

**CITY OF HAMPTON
STATE OF GEORGIA**

ORDINANCE NO. 2024-04

**AN ORDINANCE TO APPROVE MODIFICATION TO A ZONING
CONDITION; 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, Southern Consulting, LLC (hereinafter referred to as "Applicant") requests a modification to zoning condition #2 (ORD. No. 2021-551) for Parcel Identification 009-01014000, and being 21.42 +/- acres; and

WHEREAS, a public hearing on the application was conducted by the Mayor and Council on February 13, 2024, 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, staff recommended wording to accommodate the applicant's request;

NOW THEREFORE, IT IS HEREBY ORDAINED after a vote by the Mayor and Council of the City of Hampton approves the applicant's request to modify the zoning condition #2 to read as follows:

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. Non-residential retail, commercial, and/or office space may be rented temporarily for residential use for a maximum of 24-months and may be extended with an approved variance from Hampton City Council

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 All Ordinances in conflict herewith are expressly repealed.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.

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.

b. 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.

<SIGNATURES ON PAGE FOLLOWING>

SO ORDAINED, this 6th day of March, 2024.

CITY OF HAMPTON, GEORGIA

Ann N. Tarpley
ANN N. TARPLEY, Mayor

ATTEST:

R. Fairley
RASHIDA FAIRLEY, City Clerk

APPROVED AS TO FORM:

L'ERIN BARNES WIGGINS, City Attorney

First Reading: 2/13/2024

Second Reading/
Adoption: 3/6/2024