

## DRAFT ORDINANCE AMENDMENT A DEFINITIONS

**AN ORDINANCE BY JASPER COUNTY, GEORGIA TO AMEND CHAPTER 105 DEVELOPMENT REGULATIONS AND 119 ZONING BY ADOPTING LANGUAGE AS DELINEATED BELOW; TO PROVIDE FOR CODIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Jasper County, Georgia, hereinafter referred to as the (“County”) pursuant to Paragraph I, Section II, Article IX of the Constitution of the State of Georgia, known as the “Home Rule for Counties”, is authorized to adopt clearly reasonable ordinances, resolutions or regulations related to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto, and;

**WHEREAS**, Jasper County, Georgia has determined it beneficial and necessary to have well-functioning ordinances to promote and manage development in the County;

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF JASPER COUNTY, GEORGIA THAT THE BOARD OF COMMISSIONERS OF JASPER COUNTY, GEORGIA HEREBY ORDAIN:**

**RESOLVED AND APPROVED** by the Board of Commissioners of Jasper County, Georgia, this \_\_\_\_ day of March, 2023.

### SECTION I

**The Code of Ordinances of Jasper County, Georgia, Part II – Code of Ordinances, Chapter 105, Article II., Sec. 105-28 is hereby amended by revising language within the definition of Setback and adding a subsection (3) to the definition of Subdivision as shown below:**

**Setback** means a minimum distance from the ~~centerline of the right-of-way front property line~~, side property line, or rear property line, for any construction except septic systems, storm drainage structures, private drives, sidewalks, on grade-patios without foundations, fences, retaining walls, and cantilevered roof overhangs. No parking (~~suggested change would read No permit-required parking – let’s discuss at P&Z for intent of both ways written~~) for non-residential uses shall be allowed within front setbacks. Measurement shall be perpendicular to the property line or centerline of the prescriptive easement.

***Subdivision.***

- (1) The term "subdivision" means the division of a parcel of land that is a lot of record at the time of enactment of the ordinance from which this chapter is derived into three or more lots, building sites, or other divisions, at least one of which is smaller than five acres, for the purpose—whether immediate or future—of sale, legacy, or building development. This definition includes all of the following:

- a. All divisions of land involving a new street.
  - b. All divisions of land involving a substantial change in existing streets.
  - c. Any resubdivision of land into three or more lots if any lot is smaller than five acres.
- (2) The term "subdivision" does not include the following:
- a. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards set forth in this chapter.
  - b. The transfer of unsubdivided land or the transfer of a lot or parcel of land established by deed or plat recorded in the office of the clerk of the superior court of the county prior to the initial effective date of the ordinance from which this chapter is derived.
  - c. The division of land among heirs by judicial decree.
  - d. The division of land into parcels of five or more acres where no new road is involved.
- (3) All residential subdivisions, other than minor subdivisions as defined, shall comply with the provisions indicated in Chapter 105 / Article VI. - Conservation Subdivisions.**

## **SECTION II**

The sections, paragraphs, sentences, clauses or phrases of this Ordinance are severable, and if any phrase, clause, sentence paragraph or section of this Ordinance shall be declared illegal by the valid judgement or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

## **SECTION III**

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

**SECTION IV**

The adoption date of this ordinance amendment is upon creation.

**[SIGNATURE LINE BELOW]**

**SO ORDAINED** this \_\_\_\_ day of March, 2023

**BOARD OF COMMISSIONERS  
OF JASPER COUNTY, GEORGIA**

\_\_\_\_\_  
**Don Jernigan, Commissioner  
District 3**

\_\_\_\_\_  
**Shelia Jones, Commissioner  
District 1**

\_\_\_\_\_  
**Bruce Henry, Chairman  
District 2**

\_\_\_\_\_  
**Gerald Stunkel, Commissioner  
District 4**

\_\_\_\_\_  
**Steven Ledford, Commissioner  
District 5**

**{Jasper County, Georgia Seal}**

**ATTEST:**

\_\_\_\_\_  
**Sharon Robinson, County Clerk**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
\_\_\_\_\_, **County Attorney**