

**LAMAR COUNTY BOARD OF COMMISSIONERS**

**ORDINANCE NO. 2020-04**

**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 AR (Agricultural Residential); and

WHEREAS, on June 6, 2020, LM Home Builders, applied for a change in zoning classification (Application #2020-03) to be applied to the within described property to R2 (Residential 2); and

WHEREAS, notice of this application, public hearings, and action was 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, the application was reviewed by the Lamar County Planning Commission, and a public hearing on the application was conducted by the County on July 21, 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 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 the sound comprehensive planning principles, of substantial benefit to the

Ordinance #xxxx  
BOC approved xxxx

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:

**All that tract or parcel of land lying and being in Land Lot 58 of the 8<sup>th</sup> Land District of Lamar County, Georgia, and being more particularly shown and designated as Area 10.40 Acres on that plat of survey entitled “Boundary Survey for LM Home Builders, LLC”, dated May 18, 2020, prepared by Terra Services Company, LLC, a copy of which said plat is recorded May 20, 2020, in Plat Book 16, Page 746, Lamar County, Georgia records, and which said plat together with the metes, bounds, courses, and distances as shown thereon is incorporated herein and made a part hereof by reference.**

From AR (Agricultural Residential) to R2 (Residential 2)

**The following conditions also apply:**

**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 \_\_\_\_\_, \_\_\_\_\_.

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

ATTEST:

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

(Seal)