

**CITY OF HAMPTON
STATE OF GEORGIA**

ORDINANCE NO. 2022-575

**AN ORDINANCE FOR THE PURPOSE OF GRANTING A CONDITIONAL USE TO PROPERTY
LOCATED IN THE CITY OF HAMPTON, GEORGIA; AND FOR OTHER PURPOSES.**

WHEREAS, Demetria Bolar (hereinafter referred to as "Applicant") requests a conditional use of an accessory apartment located at 23 James Street in the City of Hampton, Georgia, consisting of 13,943 sf (0.32 acs.), Parcel Identification No. OH06-04007000, which shall be hereinafter referred to as the "Property" and is described in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, said property is currently zoned R-2 (Single-Family Residential District); and

WHEREAS, the Applicant has submitted an application (Case No. CU-22-04-07) requesting that the Mayor and City Council of the City of Hampton (hereinafter referred to as "City") grant a conditional use for the purpose of permitting an accessory apartment; and

WHEREAS, a public hearing on the application was conducted by the Mayor and Council on June 14, 2022 pursuant to O.C.G.A. § 33-66-1, et seq. and local ordinances at the Hampton City Hall; and

WHEREAS, the Mayor and Council considered the request, any and all alternate proposals or amendments, the report of Staff, and all data and evidence taken at the public hearing; and

WHEREAS, the Mayor and Council have considered the applicant's request for a conditional use thereto and the circumstances in light of those criteria for conditional use under Article XII. Section 12-5, et seq. of the Hampton Code of Ordinances, and find that the applicant's circumstances satisfy those criteria and, therefore, a conditional use is warranted.

NOW THEREFORE, IT IS HEREBY ORDAINED after a vote by the Mayor and Council of the City of Hampton that:

The Property shall hereby be **APPROVED** for a conditional use for the purpose of permitting an accessory apartment with the following six (6) conditions:

1. The property owner agrees that the property will remain residential in use. No commercial use is permitted including but not limited to bed and breakfast and short-term rental.
2. The property owner agrees that no additional accessory uses are permitted including

but not limited to accessory structure, guest quarters, home occupation, small non-commercial kennel, parking of one unoccupied travel trailer, motor coach, or pleasure boat, and recreation, amenity area, or fitness facility for residents.

3. The property owner agrees that the primary residence and detached accessory apartment shall not be used for congregate housing.
4. The property owner agrees to live on site for a minimum of eight (8) months annually as required by City of Hampton Code of Ordinances. Appendix A. Article 3. Sec. 3-21 (E).
5. The property owner shall not expand the legal non-conforming structures in accordance with City of Hampton Code of Ordinances. Appendix A. Article I. Sec. 1-7. Non-Conformity.
6. The property owner shall provide a minimum of two (2) off-street parking spaces in accordance with City of Hampton Code of Ordinances. Appendix A. Article 3. Sec. 3-19. On-street parking on James Street is prohibited.

Section 2. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Hampton.

Section 4. This Ordinance shall take effect immediately upon its adoption. All Ordinances in conflict herewith are expressly repealed. It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Hampton, Georgia, and the sections of this Ordinance may be renumbered, if necessary, to accomplish such intention.

Section 5.

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

Section 6. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 7.

The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

SO ORDAINED, this 12 day of July, 2022.

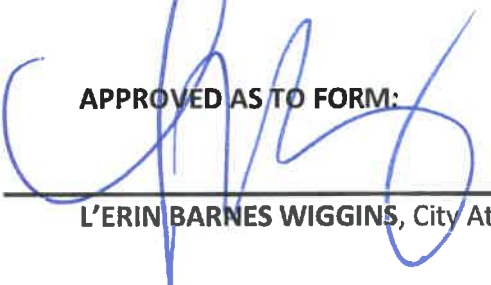
CITY OF HAMPTON, GEORGIA


ANN N. TARPLEY, Mayor

ATTEST:


RASHIDA FAIRLEY, City Clerk

APPROVED AS TO FORM:


L'ERIN BARNES WIGGINS, City Attorney

First Reading: 06/14/2022

Second Reading/ 07/12/2022