

**CITY OF HAMPTON
STATE OF GEORGIA**

ORDINANCE NO. 2022-588

AN ORDINANCE FOR THE PURPOSE OF GRANTING A VARIANCE TO PROPERTY LOCATED IN THE CITY OF HAMPTON AND FOR OTHER PURPOSES; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

THE COUNCIL OF THE CITY OF HAMPTON HEREBY ORDAINS:

WHEREAS, the Mayor and Council are the governing body of the City of Hampton, Georgia;

WHEREAS, a certain parcel of land bearing address 100 Cottage Way, and being Parcel Identification No. 022-01004003, and being 50 +/- acres; and

WHEREAS, under the Zoning Ordinance of the City and the Official Zoning Map of the City, the within described property is currently classified PD/MR-2 (Planned Development / Multi-family Residential); and

WHEREAS, the owner of the property Oaks Southampton, LLC ("Applicant") applied for a variance from the development regulations in MR-2 district for the within described property to reduce the minimum heated floor area for a two-bedroom unit from (1,200) square feet to (1,000) square feet (Case No. VR-22-09-22); and

WHEREAS, a public hearing on the application was conducted by the Mayor and Council on October 11, 2022, pursuant to O.C.G.A. § 33-66-1, et seq. and local ordinances at the Hampton City Hall; and

WHEREAS, the City has considered the applicant's request for a variance thereto and the criteria for variances under Appendix A. Article 12. Section 12-3 and Appendix C. Article 5. Section 5-9(B) of the Hampton Code of Ordinances; and

WHEREAS, the City has sought the guidance of its Mayor and Council and all data and evidence taken at the public hearing; and

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

Section 1. The property described herein below is currently zoned PD/MR-2 (Planned Development / Multi-family Residential) District.

All tract or parcel of land bearing address 100 Cottage Way, and Parcel Identification No. 022-01004003, lying in Land Lot 113 of the 3rd District, Henry County, Georgia, shall be granted a variance from the development regulations for PD/MR-2 zoning district as follows: Minimum heated floor area for a two-bedroom unit shall be reduced from (1,200) square feet to (1,000) square feet.

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.

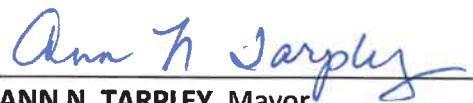
- a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable, and constitutional.
- b. It is hereby declared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

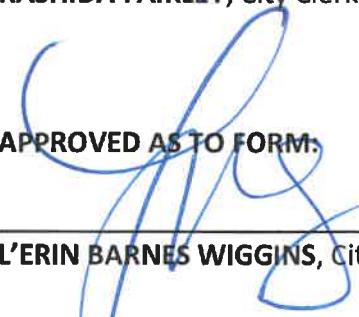
SO ORDAINED, this 15 day of November, 2022.

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: 10/11/2022

Second Reading/
Adoption: 11/08/2022

