

**STATE OF GEORGIA
CITY OF HAPEVILLE**

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 93 (“ZONING”), ARTICLE 25 (“AMENDMENTS”), SECTION 93-25-8 (AMENDMENT TO CONDITIONS) OF THE CODE OF ORDINANCES, CITY OF HAPEVILLE, GEORGIA; TO PROVIDE SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the City of Hapeville, Georgia (the "City") is a municipal corporation created under the laws of the State of Georgia; and

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

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

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in effect not inconsistent with the provisions of the City's charter shall remain effective until they have been repealed, modified or amended; and,

WHEREAS, amendments to any of the provisions of the City's Code may be made by amending such provisions by specific reference to the section number of the City's Code; and,

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

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

WHEREAS, the City’s current Zoning Ordinance is contained in Chapter 93 of the City Code; and

WHEREAS, the City’s current hearing procedures of the Mayor and Council, with respect to the City Zoning Ordinance, is contained in Article 25 of Chapter 93 of the City Code; and

WHEREAS, the Mayor and Council find it necessary to revise a certain provision of the Zoning Ordinance for the efficient and expedient exercise of the City’s zoning powers.

NOW THEREFORE, BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HAPEVILLE THAT:

Section One. The Code of Ordinances, City of Hapeville, Georgia is hereby amended by revising Chapter 93 (Zoning), Article 25 (Amendments), Section 93-25-8 (Amendment to conditions) and to be read and codified as follows:

ARTICLE 25. – AMENDMENTS

Sec. 93-25-8. - Amendment to conditions.

Procedures for removing or modifying any conditional requirement of an approved rezoning matter, a non-text amendment, Special Use Permit, or special exception shall follow a streamlined process but must meet the minimum standards in accordance with the requirements of the State Zoning Procedures Law (Ga. Laws 1985, page 1139; O.C.G.A. Sections 36-66-1 through 36-66-5). These applications shall be submitted to the Planning commission for analysis per Section 93-25-3 of the City Code. The public shall be notified in accordance with Section 93-25-4 of the City Code. The requisite public hearing will be held by the City, wherein the final decision will be made by the City. However, the City will not be required to hold two (2) hearings for these approved rezoning matters, non-text amendments, Special Use Permit(s), or special exception matters after completion of the one (1) requisite public hearing.

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

Section Three. Severability.

- (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 this

Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

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

Section Five. Effective Date. The effective date of this Ordinance shall be the date of its adoption by the Mayor and Council unless otherwise stated herein.

ORDAINED this _____ day of _____, 2019.

CITY OF HAPEVILLE, GEORGIA

Alan Hallman, Mayor

ATTEST:

Crystal Griggs-Epps, City Clerk

APPROVED BY:

City Attorney