

**CITY OF HAMPTON
STATE OF GEORGIA**

ORDINANCE NO. 2023-06

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

WHEREAS, Leslie Stroud (hereinafter referred to as "Applicant") requests a conditional use of Congregate Housing located at 6 Lindsey Lane in the City of Hampton, Georgia, consisting of 21,170 sf (0.486 acs.), Parcel Identification No. 022B0104700, 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-23-03-05) 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 Congregate Housing to provide personal services in accordance with City of Hampton Code Appendix A. Definitions, Article 4. Sec. 4-15; and

WHEREAS, a public hearing on the application was conducted by the Mayor and Council on April 11, 2023 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 Congregate Housing to provide personal services with the following **seven (7)** conditions:

- 1) The property owner shall adhere to all applicable provisions required by the Hampton Code of Ordinances for Congregate Housing including Article 2. Definitions; Article 3.

Sec. 3-19; Article 4. Sec. 4-2 and 4-15; and Chapter 51 Fire Prevention Code.

- 2) The property owner shall maintain off-street parking spaces in accordance with the Hampton Code of Ordinances. Appendix A. Article 3. Sec. 3-19 (E); Congregate Housing 1 space per bedroom. On-street parking on Lindsey Lane is prohibited.
- 3) The property owner shall obtain an approved state license for Personal Care Home as defined by Department of Community Health Code 111-8-62-.03 Definitions. "Personal Care Home", "home" or "facility" means any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for two or more adults who are not related to the owner or administrator by blood or marriage.
- 4) The property owner shall provide Personal Services as defined by DCH GA 111-8-62-.03 Definitions. "Personal Services" includes, but is not limited to, individual assistance with or supervision of self-administered medication, assistance with ambulation and transfer, and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting.
- 5) The property shall not be used for the following purposes [Authority O.C.G.A. 26-5-1, 31-2-7, 31-7-1 et seq. and 37-1-20(18)]; Boarding homes or rooming houses, temporary emergency shelter; assisted living communities, hospices, traumatic brain injury facilities, drug abuse treatment facilities; facilities providing residential services for federal, state, or local correctional institutions; facilities regulated by the Department of Behavioral Health and, Developmental Disabilities; Host home; group residence; Charitable organization providing shelter and other services without fees; Community living arrangements subject to DCH GA Chapter 290-9-237.
- 6) The licensed Personal Care Home shall admit residents to a home subject to the requirements of DPH 111.8-62-15 Admission.
- 7) The conditional use approval shall be limited to assisted living care personal care services provided by property owner Leslie Stroud and is not transferrable to another person or entity. The approved conditional use shall expire upon property ownership change or alteration to exclude homestead exemption and primary residency status for Leslie Stroud at 6 Lindsey Lane, Hampton, GA 30228.

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 9 day of May, 2023.

CITY OF HAMPTON, GEORGIA



ANN N. TARPLEY, Mayor

ATTEST:

R. Fairley
RASHIDA FAIRLEY, City Clerk

APPROVED AS TO FORM:

L'Erin Barnes Wiggins
L'ERIN BARNES WIGGINS, City Attorney

First Reading: 04/11/2023

Second Reading/ 05/09/2023