

**LAMAR COUNTY BOARD OF COMMISSIONERS
ORDINANCE NO.2023-04**

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 R-1 (Residential 1); and

WHEREAS, on February 1, 2023, Francisco Mena, initiated an application to change the zoning classification of the within described property to A-R (Agricultural-Residential); 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 9, 2023, 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 21, 2023, 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, 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:

All that tract or parcel of land lying and being in Land Lot 153 of the 3rd District of Lamar County, Georgia, being Phase 2 of Magnolia Farms Subdivision, and being more particularly described as follows:

Commencing at the common corner of Land Lots 152, 153, 168, and 169 thence south 02 degrees 03 minutes 52 seconds east a distance of 670.81 feet to a rebar set, which point is the point of beginning, thence south 02 degrees 03 minutes 52 seconds east a distance of 791.43 feet to a rock found; thence south 89 degrees 22 minutes 03 seconds west a distance of 2279.30 feet to a rebar set; thence north 27 degrees 16 minutes 24 seconds west a distance of 62.54 feet to a rebar set; thence north 62 degrees 43 minutes 36 seconds east a distance of 451.00 feet to a rebar set; thence north 27 degrees 16 minutes 24 seconds west a distance of 23.27 feet to a rebar set; thence north 63 degrees 16 minutes 24 seconds west a distance of 269.56 feet to a rebar set; thence north 62 degrees 43 minutes 36 seconds east a distance 258.50 feet to a rebar set; thence with a curve turning to the right with an arc length of 39.27 feet with a radius of 25.00 feet, with a chord bearing of south 72 degrees 16 minutes 24 seconds east, with a chord length of 35.36 feet, to a rebar set; thence north 62 degrees 43 minutes 36 seconds east a distance of 60.00 feet to a rebar set; thence south 27 degrees 16 minutes 24 seconds east a distance of 290.68 feet to a rebar set; thence north 59 degrees 00 minutes 24 seconds east a distance of 124.37 feet to a ¾ inch open top pipe found; thence south 77 degrees 30 minutes 59 seconds east a distance of 536.82 feet to a rebar set, which point is the point of beginning, having an area of 32.36 acres.

Also identified as Lamar County Tax Map 52, Parcel 015.

From R-1 (Residential-1) to A-R (Agricultural-Residential).

Limited to the permitted uses in A-R as of this day (Exhibit A) subject to the following conditions:

- No Manufactured Homes
- No Local, State, or Federal Buildings
- No publicly owned and operated park or recreation area
- No commercial poultry house
- No utility substation
- No private cemetery
- No home business that is the base of operations for large equipment companies
- No hunting/deer camps
- No small scale Agritourism
- No signs
- Underground utilities north of the pipeline if available through the utility company
- A paved or concrete driveway that matches the length of the neighboring property owners
- Curb cutout at street
- Landscaping north of the pipeline that is in line with neighboring property owners
- A 35' vegetative buffer along the north property line

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 _____ day of _____, 2023.

RYRAN TRAYLOR, Chairman

ATTEST:

CARLETTE DAVIDSON, County Clerk

EXHIBIT A

Sec. 504. Permitted uses.

- (a) The following principal and accessory uses are permitted in A-R districts:
- (1) Site-built single-family, industrialized, or class A manufactured detached dwelling with a floor space of at least one thousand four hundred (1,400) square feet.
 - (2) Local, state, or federal government building.
 - (3) Crop farming, fisheries and aquaculture, forestry.
 - (4) Livestock: Must have five (5) acres or more, all structures must be set back at least twenty (20) feet from property lines.
 - (5) Publicly owned and operated park or recreation area.
 - (6) Equine animals and other pasture raised animals: Must have five (5) acres or more. One (1) equine animal per acre of pasture land is permitted.
 - (7) Commercial poultry house meeting the following development standards:
 - a. Commercial poultry houses must be placed at least three hundred (300) feet from the property lines unless the adjoining property is zoned other than agricultural-residential, then five hundred (500) feet from the property line. A vegetative buffer must be maintained between the poultry houses and the side and back property lines.
 - b. A one hundred (100) foot natural buffer will be maintained from state waters.
 - c. A plat will be attached to the permit application and will show the following:
 1. All adjoining property owners.
 2. Wetlands.
 3. State waters.
 4. Residential wells.
 5. Existing structures.
 6. The proposed location of the poultry houses.
 - (8) Utility substation meeting the following development standards:
 - a. Structures must be placed at least thirty (30) feet from all property lines.
 - b. Structures must be enclosed by a woven wire fence at least eight (8) feet high, with bottom of fence either flush with the ground or with a masonry footing.
 - c. No vehicles or equipment may be stored on the lot.
 - d. A buffer must be maintained along the side and rear property lines.
 - (9) Private cemetery, one (1) acre or less: Parent parcel must be at least ten (10) acres.
 - (10) Home occupation, as defined in section 202.
 - (11) Hunting/Deer Camps: Only allowed when ratio is one (1) hunter per twenty (20) acres or more and have the following requirements:
 - a. Have letter of approval/lease agreement from owner of the property for the deer camp;

- b. Have letter of approval from GDOT (Georgia Department of Transportation) or county road department for driveway culvert;
 - c. Have approval from environmental health for septic system/number of privies;
 - d. Have plan for camp with number of spaces for campers/tents and privies;
 - e. Have plan for electrical power pole and wiring for each camper site;
 - f. Camp sites may not be inhabited for more than thirty (30) consecutive days or sixty (60) days per annum;
 - g. Camp must be completely screened from road and from adjoining property owners;
 - h. Any changes to approved plan shall be reviewed and approved by the zoning administrator.
- (12) Agritourism, small scale: See section 506 for requirements.
- (13) Structures used in the personal enjoyment of the property owner: Examples include private swimming pools, tennis courts, children's playhouses, etc. All structures must be placed at least five (5) feet from the side and back property line. None are allowed in front of the main dwelling, unless given an administrative variance by the administrative officer.
- (14) Structure for the storage of equipment and supplies used in maintaining the principal building, its grounds, and/or its agricultural activities.
- (15) The parking of unoccupied travel trailers, motor coaches, or pleasure boats.
- (16) Sign as permitted by the Lamar County Sign Ordinance (Appendix F).
- (17) Camper or motor home for temporary living quarters at construction site meeting the following development standards: The temporary home must be located in the rear of the property; a valid building permit must be in place for the building under construction.
- (18) Guest quarters meeting the following development standards:
- a. No more than one (1) is permitted on a lot with another dwelling.
 - b. It is permitted only within a rear yard and must be set back at least forty (40) feet from all property lines.
 - c. Property must be at least two (2) acres.
 - d. Guest quarters must be stick built, smaller in size than the main dwelling and must meet minimum standard building codes.
 - e. Manufactured homes, campers, travel trailers, or modified busses may not be used as guest quarters.
 - f. Property owner must live onsite.