

LAMAR COUNTY BOARD OF COMMISSIONERS
ORDINANCE NO. 2021-04

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 R-2 (Residential Medium Density); and

WHEREAS, on February 11, 2021, the Lamar County Board of Commissioners, initiated an application to change the zoning classification of the within described property to R-1 (Residential 1 Single Family Low Density); 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, a public hearing was held on March 8, 2021 and the application was reviewed by the Lamar County Planning Commission, and a second public hearing on the application was conducted by the County on March 16, 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 rezoning the within described property with conditions and amending 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:

Lamar County Tax Map 50, Parcels 149, 150, 151, 152, 153, 154, 155, 170, 172, and 174 as recorded in Deed Book 835 Page 240 and recorded in Plat Book 15 Page 318; Parcel 001 as recorded in Deed Book 920 Page 316 and recorded in Plat Book 16 Page 368; Parcel 142 as recorded in Deed Book 835 Page 240 and recorded in Plat Book 15 Page 316; Parcel 156 as recorded in Deed Book 883 Page 45 and recorded in Plat Book 15 page 318; Parcel 157 as recorded in Deed Book 907 Page 103 and recorded in Plat Book 15 Page 318; Parcel 158 as recorded in Deed Book 804 Page 70 and recorded in Plat Book 15 Page 318; Parcels 159, 160 and 161 as recorded in Deed Book 823 Page 200 and Plat Book 15 Page 318; Parcel 164 as recorded in Deed Book 1071 Page 17 and recorded in Plat Book 15 Page 318; Parcel 166 as recorded in Deed Book 869 Page 159 and recorded in Plat Book 16 Page 368; Parcel 171 as recorded in Deed Book 682 Page 10 and recorded in Plat Book 15 Page 318; Parcel 173 as recorded in Deed Book 696 Page 276 and recorded in Plat Book 15 Page 318.

From A-R (Agricultural Residential) to R-1 (Residential 1) and from R-2 (Residential 2 Medium Density) to R1 (Residential 1-Low Density)

The following conditions also apply:

One acre lots if served by a public water system
140' minimum lot width
75' minimum setback on exterior lots
60' minimum setback on interior lots (this number will reflect the setbacks on existing homes)
All new homes must have side or rear facing garages

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

Ordinance #xxxx
BOC approved xxxx

(Seal)