

1 **STATE OF GEORGIA**
2 **CITY OF HAPEVILLE**

3
4 **ORDINANCE NO. _____**

5
6 **AN ORDINANCE TO AMEND CHAPTER 93 (“ZONING”), ARTICLE 25**
7 **(“AMENDMENTS”) TO CREATE SECTION 93-25-9 (“RECONSIDERATION FOR**
8 **DEFEATED ACTIONS”) OF THE CODE OF ORDINANCES, CITY OF HAPEVILLE,**
9 **GEORGIA; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING**
10 **ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR**
11 **OTHER LAWFUL PURPOSES.**

12
13 **WHEREAS**, the Mayor and Council shall have full power and authority to provide for the
14 execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers,
15 agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,

16
17 **WHEREAS**, the municipal government of the City of Hapeville (hereinafter “City”) and
18 all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be
19 the legislative body of the City; and,

20
21 **WHEREAS**, amendments to any of the provisions of the City’s Code may be made by
22 amending such provisions by specific reference to the section number of the City’s Code; and,

23
24 **WHEREAS**, existing ordinances, resolutions, rules and regulations of the City and its
25 agencies now lawfully in effect not inconsistent with the provisions of the City’s charter shall
26 remain effective until they have been repealed, modified or amended; and,

27
28 **WHEREAS**, every official act of the Mayor and Council which is to become law shall be
29 by ordinance; and,

30
31 **WHEREAS**, the procedures required for amending the City’s zoning ordinance have been
32 satisfied, including, but not limited to, notice and public hearings; and,

33
34 **WHEREAS**, the governing authority of the City finds it desirable to amend and create a
35 new section regarding the waiting period for rezoning applications pursuant to O.C.G.A. Section
36 36-66-4.

37
38 **BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
39 **THE CITY OF HAPEVILLE, GEORGIA THAT:**

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41 **Section One.** Chapter 93 (Zoning), Article 25 (Amendment), Section 93-25-9
42 (Reconsideration of Defeated Actions) of the City Code of Ordinances is hereby created, and shall
43 state as follows:

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45 If the zoning decision of the mayor and council is for the rezoning of property and
46 the amendment to the zoning ordinance to accomplish the rezoning is defeated, then the

47 same property may not again be considered for rezoning until the expiration of at least six
48 months immediately following the defeat of the rezoning.
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50 **Section Two. Codification and Certify.** This Ordinance adopted hereby shall be codified
51 and certified in a manner consistent with the laws of the State of Georgia and the City.
52

53 **Section Three. Severability.**
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55 (a) It is hereby declared to be the intention of the Mayor and Council that all sections,
56 paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment,
57 believed by the Mayor and Council to be fully valid, enforceable and constitutional.
58

59 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
60 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
61 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
62 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
63 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance
64 is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this
65 Ordinance.
66

67 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
68 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable
69 by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of
70 the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the
71 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any
72 of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to
73 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and
74 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and
75 effect.
76

77 **Section Four. Repeal of Conflicting Ordinances.** All ordinances and parts of ordinances
78 in conflict herewith are hereby expressly repealed.
79

80 **Section Five. Effective Date.** The effective date of this Ordinance shall be the date of
81 adoption unless otherwise stated herein.
82

83 **ORDAINED** this _____ day of _____, 2019.
84

85 **CITY OF HAPEVILLE, GEORGIA**
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89 _____
90 **Alan Hallman, Mayor**
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92

93 **ATTEST:**

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Crystal Griggs-Epps, City Clerk

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101 **APPROVED BY:**

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106 _____
City Attorney