

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

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

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6 **AN ORDINANCE TO AMEND CHAPTER 93 (“ZONING”), ARTICLE 11.2 (“U-V ZONE**  
7 **(URBAN VILLAGE”), SECTION 93-11.2-5 (“CONDITIONAL USES”) OF THE CODE**  
8 **OF ORDINANCES, CITY OF HAPEVILLE, GEORGIA; TO UPDATE THE CITY OF**  
9 **HAPEVILLE U-V ZONE (URBAN VILLAGE) PERMITTED USES; TO PROVIDE FOR**  
10 **SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN**  
11 **EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**

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13 **WHEREAS**, the Mayor and Council shall have full power and authority to provide for the  
14 execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers,  
15 agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,  
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17 **WHEREAS**, the municipal government of the City of Hapeville (hereinafter “City”) and  
18 all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be  
19 the legislative body of the City; and,  
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21 **WHEREAS**, existing ordinances, resolutions, rules and regulations of the City and its  
22 agencies now lawfully in effect not inconsistent with the provisions of the City’s charter shall  
23 remain effective until they have been repealed, modified or amended; and,  
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25 **WHEREAS**, amendments to any of the provisions of the City’s Code may be made by  
26 amending such provisions by specific reference to the section number of the City’s Code; and,  
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28 **WHEREAS**, every official act of the Mayor and Council which is to become law shall be  
29 by ordinance; and,  
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31 **WHEREAS**, the procedures required for amending the City’s zoning ordinance have been  
32 satisfied, including, but not limited to, notice and public hearings; and,  
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34 **WHEREAS**, the governing authority of the City finds it desirable to amend and update the  
35 permitted uses in the U-V Zone.  
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37 **BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**  
38 **THE CITY OF HAPEVILLE, GEORGIA THAT:**

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40 **Section One.** Section 93-11.2-5 (Conditional uses) in Chapter 93 (Zoning), Article 11.2  
41 (U-V Zone (Urban Village)) of the City Code of Ordinances is hereby amended by the addition of  
42 the following conditional use:  
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- 44 (10) Research and Development facilities that meet the following criteria:  
45 a. Facility does not emit or produce designated hazardous waste or hazardous  
46 waste as defined in O.C.G.A. § 12-8-62.

- 47 b. Facility cannot conduct outside research or development activities or storage  
48 units.  
49 c. The Conditional Use permit will be issued for the specific business and specific  
50 parcel that has applied; all new or subsequent business will have to reapply.

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52 **Section Two. Codification and Certify.** This Ordinance adopted hereby shall be codified  
53 and certified in a manner consistent with the laws of the State of Georgia and the City.  
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55 **Section Three. Severability.**  
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57 (a) It is hereby declared to be the intention of the Mayor and Council that all sections,  
58 paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment,  
59 believed by the Mayor and Council to be fully valid, enforceable and constitutional.  
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61 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest  
62 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this  
63 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this  
64 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the  
65 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance  
66 is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this  
67 Ordinance.  
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69 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance  
70 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable  
71 by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of  
72 the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the  
73 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any  
74 of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to  
75 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and  
76 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and  
77 effect.  
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79 **Section Four. Repeal of Conflicting Ordinances.** All ordinances and parts of ordinances  
80 in conflict herewith are hereby expressly repealed.  
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82 **Section Five. Effective Date.** The effective date of this Ordinance shall be the date of  
83 adoption unless otherwise stated herein.  
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85 **ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

86 **CITY OF HAPEVILLE, GEORGIA**  
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**Alan Hallman, Mayor**

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**ATTEST:**

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City Clerk

**APPROVED BY:**

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City Attorney