

CHAPTER FIVE

FORSYTH COUNTY DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

ARTICLE I, ESTABLISHMENT:

5-1.1 The Department of Planning and Community Development is the administrative agency for the efficient exercise of the counties zoning power.

ARTICLE II, PERSONNEL:

5-2.1 **Director.** The chief executive officer in the Forsyth County Department of Planning and Community Development shall be known as the Director of Planning and Community Development. The director may delegate functions, powers and duties assigned to him by this Code other staff as may be appropriate, without the need to delegate by formal action.

ARTICLE III, FUNCTIONS, POWERS AND DUTIES:

5-3.1 **No Legislative Power.** The director and employees of the Forsyth County Department of Planning and Community Development shall have no discretionary power whatsoever to alter, waive, ignore, amend, or otherwise change any provisions of this Code; provided however, that the director shall be authorized to interpret the provisions of this Code and adopt departmental procedures for the administration thereof in a manner consistent with the overall purpose and intent of this Code.

5-3.2 **Functions.** The director and employees of the department shall perform ministerial and administrative functions only as required under this Code including but not limited to: the issuance of appropriate permits only upon the permittee complying with all applicable provisions of this Code, the collection of fees, the collection and compilation of data, the performance of required inspections, and the enforcement of provisions of this Code.

5-3.3 **Assistance to Planning Commission and Zoning Board of Appeals.** The director and employees of the department shall assist the Planning Commission and the Zoning Board of Appeals by performing clerical and ministerial duties as required, including but not limited to securing appropriate newspaper advertisements, preparing documents, compiling reports, serving as the Secretary of the Planning Commission and Zoning Board of Appeals, publishing minutes, and other related matters.

5-3.4 **Approval of Subdivisions.** The director shall have the power to approve minor subdivision plats which meet the standards of the Georgia Plat Act for recordation and the provisions of this Code under the applicable provisions of this Code. Major subdivisions must be approved by the Planning Commission in accordance with the provisions of this Code.

5-3.5 **Administrative and Interpretative Functions.** The department is the administrative agency charged with the administration of this Code and may therefore establish such rules and procedures as may be necessary, including but not limited to administrative procedures for the filing of applications for amendment to the official zoning map of Forsyth County (i.e., rezoning requests), conditional use permits, variances, and other applications for development approval. The director is hereby authorized to interpret the provisions of this Code when warranted and appropriate.

5-3.6 **Enforcement Powers.** The director, the Director of Engineering and the Director of Water & Sewer and their agents, are hereby authorized to issue written "stop work" and "cease and desist" orders on any project when the applicant, applicant's business or agent fails to comply with this Code. Such stop work and cease and desist orders may be lifted at such time as the director, the Director of Engineering and/or the Director of Water & Sewer are satisfied that a good faith effort is being made to comply with this Code. Nothing shall prevent the director, the Director of Engineering or the Director of Water & Sewer from reissuing stop work and cease and desist orders where warranted.

The director, the Director of Engineering or the Director of Water & Sewer or their agents, are hereby authorized and directed to deny and withhold permits on any new project or applicant pursuant to this Code where the applicant, applicant's business or agent has failed or refused to comply with County requirements or regulations specified by this Code or any other codes administered by the director, Director of Engineering, or Director of Water & Sewer.

Any permit issued pursuant to this Code may be suspended, revoked, or modified by the director, the Director of Engineering, or the Director of Water & Sewer as to the project for which it is issued, if the director, Director of Engineering or Director of Water & Sewer as the case may be finds that the holder is in violation of this Code, or the specific terms set out in a permit. Review of such suspension shall be appealable to the Zoning Board of Appeals.

5-3.7 **Comprehensive Plan**. The department shall prepare a Comprehensive Plan for the development of Forsyth County.

5-3.8 **Zoning Regulations**. The department shall prepare and recommend for adoption to the Board of Forsyth County a zoning map and regulations for unincorporated Forsyth County and recommend perfection and amendment of such map and regulations.

5-3.9 **Subdivision Regulations**. The department shall prepare and recommend for adoption to the Board regulations governing the subdivision and development of land in unincorporated Forsyth County and recommend perfection and amendment of such regulations.

5-3.10 **Plats and Maps**. The department may prepare and recommend for adoption to the Board a plat or plats, or an official map, showing the accurate location of the boundary lines of existing, proposed, extended, widened or narrowed streets, public open spaces, or public building sites, together with regulations to control the erection of buildings or other structures within such lines.

5-3.11 **Information to Officials**. The department may make, publish and distribute maps, plans and reports and recommendations relating to the planned development of Forsyth County to public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens of the County as approved by the Board.

5-3.12 **Recommendations**. The director may make recommendations to the Planning Commission, Zoning Board of Appeals, and Board regarding amendments to the Comprehensive Plan and the text of this Code, and in the case of specific applications, may prepare written findings and recommendations regarding amendments to the official zoning map, conditional use permits, variances, and other applications as may be required to be filed pursuant to this Code. The director may recommend to the Board programs for public improvements and the financing thereof.

5-3.13 **Corrective Zoning Action**. The director shall be authorized, upon approval of the pertinent district commissioner, to commence a county initiated corrective zoning, zoning condition amendment, variance, or conditional use permit, upon determining that a recently approved rezoning, zoning condition amendment, variance, or conditional use permit contained an error or omission that frustrates the clear, expressed intention of the applicant with respect to a proposed use on property. For purposes of this paragraph, the error or omission may only be that which was caused by County staff or County agents. An error or omission by the applicant or an agent of the applicant shall not trigger this paragraph. For purposes of this paragraph, 'recently approved' shall mean within one-hundred and eighty days.