

**DRAFT**

1 STATE OF GEORGIA  
2 CITY OF HAPEVILLE

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

6 AN ORDINANCE TO AMEND CHAPTER 93 (“ZONING”), ARTICLE 5 (“R-AD ZONE  
7 (RESIDENTIAL-ARCHITECTURAL DESIGN)”), SECTION 93-5-5 (“UNIT SIZE”) OF  
8 THE 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.  
11

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,  
15

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,  
19

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,  
22

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25 remain effective until they have been repealed, modified or amended; and,  
26

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

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,  
32

33 WHEREAS, the governing authority of the City finds it desirable to amend and update the  
34 unit size requirements in the R-AD Zone.  
35

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

39 **Section One.** Chapter 93 (Zoning), Article 5 (R-AD Zone (Residential-Architectural  
40 Design)), Section 93-5-5 (Unit Size) of the City Code of Ordinances is hereby amended by striking  
41 the section in its entirety and inserting in lieu thereof the following language:  
42

43 The minimum floor area of the principal dwelling shall not be less than 1,000 square feet.  
44 The combined floor area of all accessory buildings on the lot shall not exceed 25 percent of the  
45 floor area of the principal dwelling, and in no case shall it exceed 600 square feet.  
46

# **DRAFT**

47           **Section Two. Codification and Certify.** This Ordinance adopted hereby shall be codified  
48 and certified in a manner consistent with the laws of the State of Georgia and the City.  
49

50           **Section Three. Severability.**

51  
52           (a) It is hereby declared to be the intention of the Mayor and Council that all sections,  
53 paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment,  
54 believed by the Mayor and Council to be fully valid, enforceable and constitutional.  
55

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

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

74           **Section Four. Repeal of Conflicting Ordinances.** All ordinances and parts of ordinances  
75 in conflict herewith are hereby expressly repealed.  
76

77           **Section Five. Effective Date.** The effective date of this Ordinance shall be the date of  
78 adoption unless otherwise stated herein.  
79

80           **ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

81  
82           **CITY OF HAPEVILLE, GEORGIA**

83  
84  
85  
86  
87           \_\_\_\_\_  
**Alan Hallman**, Mayor  
88  
89

90           **ATTEST:**

**DRAFT**

93

94

95 \_\_\_\_\_  
Crystal Griggs-Epps, City Clerk

96

97

98 **APPROVED BY:**

99

100

101

102 \_\_\_\_\_

103 City Attorney

DRAFT