

**LAMAR COUNTY BOARD OF COMMISSIONERS
REZONING ORDINANCE NO. 2017-01**

**AN ORDINANCE FOR THE PURPOSE OF REZONING PROPERTY IN
LAMAR COUNTY, GEORGIA, AND TO AMEND THE OFFICIAL ZONING
MAP OF LAMAR COUNTY, GEORGIA.**

WHEREAS, the Board of Commissioners of Lamar County, Georgia, (hereinafter “County”) under the authority of its County Code and the Constitution and Laws of the State of Georgia, is empowered by virtue of its police power to regulate the health, safety and welfare of the citizens of the County, and to provide for and enact zoning and developmental regulations; and

WHEREAS, the County has enacted the current Zoning Ordinance of the County and thereby adopted the Official Zoning Map of the County; and

WHEREAS, under the Zoning Ordinance of the County and the Official Zoning Map of the County, the within described property is currently classified A-R (Agricultural-Residential); and

WHEREAS, on Village Developers, LLC, applied for a change in zoning classification (Application No. 2017-01) to be applied to the within described property to R-3 (Single-Family Residential); and

WHEREAS, the application was reviewed by the Lamar County Planning Commission, and a public hearing on the application was conducted by the County on March 21, 2017, pursuant to O.C.G.A. § 33-66-1, *et seq.* and local ordinances at the Lamar County Courthouse; and

WHEREAS, the Board of Commissioners considered the proposed amendment, any and all alternate proposals or amendments, the report of the Planning Commission, and all data and evidence taken at the public hearing; and

WHEREAS, it is deemed by the County that the applicant’s request to rezone the within described property with conditions and amend the Official Zoning Map of the County is in conformance with sound comprehensive planning principles, of substantial benefit to the public, and in the promotion of the best interests and general welfare of the people of the County; Now, therefore,

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF
LAMAR COUNTY, GEORGIA:**

Section 1: The Zoning Ordinance of Lamar County, Georgia, and the Official Zoning Map of Lamar County, Georgia, designating the boundaries of the several types or classes of zoning districts within the County, shall be, and are hereby amended so as to change the zoning classification applicable to the following described property:

**(See Exhibit “A” attached hereto and incorporated
herein by reference)**

from A-R (Agricultural-Residential) to R-3 (Single-Family Residential), subject to certain conditions of use which shall additionally restrict the use of the subject property and run with the land as follows:

A. No manufactured home(s) shall be located on the subject property.

Section 2: The Official Zoning Map of the County is hereby amended to reflect such zoning classification for the within described property.

Section 3.

A. It is hereby declared to be the intention of the Board of Commissioners that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional.

B. It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or 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 Board of Commissioners 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 section, paragraph, sentence, clause or phrase 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 Board of Commissioners 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 sections, paragraphs, sentences, clauses, or phrases of the Ordinance and that, to the greatest extent allowed by law, all remaining Sections, paragraphs, sentences, clauses, or phrases of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4. Repeal of Conflicting Provisions. Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5. Effective Date. This ordinance shall become effective immediately upon its adoption by the Board of Commissioners of Lamar County, Georgia.

SO ORDAINED, this 21st day of March, 2017.

CHARLES GLASS, Chairman

ATTEST:

BOB ZELLNER, County Administrator

(Seal)

EXHIBIT "A"
(LEGAL DESCRIPTION OF SUBJECT PROPERTY)

All that tract or parcel of land lying and being in Land Lot 22 of the 7th Land District, Lamar County, Georgia, containing 66.53 acres, more or less, as more particularly described as Tract B-1 on a plat of survey prepared by Steven A. Coleman, Georgia Registered Surveyor No. 2690, dated December 1, 2000, recorded in Plat Book 14, page 175, Clerk's Office, Lamar County Superior Court, said plat being incorporated herein by reference thereto.