

ADVERTISED: _____

**PLANNING AND ZONING COMMISSION MEETING/
PUBLIC HEARING:** _____

CITY COUNCIL MEETING/PUBLIC HEARING: _____

PASSAGE OF ORDINANCE: _____

AN ORDINANCE NO.2022-12

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF JASPER, GEORGIA AND THE ORDINANCE ESTABLISHING THE ZONING ORDINANCE OF THE CITY OF JASPER, GEORGIA; TO AMEND SECTION 94-50 AND TABLE 94-50 TO PROVIDE THAT A PUBLIC RECREATIONAL PARK IS A PERMITTED USE WITHIN ALL ZONING DISTRICTS; TO AMEND SECTION 94-313, AS TO TERMINOLOGY AND DEFINITIONS OF THE ZONING ORDINANCE; AND TO PROVIDE FOR THE DEFINITION OF A PUBLIC RECREATIONAL PARK; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Jasper, Georgia is authorized by Art. IV, § II, ¶ IV of the Constitution of the State of Georgia of 1983, as amended, its City Charter and O.C.G.A. § 36-66-1, et seq., to exercise its police power to enact and amend its zoning ordinances for land use regulations as to property within the City of Jasper, Georgia;

WHEREAS, the City of Jasper enacted pursuant to said authority a zoning ordinance for land use regulations as to property within the City of Jasper, Georgia in 1979, and as further modified in 2021, and as a part of said zoning ordinance, as amended, created certain zoning districts having specific permitted and conditional uses as to property within the City of Jasper, Georgia;

WHEREAS, the City Council of the City of Jasper, Georgia finds that it is in the best interest of the City to amend the Zoning Ordinance of the City of Jasper, Georgia to allow public recreational parks operated by the City of Jasper, Georgia in all zoning districts created under the Zoning Ordinance of the City of Jasper, Georgia as a permitted use, and thereby provide and facilitate public recreational opportunities for the citizens of the City of Jasper, Georgia, and which in turn will also facilitate economic development and tourism within the City of Jasper, Georgia; and

WHEREAS, the City Council of the City of Jasper, Georgia, therefore finds it to be appropriate to adopt a zoning text amendment to facilitate public recreational parks within the City of Jasper, Georgia; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of Jasper, Georgia, and it is hereby ordained by the above-referenced authority, a zoning text amendment to Chapter 94 of the Code of Ordinances of the City of Jasper, Georgia, and being a zoning text amendment to Sections 94-50 and 94-313 of the Jasper Zoning Ordinance as follows:

SECTION 1. ZONING TEXT AMENDMENT TO SECTION 94-50 AND TABLE 94-50 OF THE JASPER ZONING ORDINANCE TO PROVIDE THAT A PUBLIC RECREATIONAL PARK IS A PERMITTED USE WITHIN ALL ZONING DISTRICTS AND AN AMENDMENT TO SECTION 94-313 TO ADD DEFINITIONS RELATED TO A PUBLIC RECREATIONAL PARK.

(a) The Code of the City of Jasper, Georgia, being a part of Chapter 94 regarding zoning, and the Zoning Ordinance of the City of Jasper, Georgia, is hereby amended by amending Section 94-50 and Table 94-50 to provide that a public recreational park is a permitted use within all zoning districts and amending the table within Section 94-50, being Table 94-50, of permitted and conditional uses by district as follows:

Permitted and Conditional Uses by District										
Use	R-A	R-1	R-2	R-3	C-1A	C-1	C-2	CBD	DRI-6	M-1
Public Recreational Park	P	P	P	P	P	P	P	P	P	P

(b) The Code of the City of Jasper, Georgia, being a part of Chapter 94 regarding zoning, and the Zoning Ordinance of the City of Jasper, Georgia, is hereby amended by amending Section 94-313 to add definitions related to a public recreational park as follows:

Public recreational park means and includes, but is not limited to, any park, playground, baseball field, tennis court, softball field, basketball court, ball field, bicycle area including mountain bike trails and paths, green space or green place owned and operated by the City of Jasper, Georgia, and to which the general public has access and a right to frequent for business, entertainment, recreation, or for other lawful purposes, and which has been either deeded to or dedicated to public use or ownership. The term “public recreational park” also includes any building, structure, or improvement owned and operated by the City of Jasper, Georgia for recreational purposes and includes but is not limited to indoor recreational facilities, skate board areas, and any public sidewalks abutting any park, playground, or place described in this definition.

SECTION 2. EFFECTIVE DATE.

This zoning text amendment to the Jasper Zoning Ordinance shall become effective upon passage by the City Council of the City of Jasper, Georgia of this zoning text amendment ordinance.

SECTION 3. SEVERABILITY.

If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this Ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the

provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to effect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Jasper to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES TO THE EXTENT OF THE CONFLICT.

Any part of any prior ordinances, in conflict with the terms of this Ordinance, are hereby repealed to the extent of the conflict; but it is hereby provided, that any ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof and shall be legally construed to be in favor of upholding this Ordinance on behalf of the City of Jasper, Georgia.

SO ORDAINED this _____ day of _____, 2022.

JASPER CITY COUNCIL

By: _____
Mayor Steve Lawrence

Councilperson Anne Sneve

Councilperson Dr. Folsom Proctor

Councilperson Kirk Raffield

Councilperson Jim Looney

Councilperson John Foust

Attest:

City Clerk Tara Benson

RDS/llc/12918/W271376