

CHAPTER ONE

**A RESOLUTION AND ORDINANCE
BY
THE BOARD OF COMMISSIONERS
OF
FORSYTH COUNTY**

A Resolution and Ordinance to repeal Ordinance Number **30J** which is the Comprehensive Zoning and Land Use Resolution and Ordinance for Forsyth County, Georgia; to replace Ordinance Number 30 with a new set of zoning and land use regulations known as the Unified Development Code; to provide an effective date.

WHEREAS the Constitution of the State of Georgia, approved by the voters of the State in November, 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph IV thereof, that the governing authority of the County may adopt plans and exercise the power of zoning; and

WHEREAS, The Georgia General Assembly has enacted the Georgia Planning Act of 1989, (Georgia Laws, 1989, pp. 1317-1391, Act 634) which among other things provides for local governments to adopt plans and regulations to implement plans for the protection and preservation of natural resources, the environment, vital areas, and land use; and

WHEREAS, the Georgia Department of Community Affairs has promulgated Minimum Standards and Procedures for Local Comprehensive Planning (Chapter 110-3-2 of Rules of the Georgia Department of Community Affairs) to implement the Georgia Planning Act of 1989, said standards and procedures were ratified by the Georgia General Assembly, and said rules require local governments to describe regulatory measures and land development regulations needed to implement local Comprehensive Plans; and

WHEREAS, the Georgia Department of Natural Resources has promulgated Rules for Environmental Planning Criteria, commonly known as the "Part Five" Standards, said rules were ratified by the Georgia General Assembly, and said rules require local governments to plan for the protection of the natural resources, the environment, and vital areas of the state; and

WHEREAS, the Board of Commissioners of Forsyth County has adopted a Comprehensive Plan in accordance with the requirements of the Georgia Planning Act of 1989, Rules of the Georgia Department of Community Affairs, and Rules of the Georgia Department of Natural Resources, and said plan has been revised from time to time; and

WHEREAS, the Board of Commissioners of Forsyth County adopted the Comprehensive Zoning and Land Use Resolution of Forsyth County, Georgia, on December 10, 1979, and it has been amended a number of times; and

WHEREAS, the Update of the Land Use Element from the Forsyth County Comprehensive Plan specifies a number of goals and policies that are not currently implemented by the County's land use regulations; and

WHEREAS the Board of Commissioners wishes to assure compliance with its Comprehensive Plan; and

WHEREAS, the Board of Commissioners appointed a committee of citizens and developers to prepare, with staff and consultant assistance, a complete revision of the Comprehensive Zoning and Land Use Resolution of Forsyth County; and

WHEREAS, the Board of Commissioners desires to promote the health, safety, welfare, morals, convenience, order, and prosperity of Forsyth County and its citizens; and

WHEREAS, the Board of Commissioners wishes to promote responsible growth, lessen congestion in the public thoroughfares, secure safety from fire and health dangers, and promote desirable living conditions; and

WHEREAS, the Board of Commissioners wishes to assure adequate light and air, and the sound development and use of land which provides adequate transportation, water supply, drainage, sanitation, educational opportunity and recreation; and

WHEREAS, the Board of Commissioners desires to regulate the height, bulk, and the size of buildings and structures; and

WHEREAS, the Board of Commissioners wishes to classify land uses, establish procedures and regulations for the subdivision and development of land, and regulate the distribution and density of uses on the land to avoid the undue concentration of population, prevent the encroachment of incompatible land uses within residential areas, and preserve property values; and

WHEREAS, the Board of Commissioners wishes to provide for attractive, economically viable areas for business and industry; and

WHEREAS, the Board of Commissioners wishes to provide for economically sound and stable land development by assuring the provision in land developments of adequate streets, utilities, services, traffic access and circulation, public open spaces and maintenance continuity; and

WHEREAS, the Board of Commissioners desires to provide illustrations to accompany the Code that will aid citizens and property owners in the understanding of the Code; and

WHEREAS, the Board of Commissioners finds that the regulations contained in this Unified Development Code are the minimum necessary to accomplish the various public purposes; and

WHEREAS, the General Assembly of the State of Georgia enacted Ga. Laws 1985, page 1139, Act. No. 662, providing for an amendment to Title 36 of the Official Code of Georgia Annotated, codified as O.C.G.A. sections 36-66-1 et seq., so as to provide procedures for the exercise of zoning powers by counties; and,

WHEREAS, the General Assembly of the State of Georgia in said Act 662 provided for an amendment to Title 36 of the Official Code of Georgia by adding thereto Chapter 66, codified as O.C.G.A. sections 36-66-1 et seq., providing for zoning procedures and in particular specifying the minimum days for notice, advertisement, and posting of signs relating to zoning hearings, for requiring such hearings, and for other purposes; and,

WHEREAS appropriate public notice and hearing have been accomplished;

NOW THEREFORE BE IT RESOLVED AND ORDAINED by the Board of Commissioners of Forsyth County, Georgia, and it is hereby resolved and ordained by the authority of the same, that the following chapters and sections known collectively as the Unified Development Code of Forsyth County be enacted into law.