

LAMAR COUNTY BOARD OF COMMISSIONERS
ORDINANCE NO. 2021-05

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 Highway Commercial with conditions including a condition that there shall be no access from the property onto Silver Dollar Road; and

WHEREAS, on January 23, 2021, Kong Real Estate Holdings, LLC, applied for a change in zoning classification to be applied to the within described property to Highway Commercial with conditions in order to remove the condition there shall be no access from the property onto Silver Dollar Road; 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 April 19, 2021, and a public hearing on the application was conducted by the County on April 20, 2021, 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 to remove the condition prohibiting access to and from the property via Silver Dollar Road and to 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:

All of that tract or parcel of land, together with all of the permanent improvements located thereon and connected therewith, in the same situate, lying and being in Land Lots 36 and 37 of the Seventh Land District of Lamar County, Georgia, containing 5.06 acres in the aggregate, lying on the eastern side of U.S. Highway 341 and on the western side of Silver Dollar Road, and consisting of the whole of Tract Thirteen (13) as the same appears by reference to a plat entitled "Silver Dollar Ranch", from an actual survey by NB Deloach, RLS No. 1347, the same dated March 29, 1976, and recorded in the Office of the Clerk of the Superior Court of Lamar County, Georgia, in Plat Book Seven (7) page 133. Said plat is by this reference incorporated herein in aid of this description.

from Highway Commercial with the condition prohibiting access to and from the property via Silver Dollar Road to Highway Commercial without the condition prohibiting access to and from the property via Silver Dollar Road subject to certain further conditions of use which shall additionally restrict the use of the subject property and run with the land as follows:

- 1. No gas station, liquor store, or auto repair shop may be operated from this location (rezoning approval conditions of 2005)**
- 2. A natural and adequate screening buffer shall be kept along the property line shared with Silver Dollar Road (Special Exception approval of 2001)**

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 _____, 2021.

CHARLES GLASS, Chairman

ATTEST:

CARLETTE, DAVIDSON, County Clerk

(Seal)