

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

WHEREAS, Amy Wilkerson (hereinafter referred to as "Applicant") requests a conditional use of an accessory apartment located at 9 North Avenue in the City of Hampton, Georgia, consisting of +/- 30,957 sf (0.71-acre), Parcel Identification No. H09-02007000, 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-24-01-30) 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 an accessory apartment; and

WHEREAS, a public hearing on the application was conducted by the Mayor and Council on March 6, 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, 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 an accessory apartment with the following **four (4)** conditions:

1. The accessory structure shall not exceed 900 sf. The accessory structure may include a combination of heated and non-heated floor area, however the maximum allowed sf area shall not exceed 900 sf.
2. The property owner agrees that the property will remain residential in use. No

commercial use is permitted.

3. The property owner agrees that the primary residence and detached accessory apartment shall not be used for congregate housing.
4. The property owner agrees to live on site for a minimum of eight (8) months annually and all other provisions as required by the City of Hampton Code of Ordinances. Appendix A. Article 3. Sec. 3-21. Accessory Uses and Structures.

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 9th day of April, 2024.


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: 03/06/2024

Second Reading/ 04/09/2024

Exhibit 'A'

Please Return to:

Power Law, P.C. James Kenneth Wilkerson
P.O. Box 70 9 North Avenue
McDonough, Georgia 30253 Hampton, GA 30228

BK: 17381 PG: 142

Filed and Recorded

Aug-13-2020 03:56:43PM

DQC#: 02020-024905

Real Estate Transfer Tax \$0.00

0752020002257

BARBARA A. HARRISON

CLERK OF SUPERIOR COURT Henry County GA.

STATE OF GEORGIA

COUNTY OF HENRY

QUIT-CLAIM DEED

(Deed Only - No Title Examination)

THIS INDENTURE, made the 19th day of March in the year Two Thousand and Twenty, between **SHERRIE WILKERSON SELMAN**, as party of the first part, hereinafter called "Grantor", and **JAMES KENNETH WILKERSON**, as party of the second part, hereinafter called "Grantee" (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of One Dollar (\$1.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, release and forever QUITCLAIM unto the said Grantee, all the right, title, interest, claim or demand which Grantor has or may have had in and to all that tract or parcel of land which is described as follows:

Lot #3 in North Avenue Sub-Division situated in Land Lot 144 of the Third Land District of Henry County, Georgia. Plat of said lot and said Subdivision being of record in the office of the clerk of the Superior Court of Henry County, Georgia and being more particularly described as follows:

Beginning at an iron stob 510.6 feet South of the North boundary of Land Lot 144 and running thence S 85 degrees 55 minutes West three Hundred and four and eight tenths feet to an iron pin; thence S 3 degrees 11 minutes West 105.4 feet to and iron pin; thence North 85 degrees 25 minutes East 320.3 feet to an iron pin and North Avenue; thence N 6 degrees West 102 feet along North Avenue to an iron pin and the point of beginning.

There being a six-room brick-veneer house located upon this lot. This property subject to the restrictive covenant of record.

TO HAVE AND TO HOLD the said described premises to Grantee, so that neither Grantor nor any person or persons claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right, title or interest to said premises or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year first above written.

Signed, sealed and delivered in the presence of:

Kathy E. Cole
Unofficial Witness

April Brannen
Notary Public

Sherrie Selman (SEAL)
Sherrie Wilkerson Selman



2020 AUG 13 AM 11:35
CLERK OF SUPERIOR COURT
HENRY COUNTY
RECEIVED IN OFFICE