

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

3  
4 **ORDINANCE NO. \_\_\_\_\_**  
5

6 **AN ORDINANCE TO AMEND CHAPTER 93 (“ZONING”), ARTICLE 28 (“A-D ZONE**  
7 **(ARTS DISTRICT OVERLAY)”), SECTION 93-28-8 (“PROHIBITED USES”) OF THE**  
8 **CODE OF ORDINANCES, CITY OF HAPEVILLE, GEORGIA; TO PROVIDE FOR**  
9 **SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN**  
10 **EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**

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12 **WHEREAS**, the Mayor and Council shall have full power and authority to provide for the  
13 execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers,  
14 agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,  
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16 **WHEREAS**, the municipal government of the City of Hapeville (hereinafter “City”) and  
17 all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be  
18 the legislative body of the City; and,  
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20 **WHEREAS**, amendments to any of the provisions of the City’s Code may be made by  
21 amending such provisions by specific reference to the section number of the City’s Code; and,  
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23 **WHEREAS**, existing ordinances, resolutions, rules and regulations of the City and its  
24 agencies now lawfully in effect not inconsistent with the provisions of the City’s charter shall  
25 remain effective until they have been repealed, modified or amended; and,  
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27 **WHEREAS**, every official act of the Mayor and Council which is to become law shall be  
28 by ordinance; and,  
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30 **WHEREAS**, the procedures required for amending the City’s zoning ordinance have been  
31 satisfied, including, but not limited to, notice and public hearings; and,  
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33 **WHEREAS**, the governing authority of the City finds it desirable to amend and update the  
34 prohibited uses in the Arts Overlay District.  
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36 **BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**  
37 **THE CITY OF HAPEVILLE, GEORGIA THAT:**  
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39 **Section One.** Chapter 93 (Zoning), Article 28 (A-D Zone (Arts District Overlay)), Section  
40 93-28-8 (Prohibited uses) of the City Code of Ordinances is hereby amended by striking the  
41 subsection (1) in its entirety and inserting in lieu thereof the following language:  
42

- 43 (1) All drive-through facilities other than those permitted by special exception for  
44 accessory use by banks or credit unions.  
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46 **Section Two. Codification and Certify.** This Ordinance adopted hereby shall be codified  
47 and certified in a manner consistent with the laws of the State of Georgia and the City.  
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49 **Section Three. Severability.**

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51 (a) It is hereby declared to be the intention of the Mayor and Council that all sections,  
52 paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment,  
53 believed by the Mayor and Council to be fully valid, enforceable and constitutional.  
54

55 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest  
56 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this  
57 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this  
58 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the  
59 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance  
60 is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this  
61 Ordinance.  
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63 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance  
64 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable  
65 by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of  
66 the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the  
67 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any  
68 of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to  
69 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and  
70 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and  
71 effect.  
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73 **Section Four. Repeal of Conflicting Ordinances.** All ordinances and parts of ordinances  
74 in conflict herewith are hereby expressly repealed.  
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76 **Section Five. Effective Date.** The effective date of this Ordinance shall be the date of  
77 adoption unless otherwise stated herein.  
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79 **ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.  
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81 **CITY OF HAPEVILLE, GEORGIA**  
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86 **Alan Hallman, Mayor**  
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92 **ATTEST:**

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Crystal Griggs-Epps, City Clerk

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100 **APPROVED BY:**

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105 \_\_\_\_\_  
City Attorney