

LAMAR COUNTY BOARD OF COMMISSIONERS

ORDINANCE NO. 2020-09

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 August 12, 2020, XCELL Properties, applied for a change in zoning classification (Application #2020-06) to be applied to the within described property to R3 (Residential 3); 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 September 14, 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

Ordinance #xxxx
BOC approved xxxx

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:

All that tract or parcel of land lying and being in Land Lots 6 and 27 of the 7th Land District of Lamar County, Georgia containing approximately 13.42 acres more or less. Said property being a portion of the same property as depicted on a plat made by Marion Patrick, surveyor, April 14, 1934, a copy of which is on file with the Federal Land Bank of Columbia. Being a portion of the same property described in a Warranty Deed from Frankie Darden Borders to Jewel Borders Alexander dated August 1, 1981, recorded in Deed Book 101, Page 50, Lamar County, Georgia

From AR (Agricultural Residential) to R3 (Residential 3)

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)