

**STATE OF GEORGIA**

**CITY OF JONESBORO**

**ORDINANCE NO. 2018-001B**

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF JONESBORO, GEORGIA BY AMENDING SECTION 86-204 (TABLE OF USES ALLOWED BY ZONING DISTRICT) IN ARTICLE VI (CONDITIONAL USES) OF CHAPTER 86 (ZONING) THEREIN TO REVISE THE PERMITTED USES WITHIN THE C-2 HIGHWAY COMMERCIAL DISTRICT TO INCLUDE HOOKAH LOUNGES; 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;

**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;

**WHEREAS**, the Mayor and Council have, as a part of planning, zoning and growth management, been in review of the City’s Zoning Ordinance, 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;

**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;

**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;

**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;

**WHEREAS**, the City has determined that, to serve the needs of the community, certain amendments are needed to the section in the Zoning Ordinance concerning permitted uses by district to authorize the use of real property bearing the zoning designation of C-2 Highway Commercial District as a hookah lounge;

**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 revision contained herein, and all other notice requirements of Georgia 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. That the City Code, Chapter 86, Zoning, is hereby amended by inserting the following text under the heading “Arts, Entertainment and Recreation” between the rows entitled “Golf Courses and Country Clubs” and “Independent Artists, Writers, and Performers” into Section 86-204, Table of Uses Allowed by Zoning District, of Article VI, Conditional Uses, to read and to be codified as follows:**

[illegible]



**Section 2.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section 3.** (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.

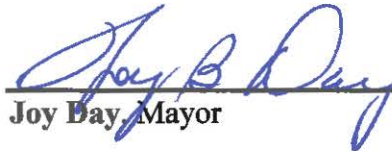
**Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 5.** This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Jonesboro, Georgia.

**Section 6.** The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

ORDAINED this 8 day of January, 2018.

CITY OF JONESBORO, GEORGIA

  
Joy Day, Mayor

ATTEST:

  
Ricky L. Clark, Jr., City Manager

APPROVED AS TO FORM:

  
Steven M. Fincher, City Attorney

