

**A RESOLUTION BY THE FORSYTH COUNTY BOARD OF COMMISSIONERS  
MODIFYING THE FORSYTH COUNTY SOIL EROSION AND SEDIMENTATION  
CONTROL ORDINANCE, AS CODIFIED AS ORDINANCE 73 OF THE FORSYTH  
COUNTY CODE OF ORDINANCES**

**WHEREAS**, the Constitution of the State of Georgia, effective July 1, 1983, provides in Article IX, Section 2, Paragraph 1 thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions, and regulations; and

**WHEREAS**, O.C.G.A. § 36-1-20 authorizes the County to adopt ordinances preserving the health, safety, and welfare, and to adopt appropriate measures to enforce those ordinances; and

**WHEREAS**, Section 12.1 of the County's enabling legislation authorizes the County to adopt ordinances exercising the police powers of the State of Georgia; and

**WHEREAS**, in the interests of the health, safety, and general welfare of the citizens of Forsyth County, Georgia, the Board of Commissioners of Forsyth County desires to amend Ordinance 73, the Soil Erosion and Sedimentation Control Ordinance as set forth in Exhibit A attached hereto; and

**WHEREAS**, all required legal notices and public hearings have occurred in accord prior to adoption of this modified Ordinance.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of Forsyth County, Georgia the following:

- 1** The text of Ordinance 73 of the Forsyth County Code of Ordinances is hereby amended as set forth in Exhibit A (red highlights are the changes);
- 2** This Ordinance shall become effective immediately upon adoption.

Be it resolved this 2nd day of November, 2023.

**FORSYTH COUNTY BOARD OF COMMISSIONERS**

*Alfred John*

Alfred John, Chairman

*Laura Semanson*

Laura Semanson, Vice Chairman

*Cindy Jones Mills*

Cindy Jones Mills, Secretary

*Todd Levent*

Todd Levent, Member

*Kerry Hill*

Kerry Hill, Member

Attest:

*Rhonda P. Howard* 

Clerk to the Board

## Exhibit A

### THE CODE OF FORSYTH COUNTY, GEORGIA

#### ORDINANCE 73 – SOIL EROSION AND SEDIMENTATION CONTROL (Chapter 34, Article II of the County Code)

#### SECTION IV. – MINIMUM REQUIREMENTS FOR EROSION, SEDIMENTATION AND POLLUTION CONTROL USING BEST MANAGEMENT PRACTICES

Sec. 34-34(c)(20) – For residential developments on property totaling 25 acres or more, no land disturbance permit shall be issued that would allow the disturbance of more than 20 acres in any single contiguous area and no more than two non-contiguous areas may be disturbed at any one time. Whenever two non-contiguous areas in a residential development are disturbed at the same time, no new disturbance may be undertaken in the development until at least one of the two non-contiguous disturbed areas is stabilized, as determined by the Department of Engineering, prior to any additional land disturbance being undertaken.

Variance Allowance. The 20 acre disturbance limitation may be varied to a maximum of 25 acres upon demonstration of a hardship. For purposes of such a variance, a hardship shall not mean (1) that it would be less costly to complete land disturbance if the restrictions were varied or (2) that the applicant has a personal circumstance warranting relief that is unrelated to a unique condition of the property.

To justify a hardship warranting a variance to the land disturbance limitations in this section, the applicant bears the burden of showing:

- Unusual topography, soil types, streams, or other physical characteristics of the property;
- That were unknown or not subject to reasonable discovery when the property was acquired;
- That are not of a type that is condition commonly shared among developments of a similar nature;
- That are not self-imposed; and
- That if the literal requirements of the code are followed, it will result in either (a) a substantial burden on the applicant that is meaningfully different than that faced by others when complying with the same requirements; (b) environmental damage or degradation that is inconsistent with the objectives of the County, or (c) a significant adverse impact on adjacent properties.

Variance Application. In the event an applicant believes a hardship exists, an application for variance may be tendered to the Forsyth County Board of ~~Zoning Appeals Commissioners~~ as contemplated in accordance with the application requirements of the Forsyth County Unified Development Code, Section 8-6.3.

Variance Submission. The application submissions shall be as set forth in UDC, Section 8-6.3, as are appropriate, but shall also include any additional documentation deemed necessary by the Forsyth County Department of Engineering. The variance application shall include a phased

grading plan for the entire development and a narrative that enumerates all reasons for the asserting that a hardship justifies exceeding the 20 acre maximum disturbed acreage limit.

Variance Consideration. UDC sections 8-6.4 (B), (C), (D), and (E) shall be observed, except that the variance criteria to be considered by the Board shall be limited to the four (4) previously identified criteria rather than the criteria set forth in UDC 8-6.4(C)(4)(a)(i – vi); Appeals. The applicant shall have all other appellate rights afforded by the UDC.