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

3
4 **ORDINANCE NO. _____**

5
6 **AN ORDINANCE TO AMEND CHAPTER 58 (“SURFACING AND MAINTENANCE OF**
7 **DRIVEWAYS AND OFF-STREET PARKING AND LOADING FACILITIES”),**
8 **SECTION 58-1-1 (“PURPOSE, INTENT, AND NONCONFORMING USE, AND GRACE**
9 **PERIOD FOR COMPLIANCE WITH REGULATIONS”) AND SECTION 58-1-3**
10 **(“SURFACING REQUIREMENTS FOR SINGLE-FAMILY RESIDENTIAL**
11 **DRIVEWAYS AND HARDSHIP EXEMPTIONS”) OF THE CODE OF ORDINANCES,**
12 **CITY OF HAPEVILLE, GEORGIA; TO UPDATE THE CITY OF HAPEVILLE U-V**
13 **ZONE (URBAN VILLAGE) PERMITTED USES; TO PROVIDE FOR SEVERABILITY;**
14 **TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE;**
15 **AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**

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17 **WHEREAS**, the Mayor and Council shall have full power and authority to provide for the
18 execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers,
19 agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,
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21 **WHEREAS**, the municipal government of the City of Hapeville (hereinafter “City”) and
22 all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be
23 the legislative body of the City; and,
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25 **WHEREAS**, existing ordinances, resolutions, rules and regulations of the City and its
26 agencies now lawfully in effect not inconsistent with the provisions of the City’s charter shall
27 remain effective until they have been repealed, modified or amended; and,
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29 **WHEREAS**, amendments to any of the provisions of the City’s Code may be made by
30 amending such provisions by specific reference to the section number of the City’s Code; and,
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32 **WHEREAS**, every official act of the Mayor and Council which is to become law shall be
33 by ordinance; and,
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35 **WHEREAS**, the governing authority of the City finds it desirable to amend and update the
36 regulations regarding the surfacing and maintenance of driveways.
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.** Section 58-1-1 (Purpose, intent, and nonconforming use, and grace period
42 for compliance with regulations) in Chapter 58 (Surfacing and maintenance of driveways and off-
43 street parking and loading facilities) of the City Code of Ordinances is hereby amended by striking
44 the section in its entirety and inserting in lieu thereof the following language:
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- 46 (a) In adopting this chapter, it is the intent of mayor and council to clarify the regulations
47 regarding the surfacing and maintenance of residential driveways and commercial off-
48 street parking and loading facilities.

49 **Section Two.** Section 58-1-3 (Surfacing requirements for single-family residential
50 driveways and hardship exemptions) in Chapter 58 (Surfacing and maintenance of driveways and
51 off-street parking and loading facilities) of the City Code of Ordinances is hereby amended by
52 striking the section in its entirety and inserting in lieu thereof the following language:
53

- 54 (a) The construction materials of single-family residential driveways shall consist of
55 porous concrete, asphalt, plain concrete, brick and concrete pavers, or other permeable
56 pavements. Loose gravel shall, in no event, be allowed as a finished surface for such
57 driveways.
- 58 (b) Residential driveways that were constructed of a material other than hard-surfaced
59 pavement, such as gravel, prior to August 20, 2019 shall be considered nonconforming
60 properties and will not have to come into compliance with the regulations set for within
61 section 58-1-3(a) of this chapter, unless one of the conditions below applies:
- 62 i. If a nonconforming property comes before site plan review for any reason, that
63 property must be brought into full compliance with the regulations set forth
64 within section 58-1-3(a) of this chapter within ninety (90) days.

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66 **Section Three. Codification and Certify.** This Ordinance adopted hereby shall be
67 codified and certified in a manner consistent with the laws of the State of Georgia and the City.
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Section Four. Severability.

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71 (a) It is hereby declared to be the intention of the Mayor and Council that all sections,
72 paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment,
73 believed by the Mayor and Council to be fully valid, enforceable and constitutional.
74

75 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
76 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
77 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
78 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
79 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance
80 is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this
81 Ordinance.
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83 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
84 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable
85 by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of
86 the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the
87 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any
88 of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to

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

92
93 **Section Five. Repeal of Conflicting Ordinances.** All ordinances and parts of ordinances
94 in conflict herewith are hereby expressly repealed.

95
96 **Section Six. Effective Date.** The effective date of this Ordinance shall be February 1,
97 2020.

98 **ORDAINED** this _____ day of _____, 2019.

100 **CITY OF HAPEVILLE, GEORGIA**

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106 **Alan Hallman, Mayor**

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108 **ATTEST:**

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112 _____
113 City Clerk

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115 **APPROVED BY:**

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120 _____
121 City Attorney