**LAMAR COUNTY BOARD OF COMMISSIONERS**

**ORDINANCE NO. 2023-12**

**WHEREAS,** David and Gail Addison were granted Residential 2 zoning via Ordinance 2022-04 adopted April 19, 2022. The property is approximately 9 acres, located at 743 Ethridge Mill Road, in Land Lot 190, of the 2nd Land District, as shown on Tax Map 006 Parcels 023, 023A, 023B, 023C; and recorded in Deed Book 130 Page 272; Deed Book 1191 Page 198; Deed Book 1193 Page 196;

**AND WHEREAS**, the Ordinance approving the rezoning to Residential 2 contained the following conditions:

1. Only stick-built homes shall be built on the property;
2. All lots must be a minimum of two acres; and
3. There must be a vegetative buffer between the homes.

**AND WHEREAS**, Andrew Shockley has purchased lot 4, as shown on Tax Map 006 Parcel 023C, and has made application to the Board of Commissioners requesting modification of a certain condition;

**AND WHEREAS**, the notice of public hearings to be held on July 13, 2023, and July 18, 2023, at the Lamar County Courthouse, Barnesville, Georgia, for the purpose of considering this request was properly published in the Barnesville Harald-Gazette, the official newspaper for Lamar County, Georgia;

**AND WHEREAS**, a sign was erected on said property to give further public notice of the requested change as required by the Lamar County Zoning Ordinance;

**AND WHEREAS**, the public hearings as advertised were held July 13, 2023, at 6:00 pm and on July 18, 2023 at 6:00 pm to consider the request and giving an opportunity for interested persons to be heard;

**AND WHEREAS**, after hearing all matters and evidence presented at the public hearing and after considering all factors involving the rezoning of this property, the Board of Commissioners of Lamar County, Georgia, determined the conditions previously placed on the property should be modified as requested.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF LAMAR COUNTY, GEORGIA:

**Section 1.** Lamar County, Georgia, does hereby approve the application and modifies the conditions previously placed on the property as follows:

1. All lots must be a minimum of two acres; and
2. There must be a vegetative buffer between the homes.

**Section 2:** The Official Zoning Map of the County is hereby amended to reflect such zoning classification for the within described property.

**Section 3:**

1. 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.
2. 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.
3. 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.

Adopted this 18th day of July, 2023.

LAMAR COUNTY BOARD OF COMMISSIONERS

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Ryran Traylor, Chairman

Attest:

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Carlette Davidson, County Clerk