

**ARTICLE 1
PREAMBLE, ENACTMENT, AND
LEGAL STATUS PROVISIONS**

Section 101. Preamble.

WHEREAS, the Constitution of the State of Georgia, effective July 1, 1983, provides in Article IX, Section II, Paragraph IV thereof, that the governing authority of the City 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 have since been amended, 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 V" 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 Governing Body 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 Comprehensive Plan specifies a number of goals and policies that are not currently implemented by the Governing Body's land use regulations; and

WHEREAS, the Governing Body desires to help assure the implementation of its Comprehensive Plan; and

WHEREAS, the Governing Body desires to promote the health, safety, welfare, morals, convenience, order, and prosperity of the citizens;

WHEREAS, the Governing Body has undertaken an audit of how current regulations promote quality growth, and it desires further to promote responsible, quality growth, lessen congestion in the public thoroughfares, secure safety from fire and health dangers, and promote desirable living conditions; and

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

WHEREAS, the Governing Body desires to classify land uses, establish procedures for the handling of certain land use matters, and regulate the distribution and density of uses on the land to avoid both the undue concentration of population and the inappropriate dispersion of population, prevent the encroachment of incompatible land uses within residential areas, and preserve property values; and

WHEREAS, the Governing Body desires 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 Governing Body finds that the regulations contained in this ordinance 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 cities and counties; and

WHEREAS, appropriate public notice and hearing have been accomplished; and

WHEREAS, the municipal planning board has considered this matter;

NOW THEREFORE BE IT ORDAINED by the Governing Body and it is hereby ordained by the authority of the same, that the following articles and sections known collectively as the "Zoning Ordinance of the City of Cornelia, Georgia," are hereby enacted into law.

Section 102. Jurisdiction.

Unless this ordinance clearly indicates otherwise, this ordinance shall apply within the incorporated limits of the City of Cornelia, Georgia.

Section 103. Conflict with Other Laws.

Whenever the regulations of this ordinance require or impose more restrictive standards than are required in or under any other ordinance, the requirements of this ordinance shall govern. Whenever the provisions of any state or federal statute require more restrictive standards than are required by this ordinance, the provisions of such statute shall govern.

Section 104. Validity and Severability.

Should any section or provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Section 105. Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this ordinance full force and effect, except that any ordinances or resolutions repealed by this provision shall not limit or impair the city's authority to enforce such ordinances or resolutions to the extent that violations thereof occurred prior to repeal.

Section 106. Codification.

It is the intention of the Governing Body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the official code of the City of Cornelia, and the sections of this ordinance may be renumbered or reorganized to accomplish such intention.

Section 107. Adoption and Effective Date.

This ordinance is hereby adopted this ___ day of _____, _____, and shall be effective immediately upon its adoption, the public welfare demanding it.

MAYOR AND CITY COMMISSION OF CORNELIA, GEORGIA

_____, Mayor

ATTEST:

City Clerk

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

City Attorney