

STATE OF GEORGIA

CITY OF JONESBORO

ORDINANCE NO. 2015-008 b

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF JONESBORO, GEORGIA; TO AMEND SECTIONS OF CHAPTER 86 ("ZONING") BY REVISING PROVISIONS REGULATING PARKING SPACES AND DRIVEWAYS; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the duly elected governing authority of the City of Jonesboro, Georgia (the "City") is the Mayor and Council thereof; and

WHEREAS, the City has the power to adopt reasonable regulations promoting the public health, safety, and general welfare of its citizenry pursuant to Article IX, Section II, Paragraph II of the 1983 Constitution of the State of Georgia; the Municipal Home Rule Act (O.C.G.A. § 36-35-1 *et seq.*); and Section 1.13(11) of the City's Charter; and

WHEREAS, the Mayor and Council have, as a part of planning, zoning and growth management, been in review of the City's Zoning Ordinances, Chapter 86 of the Code of Ordinances of the City of Jonesboro, Georgia (the "Code"), and have been studying the City's best estimates and projections of the type of development which could be anticipated within the City; and

WHEREAS, the Mayor and Council therefore consider it paramount that land use regulation continue in the most orderly and predictable fashion with the least amount of disturbance to landowners and to the citizens of the City. The Mayor and Council have always had a strong interest in growth management so as to promote the traditional police power goals of health, safety, morals, aesthetics and the general welfare of the community; and in particular

the lessening of congestion on City streets, security of the public from crime and other dangers, promotion of health and general welfare of its citizens, protection of the aesthetic qualities of the City including access to air and light, and facilitation of the adequate provision of transportation and other public requirements; and

WHEREAS, it is the belief of the Mayor and Council that the concept of “public welfare” is broad and inclusive; that the values it represents are spiritual as well as physical, aesthetic as well as monetary; and that it is within the power of the City “to determine that a community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled.” Kelo v. City of New London, 545 U.S. 469 (2005); Berman v. Parker, 348 U.S. 26 (1954). It is also the opinion of the City that “general welfare” includes the valid public objectives of aesthetics, conservation of the value of existing lands and buildings within the City, making the most appropriate use of resources, preserving neighborhood characteristics, enhancing and protecting the economic well-being of the community, facilitating adequate provision of public services, and the preservation of the resources of the City; and

WHEREAS, the Mayor and Council are, and have been interested in, developing a cohesive and coherent policy regarding certain uses in the City, and have intended to promote community development through stability, predictability and balanced growth which will further the prosperity of the City as a whole; and

WHEREAS, the City has determined that to serve the needs of the community, certain amendments are needed to the sections in the Zoning Ordinance concerning parking space requirements and the minimum width of driveways; and

WHEREAS, a properly advertised hearing took place in accordance with the Georgia Zoning Procedures Law (O.C.G.A. § 36-66-1 *et seq.*) prior to the final consideration and adoption of the Code revisions contained herein, and all other notice requirements of State Law and the Code have been satisfied.

WHEREAS, the public health, safety, and general welfare of the citizens of the City will be positively impacted by the adoption of this Ordinance.

BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF JONESBORO, GEORGIA, and by the authority thereof:

Section 1. The Code of Ordinances, City of Jonesboro, Georgia is hereby amended by inserting a new Subsection (c) to Section 86-109(l)(5), immediately after the chart included in Subsection 86-109(l)(5)(b), to read as follows:

“c. The combined parking requirements for two (2) or more uses participating in a cooperative parking arrangement may be partially reduced by the zoning administrator, provided that the uses will not conflict in time of operation or need for the parking spaces and provided that the parking needs of each use at a given time of day may be adequately met through the parking arrangements.”

Section 2. The Code of Ordinances, City of Jonesboro, Georgia is hereby amended by deleting the existing Section 86-399 in its entirety and inserting a new Section 86-399 in lieu thereof to read as follows:

“Sec. 86-399. - Maximum driveway width.

The maximum width for driveways serving properties occupied or intended to be occupied by a single family detached dwelling shall not exceed nine feet as measured at the right-of-way line. The maximum width for any other property shall not exceed 35 feet as measured at the right-of-way line. For the purpose of this section, driveway width shall be measured to the curb face.

Access aisles in parking lots serving spaces perpendicular to the access aisle shall have a minimum width of 24 feet, and provide for two-way traffic. Access aisles serving angled parking spaces shall be one-way and shall have a minimum width of 18 feet for 60° angle parking and 13 feet for 45° angle parking to the aisle. Angle parking of less than 45° to the access aisle is prohibited, except for parallel parking. Interior drives on commercial property shall not exceed 30 feet.

Driveway separations. The minimum distance between a private driveway serving one single-family dwelling and a street intersection shall be 20 feet; this minimum distance shall be 50 feet for all other uses. Minimum distance between private driveways serving single-family dwellings along a street right-of-way shall be ten feet; this minimum distance shall be 40 feet for all other uses.

The minimum distance between a private driveway serving one single family dwelling and a property line shall be five feet; this minimum distance shall be 20 feet for all other residential uses and 50 feet for all other uses.

All distances shall be measured from the back of the driveway curb at the right-of-way line."

Section 3. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 4. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.


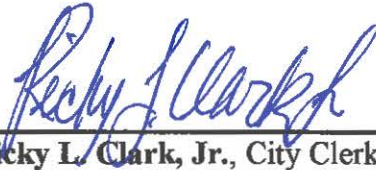

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 5. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 6. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

Section 7. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

ORDAINED this 10th day of August, 2015

CITY OF JONESBORO, GEORGIA  Joy Day, Mayor	ATTEST:  Ricky L. Clark, Jr., City Clerk
APPROVED AS TO FORM:  Steven M. Fincher, City Attorney	