

**County of Oglethorpe
State of Georgia**

**AN ORDINANCE ENTITLED
ZONING AND LAND USE ORDINANCE FOR
THE CITY OF ARNOLDSVILLE, GEORGIA**

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 of Arnoldsville, Georgia 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 and vital areas; 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 Mayor and City Council 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 City of Arnoldsville land use regulations; and

WHEREAS the Mayor and City Council desires to help assure the implementation of its Comprehensive Plan; and

WHEREAS, the Mayor and City Council desires to promote the health, safety, welfare, morals, convenience, order, and prosperity of the City of Arnoldsville, Georgia and its citizens; and

WHEREAS, the Mayor and City Council desires 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 Mayor and City Council desires to regulate the height, bulk, and the size of buildings and structures; and

WHEREAS, the Mayor and City Council desires 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 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 Mayor and City Council 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 General Assembly of the State of Georgia enacted the Zoning Procedures Law, O.C.G.A. 36-66-, so as to provide procedures for the exercise of zoning powers by cities and counties; and

WHEREAS, Pursuant to Georgia Code Section 36-70-3, the governing bodies of municipalities and counties are authorized to develop, establish, and implement land use regulations which are consistent with the comprehensive plan of the municipality or county; and

WHEREAS, The Georgia General Assembly has adopted the Erosion and Sedimentation Act of 1975, (Georgia Code Section 12-7-1 et seq.), as amended, which requires in 12-7-4(a) that the governing authority of each county and each municipality shall adopt a comprehensive ordinance establishing the procedures governing land-disturbing activities which are conducted within their respective boundaries, and that such ordinances shall be consistent with the standards provided by Georgia Code Section 12-7-4. Furthermore, the Georgia Board of Natural Resources pursuant to Georgia Code Section 12-7-8(c) has promulgated rules and regulations setting forth the requirements and standards for certification and the procedures for decertification of a local issuing authority in accordance with the Erosion and Sedimentation Act of 1975; and

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

WHEREAS, the Mayor and City Council finds that the regulations contained in this Ordinance are the minimum necessary to accomplish the various public purposes;

NOW THEREFORE BE IT ORDAINED by the Mayor and City Council, and it is hereby ordained by the authority of the same, that the following ordinance and its articles and sections is hereby enacted into law.

§1-11-5

ADOPTION AND EFFECTIVE DATE

This ordinance is hereby adopted this 16 day of February, 2017, and shall be effective immediately upon its adoption, the public welfare demanding it.

Mayor and City Council