a distance of 66.24' to a Point;

Thence S09°47'10"W a distance of 44.83' to a Point;

Thence S37°37'23"E a distance of 17.58' to a Point;

Thence S51°48'00"E a distance of 47.78' to a Point;

Thence S46°03'03"W a distance of 14.40' to a Point;

Thence S63°52'15"W a distance of 17.01' to a Point;

Thence S12°30'14"E a distance of 53.45' to a Point;

Thence S05°44'55"W a distance of 38.38' to a Point;

Thence S09°41'22"E a distance of 23.31' to a Point;

Thence S40°46'24"E a distance of 30.77' to a Point;

Thence S66°58'33"E a distance of 24.92' to a Point;

Thence S59°53'35"E a distance of 23.89' to a Point;

Thence N83°25'18"E a distance of 14.66' to a Point;

Thence S23°14'12"E a distance of 30.50' to a Point;

Thence S11°42'16"E a distance of 16.84' to a Point;

Thence S66°25'53"E a distance of 14.24' to a Point;

Thence N81°27'10"E a distance of 44.98' to a Point;

Thence N87°14'51"E a distance of 62.49' to a Point;

Thence S82°38'30"E a distance of 24.12' to a Point;

Thence N59°53'51"E a distance of 30.66' to a Point;

Thence N88°33'07"E a distance of 14.25' to a Point;

Thence S58°25'48"E a distance of 34.13' to a Point;

Thence N40°50'19"E a distance of 29.28' to a Point;

Thence S60°03'28"E a distance of 40.02' to a Point;

Thence N49°30'36"E a distance of 47.27' to a Point;

Thence N61°02'17"E a distance of 26.93' to a Point;

Thence S44°19'26"E a distance of 72.62' to a Point;

Thence S09°21'56"E a distance of 36.55' to a Point;

Thence S36°35'41"E a distance of 23.96' to a Point;

Thence S11°47'54"W a distance of 17.79' to a Point;

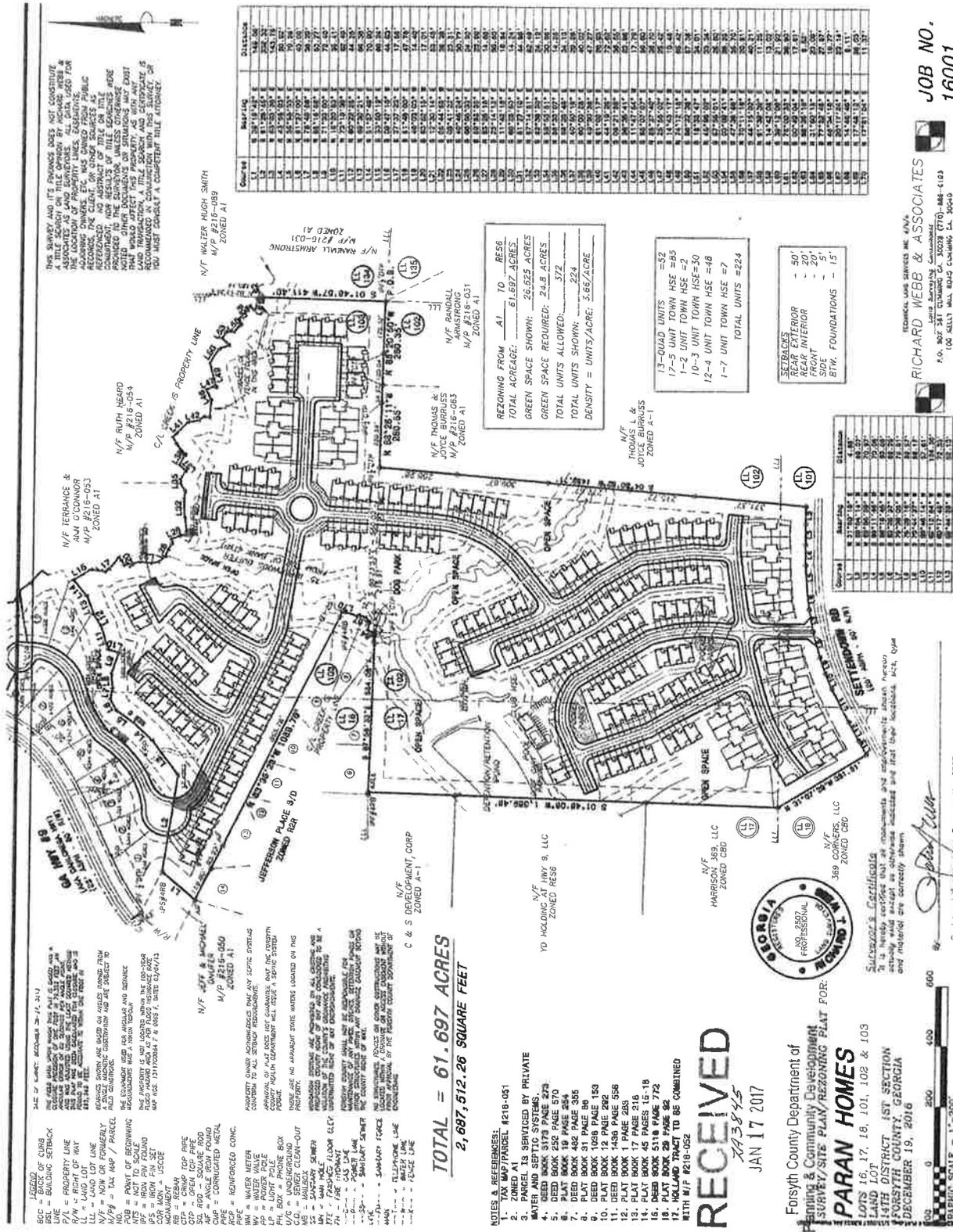
Thence S85°07'07"E a distance of 59.60' to a Point;

Thence N65°37'40"E a distance of 38.70' to a Point;

Thence S25°55'02"E a distance of 25.42' to a Point;  
Thence S14°43'17"W a distance of 10.46' to a Point;  
Thence N74°12'18"E a distance of 85.42' to a Point;  
Thence S56°32'38"E a distance of 57.38' to a Point;  
Thence S18°33'47"E a distance of 34.01' to a Point;  
Thence N45°56'02"E a distance of 33.34' to a Point;  
Thence S57°55'01"E a distance of 25.80' to a Point;  
Thence S03°09'41"W a distance of 26.25' to a Point;  
Thence S47°38'58"E a distance of 35.70' to a Point;  
Thence N70°11'18"E a distance of 20.81' to a Point;  
Thence S44°15'02"E a distance of 40.21' to a Point;  
Thence N61°39'39"E a distance of 11.25' to a Point;  
Thence S14°42'08"E a distance of 13.02' to a Point;  
Thence S39°12'08"W a distance of 21.92' to a Point;  
Thence S76°00'32"E a distance of 36.80' to a Point;  
Thence S00°49'04"W a distance of 17.61' to a Point;  
Thence S88°35'19"E a distance of 8.52' to a Point;  
Thence leaving the center of a creek,  
S01°48'57"W a distance of 411.40' to an IPF ½"CT;  
Thus being the true point of beginning,

Together with and subject to covenants, easements, and  
restrictions of record.

Said property contains 2,687,512.26 Square Feet, 61.697 Acres



THE SURVEY AND THE FINANCES DOES NOT CONSTITUTE A TITLE SURVEY AND THE FINANCES DOES NOT CONSTITUTE ASSOCIATED AS LAND SURVEYORS. ALL DATA USED FOR RECORDING THIS SURVEY HAS BEEN OBTAINED FROM RECORDS, THE CLIENT, OR OTHER SOURCES AS INDICATED. THE CLIENT, OR OTHER SOURCES AS INDICATED, IS RESPONSIBLE FOR THE ACCURACY OF THE DATA. THE SURVEYOR HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY ENCUMBRANCES, UNLESS OTHERWISE INDICATED. THE SURVEYOR HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY ENCUMBRANCES, UNLESS OTHERWISE INDICATED. THE SURVEYOR HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY ENCUMBRANCES, UNLESS OTHERWISE INDICATED.

N/W TERRANCE & ANN O'CONNOR  
M/P #216-053  
ZONED A1

N/W RUTH HEARD  
M/P #216-054  
ZONED A1

N/W WALTER HUGH SMITH  
M/P #216-089  
ZONED A1

N/W RAYMOND ARMSTRONG  
M/P #216-031  
ZONED A1

N/W THOMAS & JOYCE BURRUS  
M/P #216-063  
ZONED A1

N/W HARRISON 389, LLC  
ZONED C8D

N/W CORNERS, LLC  
ZONED C8D

DEED BOOK	PAGE	DATE	DESCRIPTION
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REZONING FROM A1 TO RES6  
TOTAL ACRES: 61.697 ACRES  
GREEN SPACE SHOWN: 26.622 ACRES  
GREEN SPACE REQUIRED: 24.8 ACRES  
TOTAL UNITS ALLOWED: 372  
TOTAL UNITS SHOWN: 224  
DENSITY = UNITS/ACRE: 3.66/ACRE

13-QUAD UNITS = 52  
17-5 UNIT TOWN HSE = 85  
10-3 UNIT TOWN HSE = 30  
12-4 UNIT TOWN HSE = 48  
TOTAL UNITS = 224

SETBACKS  
REAR INTERIOR - 50'  
FRONT INTERIOR - 20'  
SIDE INTERIOR - 5'  
BTM. FOUNDATIONS - 15'

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78	78	6/1/2023	...
79	79	7/1/2023	...
80	80	8/1/2023	...
81	81	9/1/2023	...
82	82	10/1/2023	...
83	83	11/1/2023	...
84	84	12/1/2023	...
85	85	1/1/2024	...
86	86	2/1/2024	...
87	87	3/1/2024	...
88	88	4/1/2024	...
89	89	5/1/2024	...
90	90	6/1/2024	...
91	91	7/1/2024	...
92	92	8/1/2024	...
93	93	9/1/2024	...
94	94	10/1/2024	...
95	95	11/1/2024	...
96	96	12/1/2024	...
97	97	1/1/2025	...
98	98	2/1/2025	...
99	99	3/1/2025	...
100	100	4/1/2025	...

REZONING FROM A1 TO RES6  
TOTAL ACRES: 61.697 ACRES  
GREEN SPACE SHOWN: 26.622 ACRES  
GREEN SPACE REQUIRED: 24.8 ACRES  
TOTAL UNITS ALLOWED: 372  
TOTAL UNITS SHOWN: 224  
DENSITY = UNITS/ACRE: 3.66/ACRE

13-QUAD UNITS = 52  
17-5 UNIT TOWN HSE = 85  
10-3 UNIT TOWN HSE = 30  
12-4 UNIT TOWN HSE = 48  
TOTAL UNITS = 224

SETBACKS  
REAR INTERIOR - 50'  
FRONT INTERIOR - 20'  
SIDE INTERIOR - 5'  
BTM. FOUNDATIONS - 15'

NOTES & REFERENCES:  
1. TAX MAP/PARCEL #216-051  
2. ZONED A1  
3. PARCEL IS SERVICED BY PRIVATE  
4. SANITARY SEWER SYSTEMS  
5. DEED BOOK 252 PAGE 570  
6. DEED BOOK 252 PAGE 570  
7. DEED BOOK 482 PAGE 335  
8. DEED BOOK 482 PAGE 335  
9. DEED BOOK 1088 PAGE 183  
10. PLAT BOOK 12 PAGE 282  
11. DEED BOOK 1438 PAGE 556  
12. PLAT BOOK 1 PAGE 283  
13. DEED BOOK 45 PAGE 218  
14. PLAT BOOK 45 PAGE 218  
15. DEED BOOK 518 PAGE 772  
16. DEED BOOK 518 PAGE 772  
17. HOLLAND TRACT TO BE COMBINED  
WITH M/P #216-052

TO HOLDING AT HWY 9, LLC  
ZONED RES6

HARRISON 389, LLC  
ZONED C8D

N/W CORNERS, LLC  
ZONED C8D

**RECEIVED**  
1773845  
JAN 17 2017

Forsyth County Department of Planning & Community Development  
SURVEY/SITE PLAN/REZONING PLAT FOR:  
**PARAN HOMES**  
LOTS 16, 17, 18, 101, 102 & 103  
LAND LOT  
14TH DISTRICT 1ST SECTION  
FORSYTH COUNTY, GEORGIA  
DECEMBER 19, 2016

Graphic Scale = 1" = 200'

DEED BOOK	PAGE	DATE	DESCRIPTION
1	1	1/1/2017	...
2	2	2/1/2017	...
3	3	3/1/2017	...
4	4	4/1/2017	...
5	5	5/1/2017	...
6	6	6/1/2017	...
7	7	7/1/2017	...
8	8	8/1/2017	...
9	9	9/1/2017	...
10	10	10/1/2017	...
11	11	11/1/2017	...
12	12	12/1/2017	...
13	13	1/1/2018	...
14	14	2/1/2018	...
15	15	3/1/2018	...
16	16	4/1/2018	...
17	17	5/1/2018	...
18	18	6/1/2018	...
19	19	7/1/2018	...
20	20	8/1/2018	...
21	21	9/1/2018	...
22	22	10/1/2018	...
23	23	11/1/2018	...
24	24	12/1/2018	...
25	25	1/1/2019	...
26	26	2/1/2019	...
27	27	3/1/2019	...
28	28	4/1/2019	...
29	29	5/1/2019	...
30	30	6/1/2019	...
31	31	7/1/2019	...
32	32	8/1/2019	...
33	33	9/1/2019	...
34	34	10/1/2019	...
35	35	11/1/2019	...
36	36	12/1/2019	...
37	37	1/1/2020	...
38	38	2/1/2020	...
39	39	3/1/2020	...
40	40	4/1/2020	...
41	41	5/1/2020	...
42	42	6/1/2020	...
43	43	7/1/2020	...
44	44	8/1/2020	...
45	45	9/1/2020	...
46	46	10/1/2020	...
47	47	11/1/2020	...
48	48	12/1/2020	...
49	49	1/1/2021	...
50	50	2/1/2021	...
51	51	3/1/2021	...
52	52	4/1/2021	...
53	53	5/1/2021	...
54	54	6/1/2021	...
55	55	7/1/2021	...
56	56	8/1/2021	...
57	57	9/1/2021	...
58	58	10/1/2021	...
59	59	11/1/2021	...
60	60	12/1/2021	...
61	61	1/1/2022	...
62	62	2/1/2022	...
63	63	3/1/2022	...
64	64	4/1/2022	...
65	65	5/1/2022	...
66	66	6/1/2022	...
67	67	7/1/2022	...
68	68	8/1/2022	...
69	69	9/1/2022	...
70	70	10/1/2022	...
71	71	11/1/2022	...
72	72	12/1/2022	...
73	73	1/1/2023	...
74	74	2/1/2023	...
75	75	3/1/2023	...
76	76	4/1/2023	...
77	77	5/1/2023	...
78	78	6/1/	