

**LAMAR COUNTY BOARD OF COMMISSIONERS  
ORDINANCE NO.2021-09**

**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 C2 (HIGHWAY COMMERCIAL); and

WHEREAS, on June 25, 2021, Stacey Underwood, initiated an application to change the zoning classification of the within described property to R-3 (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, a public hearing was held on July 15, 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 July 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 rezoning the within described property 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:

Tract No. 1: All that tract or parcel of land lying and being in Land Lot 41 of the 7<sup>th</sup> Land District of Lamar County, Georgia, lying on the southern side of Ga. State Highway No. 18, together with all improvements thereon, and being more particularly described as follows: Beginning at an iron stake lying on the southern side of the right of way of Georgia State Highway No. 18 leading from Barnesville to Zebulon, which said iron stake is located a distance of 340.2 feet (as measured along said right of way of Georgia State Highway No. 18) northwesterly from an iron stake where the property of Aldora Mills and L.D. Carver corner on the south side of the right of way of Georgia State Highway No. 18, and from said starting point proceed thence north 53 degrees 35 minutes west 210 feet to an iron stake; thence south 46 degrees 10 minutes east 210 feet to an iron stake; thence north 43 degrees 30 minutes east 455.8 feet to the point of beginning. This property is bounded, now or formerly, as follows: northeast by the right of way of Georgia Highway No. 18; southeast by property of George Hill, formerly L.D. Carver and Mrs. Mae Carver; southwest by property of W. L. Oliver, L.D. Carver and Mrs. Mae Carver; northwest by property of Ernest Smith.

Excepted therefrom is the following described property, to wit: All that tract or parcel of land lying and being in Land Lot 24 of the 7<sup>th</sup> Land District of Lamar County, Georgia, as is more particularly described upon a certain plat of survey for Mrs. May Carver dated Jan. 19, 1974, by Hugh A. Conger, PE 8690, said property being described as follows: Beginning at an iron pin lying on the southern right of way margin of Georgia State Highway No. 18 at the northwest corner of property of, now or formerly, Mrs. May Carver, said iron pin being located 100 feet from the center line of said Georgia Highway No. 18, and from said iron pin proceed north 53 degrees 34 minutes west 14 feet to an iron pin; thence south 33 degrees 02 minutes west 76.5 feet to an iron pin; thence north 43 degrees 30 minutes east 77 feet to the point of beginning.

Tract No. 2: All that tract or parcel of land lying and being in Land Lot 41 of the 7<sup>th</sup> Land District of Lamar County, Georgia, lying on the northern side of Burnette Road, and being bounded, now or formerly, as follows: north by Hubert Stashia; east by Betty Simmons; south by Burnette Road; west by James Whitten, Jr.

All of the above property is the same property which was conveyed unto Arthur Dewayne Simmons & Frankie A. Simmons by warranty deed from Joe T. Brooks, Jr. & Paulette C. Brooks, dated Dec. 7, 1978, and recorded in deed book 92, pages 431-432, said records.

Less and Except the following: All the tract or parcel of land lying and being in Land Lot 41 of the 7<sup>th</sup> Land District of Lamar County, Georgia, containing 1.53 acres, more or less, lying on the northern side of Burnette Road, and being more particularly described as follows:

Beginning at an iron pin lying on the northern side of Burnette Road which marks the southeastern extremity of land (formerly) belonging to Arthur Dewayne Simmons and Frankie A. Simmons, and from said beginning point proceed north 46 degrees 30 minutes east 286 feet to a point; thence north 46 degrees 30 minutes west 197.5 feet to a point; thence south 46 degrees 00 minutes west 285 feet to a point; thence south 46 degrees 10 minutes east 105 feet to an iron pin; thence south 43 degrees 50 minutes west 103 feet to an iron pin lying on the northern side of Burnette Road; thence north 89 degrees 23 minutes east 147 feet along Burnette Road to the point of beginning.

This is the same property which was conveyed to Jewel J. Wilson by Warranty deed dated April 7, 1994, from Arthur Dewayne Simmons and Frankie A. Simmons as recorded in deed book 167 pages 513-514, and the office of the Clerk of Superior Court of Lamar County, Georgia.

This property has a physical address of 518 Hwy 18 West, Barnesville, Georgia 30204 and is found on Lamar County Tax Map 036 Parcel 33.

From C-2 (HIGHWAY COMMERCIAL) to R-3 (RESIDENTIAL 3).

**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 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 Commissioners of Lamar County, Georgia.

SO ORDAINED, this 20th day of July, 2021.

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CHARLES GLASS, Chairman

ATTEST:

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CARLETTE DAVIDSON, County Clerk