

CITY OF HAMPTON

STATE OF GEORGIA

ORDINANCE NO. 2021-551

**TO AMEND THE OFFICIAL ZONING MAP FOR THE CITY OF HAMPTON;
TO REZONE A CERTAIN PARCEL OF LAND FROM GENERAL
COMMERCIAL (C-2) AND SINGLE FAMILY RESIDENTIAL (R-2) TO
MIXED USE DISTRICT (MU); TO ALLOW FOR COMMERCIAL AND
TOWNHOME DEVELOPMENT; 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 0 Bear Creek Boulevard, and being a portion of Parcel Identification No. 009-01014000, and being 21.42 +/- acres; and

WHEREAS, the owner of said property is desirous of rezoning to MU (Mixed Use District) to allow for mixed use development; and

WHEREAS, a public hearing on the application was conducted by the Mayor and Council on July 13, 2021, pursuant to O.C.G.A. § 33-66-1, et seq. and local ordinances at the Hampton Train Depot; and

WHEREAS, the City agrees with the Owner and is desirous of amending the City's zoning map to provide for MU zoning of this certain parcel of land bearing address 0 Bear Creek Boulevard, and being a portion of Parcel Identification No. 009-01014000, and being 21.42 +/- acres; and to allow for mixed use; and

WHEREAS, the City has sought the guidance of its staff and the Mayor and Council to determine if any conditions that must accompany the rezoning, and any and all alternate proposals or amendments, the report of Staff, 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. Rezoning

The Zoning Map of the City of the Hampton be amended to provide for the rezoning of a certain parcel of land bearing address 0 Bear Creek Boulevard, and being a portion of Parcel Identification No. 009-01014000, and being 21.42 +/- acres in size described in Exhibit "A" incorporated by reference, and that all conditions recommended by staff and/or the Mayor and Council, be adopted to allow for the rezoning from C-2 (General Commercial) and R-2 (Single-Family Residential) to MU (Mixed Use District) subject to the following fourteen (14) conditions:

- 1) Owner/Developer shall submit a final concept plan for approval by Community Development Department which shall resemble the site plan submitted by Roberts Civil Engineering, revised June 25, 2021 (Attachment A).
- 2) Owner/Developer shall meet concurrency requirement for mixed-use development such that no more than 20 residential units shall be issued a certificate of occupancy until such time at least 5,000 gross square feet of non-residential floor area has been issued a certificate of occupancy.
- 3) Owner/Developer shall provide one 12' wide multi-use trail along frontage of Bear Creek Blvd. within a twenty feet wide landscape strip. The multi-use trail shall extend to northern property boundary along the sanitary sewer easement adjacent Bear Creek within preserved greenspace. Greenspace shall be cleared as needed to provide 15' of clear zone along each side of trail to allow visibility along trail. Final alignment and clear zone to be approved by Community Development Department.
- 4) Owner/Developer shall resurface existing drive with new street improvements within the development.
- 5) Townhomes shall be developed as a gated community. Gated access shall include Knox Box for emergency access by fire department, medical services, and public safety.
- 6) Owner/Developer shall provide fencing along the rear yard of each townhome lot adjacent to Woodland Subdivision and a decorative masonry fence with columns along the rear yard of townhome lots that abut the proposed commercial pod and existing Eagle's Landing Family Practice property.
- 7) Non-residential and residential buildings shall provide short term bicycle parking facilities.
- 8) Owner/Developer shall provide architectural drawing of the townhomes and commercial buildings for approval by Community Development Department.

- 9) Commercial buildings shall be constructed with brick, stone, or any combination thereof and may include the use of cement siding material for architectural accents, gable, eaves, fascia, etc. only. Non-residential buildings shall include variation of rooflines and facades in accordance with Hampton Code Article 3. Sec. 3-3 (d)(e).
- 10) Dumpster(s) shall be placed on a concrete pad which extends fifteen (15) feet in front of dumpster. Dumpsters shall be screened to a height of 8 feet on three sides with a brick wall. The fourth side must be screen with an opaque metal gate.
- 11) Owner/Developer shall provide one Type 3 amenity (as described in Hampton Code of Ordinances) for townhome residents in addition to sidewalks and multi-use trail which serves as public space requirement.
- 12) Owner/Developer shall install an irrigation system with rain sensor controller for and all lawn, trees, and shrub and ground cover areas for both townhomes and commercial development. Standalone trees and shrubs/ground cover shall be planted in a mulch bed area.
- 13) Owner/Developer shall install exterior lighting on building structures with full cut off light fixtures and full cut off light fixtures on decorative poles when installed on the grounds and parking areas.
- 14) Owner/developer shall establish a Reciprocal Easement Agreement (REA) or similar agreement for maintenance of the property to ensure uniformity in the appearance and maintenance of the townhomes and commercial development including streets, parking facilities, building structures, accessory structures, lighting, signage, pedestrian facilities, bike facilities, landscaping, amenities, parks, open space, and the like. The agreement shall be filed with Clerk of Superior Court, Henry County, GA prior to City of Hampton approval of final plat for the townhome development.

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 14 day of Sept, 2021.

CITY OF HAMPTON, GEORGIA



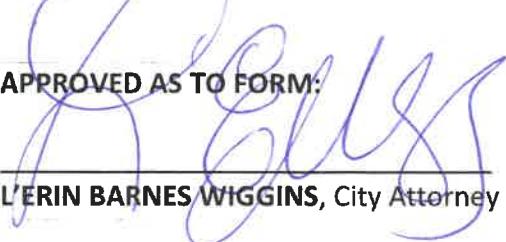
STEVE HUTCHISON, Mayor

ATTEST:



MELISSA BROOKS, City Clerk

APPROVED AS TO FORM:



L'ERIN BARNES WIGGINS, City Attorney

First Reading: 7/13/2021

Second Reading/Adoption: 9/14/2021

EXHIBIT "A"

BEAR CREEK HENRY 21, LLC SURVEY DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE CITY OF HAMPTON, LAND LOT 81, 3RD DISTRICT, HENRY COUNTY, GEORGIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH REBAR AND CAP SET IN THE NORTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 19 & 41 (200 FOOT RIGHT-OF-WAY WIDTH), LOCATED 1,096 FEET NORTHWESTWARDLY FROM THE CENTER OF WOOLSEY ROAD;

THENCE, WITH SAID NORTHEASTERLY RIGHT-OF-WAY LINE, NORTH 33 DEGREES 27 MINUTES 03 SECONDS WEST A DISTANCE OF 387.51 FEET TO THE CENTERLINE OF BEAR CREEK;

THENCE, WITH SAID CENTERLINE, THE FOLLOWING MEANDERS:

NORTH 42 DEGREES 50 MINUTES 31 SECONDS EAST A DISTANCE OF 68.83 FEET;

THENCE, NORTH 21 DEGREES 50 MINUTES 11 SECONDS EAST A DISTANCE OF 28.10 FEET;

THENCE, NORTH 07 DEGREES 08 MINUTES 50 SECONDS EAST A DISTANCE OF 46.04 FEET;

THENCE, NORTH 00 DEGREES 50 MINUTES 08 SECONDS EAST A DISTANCE OF 71.96 FEET;

THENCE, NORTH 15 DEGREES 26 MINUTES 26 SECONDS WEST A DISTANCE OF 45.44 FEET;

THENCE, NORTH 46 DEGREES 53 MINUTES 02 SECONDS WEST A DISTANCE OF 19.86 FEET;

THENCE, NORTH 15 DEGREES 43 MINUTES 43 SECONDS WEST A DISTANCE OF 32.07 FEET;

THENCE, NORTH 24 DEGREES 59 MINUTES 29 SECONDS WEST A DISTANCE OF 45.21 FEET;

THENCE, NORTH 56 DEGREES 28 MINUTES 05 SECONDS WEST A DISTANCE OF 31.31 FEET;

THENCE, NORTH 39 DEGREES 53 MINUTES 24 SECONDS WEST A DISTANCE OF 36.18 FEET;

THENCE, NORTH 03 DEGREES 16 MINUTES 41 SECONDS EAST A DISTANCE OF 35.75 FEET;

THENCE, NORTH 22 DEGREES 35 MINUTES 25 SECONDS WEST A DISTANCE OF 89.68 FEET;

THENCE, NORTH 12 DEGREES 26 MINUTES 49 SECONDS WEST A DISTANCE OF 38.11 FEET;

THENCE, NORTH 69 DEGREES 51 MINUTES 42 SECONDS WEST A DISTANCE OF 21.07 FEET;

THENCE, NORTH 07 DEGREES 27 MINUTES 09 SECONDS WEST A DISTANCE OF 59.81 FEET;

THENCE, NORTH 00 DEGREES 35 MINUTES 45 SECONDS WEST A DISTANCE OF 57.19 FEET;

THENCE, NORTH 12 DEGREES 25 MINUTES 04 SECONDS WEST A DISTANCE OF 79.41 FEET;

THENCE, NORTH 09 DEGREES 57 MINUTES 43 SECONDS EAST A DISTANCE OF 69.20 FEET;

THENCE, NORTH 26 DEGREES 47 MINUTES 03 SECONDS WEST A DISTANCE OF 44.38 FEET;

THENCE, NORTH 09 DEGREES 45 MINUTES 51 SECONDS WEST A DISTANCE OF 47.61 FEET;

THENCE, NORTH 06 DEGREES 46 MINUTES 42 SECONDS EAST A DISTANCE OF 84.27 FEET;

THENCE, NORTH 06 DEGREES 42 MINUTES 44 SECONDS WEST A DISTANCE OF 42.59 FEET TO THE SOUTHERLY LINE OF LAND LOT 81;

THENCE, LEAVING BEAR CREEK AND WITH SAID LAND LOT LINE, SOUTH 88 DEGREES 52 MINUTES 19 SECONDS EAST A DISTANCE OF 453.91 FEET TO A 1/2 INCH REBAR FOUND;

THENCE, LEAVING SAID LAND LOT LINE, SOUTH 62 DEGREES 04 MINUTES 16 SECONDS EAST A DISTANCE OF 140.06 FEET TO A 1/2 INCH REBAR FOUND;

THENCE, SOUTH 51 DEGREES 04 MINUTES 36 SECONDS EAST A DISTANCE OF 120.29 FEET TO A 1/2 INCH REBAR FOUND;

THENCE, SOUTH 35 DEGREES 23 MINUTES 48 SECONDS EAST A DISTANCE OF 277.45 FEET TO A 1/2 INCH REBAR AND CAP SET IN THE WESTERLY LINE OF CLOVER RANCH MOBILE HOME PARK;

THENCE, SOUTH 02 DEGREES 14 MINUTES 51 SECONDS WEST A DISTANCE OF 67.57 FEET TO A 1/2 INCH REBAR AND CAP SET;

THENCE, SOUTH 19 DEGREES 32 MINUTES 09 SECONDS EAST A DISTANCE OF 41.20 FEET TO A 1/2 INCH REBAR AND CAP SET;

THENCE, SOUTH 39 DEGREES 11 MINUTES 49 SECONDS WEST A DISTANCE OF 227.45 FEET TO A 1/2 INCH REBAR FOUND;

THENCE, SOUTH 88 DEGREES 36 MINUTES 06 SECONDS EAST A DISTANCE OF 134.88 FEET TO A 1/2 INCH REBAR AND CAP SET;

THENCE, NORTH 88 DEGREES 05 MINUTES 09 SECONDS EAST A DISTANCE OF 150.00 FEET TO A 1/2 INCH REBAR AND CAP SET;

THENCE, SOUTH 01 DEGREES 53 MINUTES 24 SECONDS EAST A DISTANCE OF 470.00 FEET TO A 1/2 INCH REBAR AND CAP SET;

THENCE, SOUTH 56 DEGREES 41 MINUTES 13 SECONDS WEST A DISTANCE OF 437.52 FEET TO A 1/2 INCH REBAR AND CAP SET;

THENCE, NORTH 33 DEGREES 27 MINUTES 03 SECONDS WEST A DISTANCE OF 200.86 FEET TO A 1/2 INCH REBAR AND CAP SET;

THENCE, SOUTH 57 DEGREES 04 MINUTES 31 SECONDS WEST A DISTANCE OF 200.87 FEET TO A 1/2 INCH REBAR FOUND;

THENCE, SOUTH 11 DEGREES 48 MINUTES 44 SECONDS WEST A DISTANCE OF 21.12 FEET TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL HAVING AN AREA OF 21.42 ACRES (933,090 SQUARE FEET).

ATTACHMENT – A

(Concept Plan)

