

STATE OF GEORGIA

CITY OF HAPEVILLE

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 93-3.1-2, RENUMBER SECTION 93-3-1.2, AND REPEAL SECTION 93-3.1-2 OF CHAPTER 93, ZONING, OF ARTICLE 3, NONCONFORMING USES, OF THE CODE OF ORDINANCES, CITY OF HAPEVILLE, GEORGIA, AND TO REPEAL SUCH SECTION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the governing authority of the City of Hapeville (“City”) is the Mayor and Council thereof; and

WHEREAS, on April 5, 2016, the City amended Section 93-3-1.2 of the Code of Ordinances, City of Hapeville, Georgia (“City Code”) to provide for the readoption of the Official Zoning Map of the City of Hapeville (“zoning map”); and

WHEREAS, the City subsequently discovered that, due to a typographical error in prior legislation adoption the zoning map, the City Code now contains to separate sections designating the zoning map; and

WHEREAS, Sections 93-3-1.2 and 93-3.1-2 of the City Code designate two different versions of the zoning map as a result; and

WHEREAS, to protect the integrity of the zoning map and ensure consistent application of its zoning ordinances, the City desires to remedy this statutorily by (1) renumbering Section 93-3-1.2 to Section 93-3.1-2 and (2) repealing Section 93-3-1.2; and

WHEREAS, the health, safety, and welfare of the citizens of Hapeville, Georgia, will be positively impacted by the adoption of this Ordinance.

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

Section 1. That the Code of Ordinances, City of Hapeville, Georgia, is hereby amended by deleting, in its entirety, the text in Section 93-3.1-2 (Zoning map) of Article 3.1 (Zones) of Chapter 93 (Zoning).

Section 2. That the Code of Ordinances, City of Hapeville, Georgia, is hereby amended by renumbering Section 93-3-1.2 (Zoning map) of Article 3 (Nonconforming uses) of Chapter 93 (Zoning), including all text presently contained in such provision, as Section 93-3.1-2 (Zoning map) of Article 3.1 (Zones) of Chapter 93 (Zoning).

Section 3. The readoption of the City of Hapeville Official Zoning Map shall be unaffected by this Ordinance, and the zoning map adopted April 5, 2016 shall remain the Official Zoning Map of the City.

Section 4. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 5. (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 6. All Ordinances and parts of Ordinances in conflict herewith are hereby expressly repealed.

Section 7. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

Section 8. Penalties in effect for violations of the Zoning Ordinance of the City of Hapeville at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

Section 9. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

ORDAINED this _____ day of _____, 2016.

CITY OF HAPEVILLE, GEORGIA

Alan H. Hallman, Mayor

ATTEST:

Jennifer Elkins, City Clerk

APPROVED BY:

Steven M. Fincher, City Attorney