

1 STATE OF GEORGIA
2 CITY OF HAPEVILLE

3
4 ORDINANCE NO. _____
5

6 AN ORDINANCE TO AMEND CHAPTER 93 (“ZONING”), ARTICLE 11.1 (“V ZONE
7 (VILLAGE)”), SECTION 93-11.1-3 (“NONPERMITTED USES”); CHAPTER 93
8 (“ZONING”), ARTICLE 11.2 (“U-V ZONE (URBAN VILLAGE)”), SECTION 93-11.2-3
9 (“PERMITTED USES”) AND SECTION 93-11.2-4 (“NONPERMITTED USES”);
10 CHAPTER 93 (“ZONING”), ARTICLE 11.5 (“RMU ZONE (RESIDENTIAL MIXED
11 USE)”), SECTION 93-11.5-3 (“PERMITTED USES”) AND SECTION 93-11.5-4
12 (“NONPERMITTED USES”); CHAPTER 93 (“ZONING”), ARTICLE 13 (“C-1 ZONE
13 (RETAIL COMMERCIAL)”), SECTION 93-13-3 (“PERMITTED USES”); AND
14 CHAPTER 93 (“ZONING”), ARTICLE 14 (“C-2 ZONE (GENERAL COMMERCIAL)”),
15 SECTION 93-14-3 (“PERMITTED USES”) OF THE CODE OF ORDINANCES, CITY OF
16 HAPEVILLE, GEORGIA; TO PROVIDE FOR SEVERABILITY; TO REPEAL
17 CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO
18 PROVIDE FOR OTHER LAWFUL PURPOSES.
19

20 WHEREAS, the mayor and council shall have full power and authority to provide for the
21 execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers,
22 agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,
23

24 WHEREAS, the municipal government of the City of Hapeville (hereinafter “City”) and
25 all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be
26 the legislative body of the City; and,
27

28 WHEREAS, amendments to any of the provisions of the City’s Code may be made by
29 amending such provisions by specific reference to the section number of the City’s Code; and,
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31 WHEREAS, existing ordinances, resolutions, rules and regulations of the City and its
32 agencies now lawfully in effect not inconsistent with the provisions of the City’s charter shall
33 remain effective until they have been repealed, modified or amended; and,
34

35 WHEREAS, every official act of the Mayor and Council which is to become law shall be
36 by ordinance.
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 11.1 (V Zone (Village)), Section 93-11.1-3
42 (Nonpermitted uses) of the City Code of Ordinances is hereby amended by adding the following
43 nonpermitted use to Section 93-11.1-3:
44

45 (26) Kennels.
46

47 **Section Two.** Chapter 93 (Zoning), Article 11.2 (U-V Zone (Urban Village)), Section 93-
48 11.2-3 (Permitted uses) of the City Code of Ordinances is hereby amended by adding the following
49 permitted use to Section 93-11.2-3:

50
51 (20) Veterinarians and animal hospitals.
52

53 **Section Three.** Chapter 93 (Zoning), Article 11.2 (U-V Zone (Urban Village)), Section
54 93-11.2-4 (Nonpermitted uses) of the City Code of Ordinances is hereby amended by adding the
55 following nonpermitted use to Section 93-11.2-4:

56
57 (27) Kennels.
58

59 **Section Four.** Chapter 93 (Zoning), Article 11.5 (RMU Zone (Residential Mixed Use)),
60 Section 93-11.5-3 (Permitted uses) of the City Code of Ordinances is hereby amended by adding
61 the following permitted use to Section 93-11.5-3:

62
63 (21) Veterinarians and animal hospitals.
64

65 **Section Five.** Chapter 93 (Zoning), Article 11.5 (RMU Zone (Residential Mixed Use)),
66 Section 93-11.5-4 (Nonpermitted uses) of the City Code of Ordinances is hereby amended by
67 replacing subsection (1) with the following nonpermitted use to Section 93-11.5-4(1):

68
69 (1) Kennels.
70

71 **Section Six.** Chapter 93 (Zoning), Article 13 (C-1 Zone (Retail Commercial)), Section 93-
72 13-3 (Permitted uses) of the City Code of Ordinances is hereby amended by replacing subsection
73 (19) with the following permitted use to Section 93-13-3(19):

74
75 (19) Veterinarians, animal hospitals and kennels.
76

77 **Section Seven.** Chapter 93 (Zoning), Article 14 (C-2 Zone (General Commercial)),
78 Section 93-14-3 (Permitted uses) of the City Code of Ordinances is hereby amended by adding the
79 following permitted use to Section 93-14-3:

80
81 (42) Veterinarians, animal hospitals and kennels.
82

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

85
86 **Section Nine. Severability.**
87

88 (a) It is hereby declared to be the intention of the Mayor and Council that all sections,
89 paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment,
90 believed by the Mayor and Council to be fully valid, enforceable and constitutional.
91

92 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
93 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
94 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
95 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
96 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance
97 is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this
98 Ordinance.
99

100 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
101 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable
102 by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of
103 the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the
104 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any
105 of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to
106 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and
107 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and
108 effect.
109

110 **Section Ten. Repeal of Conflicting Ordinances.** All ordinances and parts of ordinances
111 in conflict herewith are hereby expressly repealed.
112

113 **Section Eleven. Effective Date.** The effective date of this Ordinance shall be the date of
114 adoption unless otherwise stated herein.
115

116 **ORDAINED** this _____ day of _____, 2019.
117

118 **CITY OF HAPEVILLE, GEORGIA**
119

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121
122
123 _____
124 **Alan Hallman, Mayor**
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126 **ATTEST:**
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130 _____
131 Crystal Griggs-Epps, City Clerk
132

133 **APPROVED BY:**
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City Attorney