

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

CHAPTER 1.1	PREAMBLE AND ENACTMENT
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**CHAPTER 1.1**  
**PREAMBLE AND ENACTMENT**

Section 1.1.1.	Preamble and Enactment.
Section 1.1.2.	Adoption and Effective Date.

**Section 1.1.1. Preamble and Enactment.**

WHEREAS, the Constitution of the State of Georgia, effective July 1, 1983, provides in Article IX, Section II, Paragraph IV thereof, that the governing authorities of municipalities may adopt plans and exercise the power of zoning; and

WHEREAS, Section 5.4 of the Bainbridge, Georgia, city charter authorizes the mayor and aldermen of the City of Bainbridge to pass zoning and planning laws; 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 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 to include a new land use element; and

WHEREAS, the comprehensive plan specifies a number of goals and policies that are not currently implemented by the land use regulations of participating municipalities; and

WHEREAS, the governing body desires to help assure the implementation of the comprehensive plan as amended; and

WHEREAS, the governing body desires to promote the health, safety, welfare, morals, convenience, order, and prosperity of their citizens;

WHEREAS, the governing body desires further 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 governing body 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 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 planning commission has considered this matter;

It is hereby ordained by the governing authority of the City of Bainbridge that the following articles and sections (of an ordinance known collectively as the "Bainbridge Zoning Ordinance") are hereby enacted into law.

**Section 1.1.2. Adoption and Effective Date.**

This zoning ordinance is hereby adopted and shall become effective immediately upon its adoption by each governing body, the public welfare demanding it.

This the \_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

## CHAPTER 1.2 JURISDICTION

- Section 1.2.1. Jurisdiction.  
Section 1.2.2. Zoning of Annexed Lands.

### **Section 1.2.1. Jurisdiction.**

This zoning ordinance shall apply within the incorporated limits of the City of Bainbridge, Georgia.

### **Section 1.2.2. Zoning of Annexed Lands.**

Property annexed or proposed to be annexed into the city limits of Bainbridge (after its date of adoption by the Governing Body) shall be zoned in accordance with the Zoning Procedures Law, O.C.G.A. 36-66, and this zoning ordinance. Such property annexed may be zoned by the Governing Body to any zoning district or districts established in this ordinance. Lands hereafter annexed into the city limits of Bainbridge shall, upon the effective date of such annexation, be subject to all applicable procedural and substantive requirements of this zoning ordinance as now or hereafter amended, unless otherwise specifically provided in this ordinance.

## CHAPTER 1.3 LEGAL STATUS PROVISIONS

Section 1.3.1.	Conflict with Other Laws.
Section 1.3.2.	Validity and Severability.
Section 1.3.3.	Repeal of Conflicting Ordinances.
Section 1.3.4.	Validity of Conditions of Zoning.
Section 1.3.5.	Codification.

### **Section 1.3.1. Conflict with Other Laws.**

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

### **Section 1.3.2. Validity and Severability.**

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

### **Section 1.3.3. Repeal of Conflicting Ordinances.**

The zoning ordinance adopted October 20, 1987, as amended, is hereby repealed. All other ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this zoning ordinance full force and effect, except that any ordinances or resolutions repealed by this section 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 1.3.4. Validity of Existing Conditions of Zoning.**

Notwithstanding the repeal of prior ordinances via Section 1.3.3 of this zoning ordinance, if a property was zoned subject to conditions prior to the adoption of this zoning ordinance, the existing zoning conditions shall continue to apply to said property.

### **Section 1.3.5. Codification.**

It is the intention of the governing body, and it is hereby ordered that this zoning ordinance shall become and be made a part of the Code of Ordinances of the City of Bainbridge, Georgia, and the articles, chapters, and sections of this zoning ordinance may be renumbered if necessary to fit most appropriately into the Code of Ordinances of the municipality.