

STATE OF GEORGIA

CITY OF HAMPTON

ORDINANCE NO. **2021-554**

AN ORDINANCE TO AMEND APPENDIX A - ZONING, ARTICLE 5 – RESIDENTIAL PROVISIONS. SECTION 5-11 ALLOWED USES BE REPEALED AND REPLACED; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

THE COUNCIL OF THE CITY OF HAMPTON HEREBY ORDAINS:

Section 1. That Section APPENDIX A – ZONING, ARTICLE 5. SECTION 5-11 – ALLOWED USES be repealed and replaced.

Section 2. That Section APPENDIX A – ZONING, ARTICLE 5. SECTION 5-11 – ALLOWED USES as replaced shall read:

Sec. 5-11. Allowed Uses.

- A.** In order to regulate a variety of similar uses, use categories have been established for principal uses. Principal and accessory uses allowed by district are shown in the table below. All uses are subject to all applicable requirements of this Ordinance.
- 1.** Permitted Use (P). Indicates a use is permitted in the respective district.
 - 2.** Conditional Use (CU). Indicates a use may be permitted in the respective district only where approved by the City Council.
 - 3.** Use Not Permitted. A "-" in a cell indicates that a use is not permitted in the respective district.
- B.** A use not specifically listed is prohibited unless the Zoning Administrator determines the use to be part of a use category as described below. If a proposed use is not listed in a use category, but is similar to a listed use, the Zoning Administrator may consider the proposed use part of that use category. When determining whether a proposed use is similar to a listed use, the Zoning Administrator must consider the following criteria:
- 1.** Actual or projected characteristics of the proposed use;
 - 2.** Amount of site area or floor area and equipment devoted to the proposed use;
 - 3.** Sales volume;
 - 4.** Type of customer;
 - 5.** Number of employees;
 - 6.** Hours of operation;
 - 7.** Building and site arrangement;
 - 8.** Types of vehicles used and their parking requirements;

9. Number of vehicle trips generated;
10. How the proposed use is advertised;
11. Likely impact on surrounding properties;
12. Whether the activity is likely to be found independent of the other activities on the site.

C. Where a use not listed is found by the Zoning Administrator not to be similar to any other permitted use, the use is only permitted following a text amendment per Section 12-7.

< NO CHANGE TO ARTICLE 5. RESIDENTIAL, PUBLIC, COMMERCIAL, INDUSTRIAL, AGRICULTURAL, TEMPORARY USES TABLES >

Accessory Uses	RA	R-1	R-2	R-3	R-4	PD	R-D	MR-1	MR-2	RMH	Use Standards
Accessory apartment (750 sq. ft. or less)	CU	CU	CU	CU	CU	CU	-	-	-	-	Sec. 3-21
Accessory apartment (over 750 sq. ft.)	CU	CU	CU	CU	CU	CU	-	-	-	-	Sec. 3-21
Accessory structure (50 percent or less of minimum floor area of principal building)	P	P	P	P	P	P	P	P	P	-	Sec. 3-21
Accessory structure (over 50 percent of minimum floor area of principal building)	CU	CU	CU	CU	CU	CU	CU	CU	CU	-	Sec. 3-21
Caretakers' quarters	-	-	-	-	-	-	-	-	-	-	
Commercial outside storage	-	-	-	-	-	-	-	-	-	-	Sec. 4-12
Crop garden	P	P	P	P	P	-	P	P	P	P	
Guest quarters (750 sq. ft. or less)	P	P	P	P	P	-	CU	CU	-	-	Sec. 3-21
Guest quarters (over 750 sq. ft.)	CU	CU	CU	CU	CU	-	CU	CU	-	-	Sec. 3-21
Home occupation	P	P	P	P	P	-	P	P	-	P	Sec. 4-2
Home occupation in an accessory structure	CU	CU	CU	CU	CU	-	CU	CU	-	-	
Live/work	-	-	-	-	-	-	-	-	-	-	
Noncommercial kennel, large	P	-	-	-	-	-	-	-	-	-	Sec. 4-6
Noncommercial kennel, small	P	P	P	P	P	-	-	-	-	P	Sec. 4-6
Parking of one unoccupied travel	P	P	P	-	-	-	-	-	-	-	

trailer, motor coach, or pleasure boat											
Parking of one occupied recreational vehicle	P	P	-	-	-	-	-	-	-	-	Sec. 3-24
Recreation, amenity area, or fitness facility for residents	P	P	P	P	P	P	P	P	P	P	

(Ord. No. 457 , § 1, 8-14-18)

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 17 day of August, 2021.

CITY OF HAMPTON, GEORGIA



STEVE HUTCHISON, Mayor

ATTEST:



MELISSA BROOKS, City Clerk

APPROVED AS TO FORM:



L'ERIN BARNES WIGGINS, City Attorney

First Reading: 7/13/2021

Second Reading/
Adoption: 8/17/2021

