

**LAMAR COUNTY BOARD OF COMMISSIONERS**

**ORDINANCE NO. 2020-01**

**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 R-3 (Residential 3); and

**WHEREAS**, on January 31, 2020, Emily Hutto, applied for a change in zoning classification (application #012020) to be applied to the within described property to C-1 (Neighborhood Commercial); and

**WHEREAS**, notice of this application, public hearings, and action were properly advertised in the legal organ, a sign was placed on the subject property, and letters describing the application and hearing dates were sent to property owners within 300’ of the subject property; and

**WHEREAS**, a public hearing was conducted and the application was reviewed by the Lamar County Planning Commission on March 5, 2020, and a public hearing on the application was conducted by the County on June 4, 2020, 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, and all alternate proposals or amendments, the report of the Planning Commission, and all data and evidence taken at both public hearings; 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 the sound comprehensive planning principles, of substantial benefit to the

public, and in promotion of the best interest 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 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:

**1.5 acres located at 536 Highway 18 West, as recorded in deed book 837, page 207; Land Lot 41, District 7; Tax Map 036, Parcel 030**

from R-3 (Residential 3) to C-1 (Neighborhood Commercial) subject to certain conditions of use which shall additionally restrict the use of the subject property and run with the land as follows:

- 1. Commercial activity must be conducted from existing dwelling only.**
- 2. Exterior of the existing dwelling must be kept to appear residential.**

**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 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 of 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 judgement or decrees 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 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 Commissioner of Lamar County, Georgia.

SO ORDAINED, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
CHARLES GLASS, Chairman

ATTEST:

\_\_\_\_\_  
CARLETTE, DAVIDSON, County Clerk

(Seal)