LAMAR COUNTY BOARD OF COMMISSIONERS
ORDINANCE NO. 2024-10

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 to 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, High Falls 75 LLC initiated an application to change the zoning classification of the within described property from a mixture of zoning designations to a mixture of commercial and industrial uses that will all be governed by development conditions more specifically identified in the Development Agreement attached hereto as Attachment "A" and made part of this document by reference; 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 October 3, 2024, and the application was reviewed by the Joint Planning Commission, and a second public hearing on the application was conducted by the County on October 15, 2024, pursuant to O.C.G.A. § 33-66-1, *et seq.* and local ordinances; and

WHEREAS, the Board of Commissioners considered the proposed amendment, and all alternate proposals or amendments, the report of the Joint Planning Commission, the terms of the Development Agreement, 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 as follows:

For parcel 086 002, 28.58 acres from Commercial 2 to Manufacturing 2

For parcel 086 007, 95.51 acres from Manufacturing 2 with conditions to Manufacturing 2 with conditions

For parcel 086 008, 125.49 acres, from Manufacturing 2 with conditions to Manufacturing 2 with conditions

For parcel 087 002, 144.92 acres from Agriculture-Residential to Manufacturing 2

For parcel 087 005, 98.15 acres from Agriculture-Residential to Manufacturing 2

For parcel 087 004, 79.9 acres from Agriculture-Residential to Manufacturing 2

For parcel 088 005, approximately 149 acres from Agriculture-Residential to Manufacturing 2 and approximately 9 acres from Agriculture-Residential to Highway Commercial

For parcel 087 008, approximately 63 acres located on the west side of I-75 from Agricultural-Residential to Manufacturing 2

For parcel 087 003, approximately 191 acres from Highway Commercial to Manufacturing 2

Subject to the following conditions:

See Attachment "A" attached hereto and incorporated herein by reference

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.

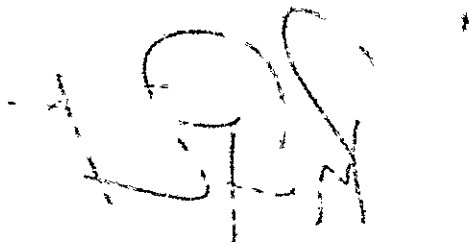
Section 5. Effective Date. This Ordinance shall become effective immediately upon its adoption by the Board of Commissioners of Lamar County, Georgia.

SO ORDAINED, this 24th day of October, 2024

RYAN TRAYLOR, Chairman

ATTEST:

CARLETTE DAVIDSON, County Clerk



Attachment "A" – Development Agreement

V8

10/16/24

STATE OF GEORGIA,

LAMAR COUNTY:

CONDITIONS OF REZONING
AND
IMPLEMENTATION OF DEVELOPMENT AGREEMENT

These CONDITIONS OF REZONING AND IMPLEMENTATION OF DEVELOPMENT AGREEMENT ("Conditions") are made are approved this _____ day of October, 2024, by **Lamar County, Georgia** ("Lamar County") and consented to by **High Falls 75, LLC** ("Owner").

PREAMBLE

WHEREAS, Lamar County is a body corporate and politic with such authority and with such powers and limitations as provided in the Constitution of the State of Georgia of 1983, including the authority to adopt plans and exercise the power of zoning pursuant to Article IX, Section II, Paragraph 4;

WHEREAS, Owner is a limited liability company organized and existing under the laws of the State of Georgia maintaining its principal place of business at 235 Corporate Center Drive, Suite 100, Stockbridge, Henry County, Georgia 30281;

WHEREAS, Owner currently owns approximately 1115 acres in Lamar County, identified by the parcel numbers currently assigned by the Lamar County Tax Assessor and with the current zoning districts applied to each by the current Lamar County Zoning Ordinance ("Zoning Ordinance") and Zoning Map ("Zoning Map"), as follows:

1. Parcel 086 002: 28.58 acres, more or less; zoned Commercial – General/Highway (C-2) and Manufacturing – General (M-2);
2. Parcel 086 007: 99.51 acres, more or less; zoned Manufacturing - General (M-2);
3. Parcel 086 008: 125.49 acres, more or less; zoned Manufacturing-General (M-2);
4. Parcel 087 002: 144.92 acres, more or less; zoned Agricultural-Residential (AR);
5. Parcel 087 003: 295.89 acres, more or less; zoned Commercial - General/Highway (C-2);
6. Parcel 087 004: 79.90 acres, more or less, zoned Agricultural-Residential (AR);
7. Parcel 087 005: 98.15 acres, more or less; zoned Agricultural-Residential (AR);
8. Parcel 087 008: 81.00 acres, more or less; zoned Agricultural-Residential (AR);
9. Parcel 088 005: 158.25 acres, more or less; zoned Agricultural-Residential (AR)

All of the parcels are cumulatively referred to as the "Subject Property." The Subject Property is shown and described in Exhibit "A" attached hereto and incorporated herein by reference;

WHEREAS, Owner desires to develop the Subject Property, for industrial and commercial uses, such development to be known as "Legacy 75 Trade Center" (the "Project");

WHEREAS, Owner submitted Rezoning Application No. 24-13 (the "Rezoning Application") on August 26, 2024, as amended October 3, 2024 seeking to rezone the Subject Property for development consistent with the Master Concept Plan attached hereto as Exhibit "B" and incorporated herein by reference;

WHEREAS, the Lamar County Zoning Ordinance ("Zoning Ordinance") does not establish a zoning district which authorizes and sets forth criteria for the development of the Project as a comprehensive planned unit development;

WHEREAS, to develop the Project, Owner's Rezoning Application sought to have the Subject Property rezoned to zoning districts Commercial-General/Highway District (C-2) (including all permitted uses allowed in the Neighborhood Commercial (C-1) and Office-Residential (O-1) districts) and Manufacturing-General District (M-2)(including all permitted uses allowed in the Manufacturing – Light (M-1) district) as described in the Zoning Ordinance;

WHEREAS, pursuant to the Master Concept Plan, the Project will result in the development of:

a. 115 acres, more or less, zoned Commercial – General/Highway (C-2)(including all permitted uses allowed in the Neighborhood Commercial (C-1) and Office-Residential (O-1) districts); and

b. 983 acres, more or less, zoned Manufacturing – General (M-2)(including all permitted uses allowed in the Manufacturing – Light (M-1) district);

as shown on the Master Concept Plan.

WHEREAS, the Project may be developed in multiple phases;

WHEREAS, the boundaries of the parcels which comprise the Subject Property and require rezoning approval do not align with the Project's Master Concept Plan, it is imperative that the Master Concept Plan and uniform conditions be imposed on the entirety of the Subject Property to assure that essential elements required to facilitate the development of the Project be imposed as set forth in these Conditions;

WHEREAS, the Rezoning Application was accepted by the Planning and Community Development Department of Lamar County ("Planning Department") on August 26, 2024;

WHEREAS, the Joint Planning Commission conducted a hearing on the Rezoning Application on October 3, 2024 and conducted subsequent proceedings on October 10, 2024;

WHEREAS, the Lamar County Board of Commissioners ("BOC") conducted a hearing on the Rezoning Application on October 15, 2024;

WHEREAS, the BOC approved the Rezoning Application in Ordinance 24-10 into which these Conditions are incorporated and made a part thereof;

WHEREAS, the size, nature, expanse and phased development of the Project require that approval of the Rezoning Application be subject to the imposition of conditions, pursuant to Zoning Ordinance, Section 408;

WHEREAS, the BOC adopts and enacts these Conditions which shall be and are hereby made a part of Ordinance 24-10; and

WHEREAS, Owner consents to the Conditions set forth herein.

NOW, THEREFORE, the following CONDITIONS OF REZONING AND IMPLEMENTATION OF DEVELPOMENT AGREEMENT shall be and are hereby made a part of Ordinance 24-10 and incorporated therein as if fully set forth.

CONDITIONS

1.

Incorporation of the Preamble into these Conditions

The above Preamble is incorporated into these Conditions as if fully set forth herein.

2.

Rezoning and Compliance with Zoning Procedures

The approval and adoption of Ordinance 24-10 includes and constitutes approval of these Conditions. In its adoption of Ordinance 24-10, Lamar County confirms that the Owner's Project to be developed on the Subject Property and the planned improvements anticipated for development therein have been designed and planned to encourage flexible and functional use of the Subject Property, and these Conditions are intended to govern development through all phases of the Project. By its adoption of Ordinance 24-10, Lamar County deems the Project to be in compliance with the Lamar County Comprehensive Plan, the Zoning Ordinance and any applicable Lamar County Development Ordinances. The Project shall be developed in

compliance with Ordinance 24-10, these Conditions, the requirements of the Zoning Ordinance, the Lamar County Development Ordinances and in general conformance with the Master Concept Plan. The Chairman of the Lamar County Board of Commissioners is authorized to execute these Conditions on behalf of Lamar County. Ordinance 24-10 (which includes these Conditions) shall be recorded in the title records of Lamar County.

3.

Compliance with Development of Regional Impact

The Project has been evaluated as a Development of Regional Impact ("DRI") by the Three Rivers Regional Commission which has issued its Report of Findings, DRI No. 4272, which is incorporated herein by reference as if fully set forth. The Report of Findings may be accessed in its entirety at: TRRC Report of Findings - DRI #4272 - Legacy 75 Trade Center and Proposed Quarry - Lamar County.PDF

4.

Continuation of Existing Zoning on the Eastern Tracts

That portion of the Subject Property located east of Interstate 75 as depicted on the Master Concept Plan (the "Eastern Tracts") shall continue with its current zoning, specifically:

a. That portion of Parcel 087 008, consisting of 18 acres, more or less, located east of Interstate 75 shall continue to be zoned Agricultural-Residential (AR) and shall remain as preserved undeveloped greenspace;

b. That portion of Parcel 087 003, consisting of 57 acres, more or less, located east of Interstate 75 shall continue to be zoned Commercial – General/Highway (C-2) Commercial – General/Highway (C-2)(including all permitted uses allowed in the Neighborhood Commercial (C-1) and Office-Residential (O-1) districts).

The Eastern Tracts shall remain a part of the Master Concept Plan and shall be subject to these Conditions. Future commercial vehicle lanes (CVL) the location of which is currently being planned by the Georgia Department of Transportation ("DOT") may be constructed and located on the Eastern Tracts.

5.

Rezoning and Development on the Western Tracts

All portions of the Subject Property not described in Section 4 above and located west of Interstate 75 as shown on the Master Concept Plan (the "Western Tracts") shall be rezoned as set forth in Ordinance 24-10 and may be developed with those uses identified therein and subject to the Conditions imposed hereby.

6.

Road Improvements/Paving Standards

A. Development of Internal Roads: The Project will be served by internal roads the location of which will be identified as development of internal roads becomes necessary as parcels within the Project are sold or transferred for development. The development of a primary road (the "Parkway") is planned and expected to intersect with High Falls Park Road and traverse the Project continuing north to its intersection with High Falls Road. A specific planned route for the Parkway is not yet known and consequently the route of the Parkway is not shown on the Master Concept Plan as of the date these Conditions are approved. Owner reserves the right to determine that the Parkway may not be developed.

B. Parkway to be Reviewed by Lamar County: The route of the Parkway (if constructed) will proceed through Lamar County's standard road planning and approval process. The route

of the Parkway shall not require modification of these conditions or review and approval by the Board of Commissioners.

C. Parkway Improvements and Dedication: Upon Parkway completion (if constructed), Owner (and/or its successors and assigns) shall dedicate the Parkway, its right of way to Lamar County, and Lamar County will accept the right-of-way and the completed Parkway, upon inspection and determination by the County Engineer that improvements have been constructed and maintained consistently with construction standards required by Lamar County.

D. Approval Required for Parkway Intersection with Existing Public Roads: If the Parkway is constructed, Owner must obtain written approval from the Lamar County Engineer for the construction of the Parkway's intersection, turning lanes, acceleration/deceleration lanes, drives and curb cuts required for the intersection of the Parkway with High Falls Road and High Falls Park Road.

E. Improvements to High Falls Park Road and Dedication: Owner shall complete certain improvements to High Falls Park Road in the vicinity of its intersection with the Parkway, if constructed, and limited to the west side of Interstate 75 as specified in the Project plans which shall be approved by Lamar County. Owner may complete such improvements in phases, as practicable.

F. Improvements to Interstate 75/High Falls Park Road Interchange [Exit 198]: Should a traffic study determine that improvements to the I-75 Interchange for High Falls Park Road are required to allow traffic ingress and egress to the Project, Owner will work with DOT and Lamar County, as applicable, to create an interchange improvement plan. Owner (and/or its successors and assigns) will donate up to $750,000 of necessary right of

way or capital required for the improvements. Nothing herein obligates Lamar County to contribute to funding of any improvements to the Interstate 75/High Falls Park Road Interchange.

G. Construction Standards:

1. All streets and roads developed within the Project's Commercial Area and to be dedicated to Lamar County will be constructed to either the standards set forth in Zoning Ordinance, Appendix A, Section 502 or the following: 6" GAB, 2" binder and 1.5" topping, whichever is more stringent. Plans shall be reviewed by and construction approved by the Lamar County Engineer.

2. All streets and roads developed within the Project's Industrial Area and to be dedicated to Lamar County shall be constructed to meet the following standards: 10" GAB, 4" binder and 1.5" topping. Plans shall be reviewed by and construction approved by the Lamar County Engineer.

H. Unionville and Norris Roads: Unionville Road and Norris Road shall not be connected to or be given access to any street or road constructed to serve the Project.

7.

Land Disturbance Approval

Upon Owner's submittal of the engineering plans for Project, Owner shall be permitted to submit applications to the appropriate governmental authorities for Grading Plans and Land Disturbance Permits for the Project. Permit approvals for Grading Plans and Land Disturbance Permits shall not be unreasonably withheld or delayed.

8.

Commercial Use

All portions of the Project identified on the Master Concept Plan as "Commercial" (the "Commercial Area") may be used for any land use within the Commercial – General/Highway (C-2)(including all permitted uses allowed in the Neighborhood Commercial (C-1) and Office-Residential (O-1) districts) zoning district as specified in Ordinance 24-10, subject to the following conditions:

A. Commercial Specifications (Area and Structure Square Footage):

Total Commercial Area shall not exceed 115 acres, more or less, as shown on the Master Concept Plan

Total Square Footage of all structures shall not exceed 500,000 square feet

B. Limitations on Building Footprint Coverage: The footprint of all buildings constructed in the Commercial Area shall not exceed 40% of the total area of the Commercial Area. Footprint of the building only refers to the surface area required for the building. It does not include surface area of streets, roads, parking lots and other impervious surfaces.

C. Square Footage Adjustment in the Commercial Area: Subject to compliance with Section 8(B), Owner shall have the authority to increase the total square footage of structures in the Commercial Area by twenty five percent (25%) up to, but not exceeding, 625,000 square feet without having to obtain approval from Lamar County.

D. Location of Commercial Structures:

1. Owner shall have the authority to locate structures within the Commercial Area and set the appropriate size for each structure commensurate with its proposed use in its discretion and without having to obtain approval of Lamar County. Construction of each structure in the Commercial Area shall comply with all Lamar County permitting, construction code and development regulations.

2. The layout and location structures, parking, and traffic design patterns in the Commercial Area will be pedestrian-friendly, with interconnectivity for vehicular traffic.

E. Changes or Modifications to the Commercial Area: Owner shall secure approval from Lamar County for any change in the Commercial Area which seeks to increase the Commercial Area to exceed 115 acres or increase the total square footage for all structures to exceed 625,000 square feet while still compliant with the footprint limitation in Section 8(B).

F. Commercial Architecture: Architectural standards for structures in the Commercial Area are set forth in Section 13.

G. Commercial Area Restrictive Covenants/Association: The Owner will prepare restrictive covenants to govern development in the Commercial Area. At the Owner's discretion, the Covenants may create a Commercial Area property owners' association ("Commercial Association) with membership comprised of the record owners of property within the Commercial Area. The Covenants may provide that the Owner will convey its rights and interests in the Association to the members. The Commercial Association will administer and enforce the restrictive covenants and ensure that the Commercial Area is developed in an architecturally consistent manner. All building/structure construction and site work shall require prior submission of plans and specifications, including grading, site work, landscaping, building façade appearance and materials to an Architectural Review Committee (or the like) ("ARC") which will be controlled by the Owner or the Commercial Association. Approval by the Commercial Association will be independent from and in addition to any required approval by Lamar County. Upon completion of construction in the Commercial Area, the Owner and/or the Commercial Association shall be responsible for the maintenance and upkeep thereof. The

Covenants shall be reviewed by the Planning Department which, in its discretion, may make recommendations thereon.

H. Phased Development of the Commercial Area: The Commercial Area may be developed in phases and the Owner or the Commercial Association shall approve all elevations and designs consistent with a Commercial Area design wide standard. Consistent and compatible architecture standards shall be applied to all structures in the Commercial Area irrespective of the intended use for each. The intent is that all structures in the Commercial Area will look consistent but not identical to each other, as the Project is built out over time. The colors, materials, and degree of detail shall be consistent with quality retail architecture at the time of permitting. The final plans and details are subject to change as directed by architects, users, and tenants providing the same quality and general architectural designs are achieved to provide a beautiful and quality final development.

I. Commercial Construction Standards for Fire Safety: All buildings shall be equipped with Early Suppression Fast Response Fire Sprinkler Systems. A Knox Box shall be located at the main entrance of each building and in every fire pump room. Radio communications capabilities will be installed in each building in excess of 10,000 square feet. A 360° fire apparatus access road shall be located around each building.

I. Maintenance Agreement: Simultaneously with submission of construction plans, Owner shall provide to Lamar County a maintenance agreement which provides standards for the upkeep and maintenance of the Commercial Area which shall require the Owner and the Commercial Association to require property owners in the Commercial Area to keep the premises clean, all structures in good repair, landscaped areas clean and in good condition and maintain all parking areas in the Commercial Area clean and in good repair. The maintenance

agreement shall be reviewed by the Planning Department which, in its discretion, may make recommendations thereon.

J. Landscaping Plan: Simultaneously with submission of construction plans, Owner shall provide to Lamar County a landscape plan for the Commercial area which will primarily rely on the planting of natural species common to Lamar County. The landscape plan shall be reviewed by the Planning Department which, in its discretion, may make recommendations thereon.

K. Fueling Station: Any fueling station located within the Commercial Area may be designed to serve personal vehicles and long-haul trucks, with up to 250 gasoline or diesel fuel pumps. The fueling station may offer food services.

9.

Industrial Use

All portions of the Project identified on the Master Concept Plan as "Industrial" (the "Industrial Area") may be used for any land use within the Manufacturing – General (M-2)(including all uses allowed in the Manufacturing – Light (M-1)) zoning district as specified in Ordinance 24-10, subject to the following conditions:

A. Industrial Area Specifications (Area and Total Square Footage):

Total Industrial Area shall not exceed 983 acres, more or less;

Total Square Footage of all structures shall not exceed 19,000,000 square feet

B. Limitation on Building Footprint Coverage: The footprint of all buildings constructed in the Industrial Area shall not exceed 40% of the total area of the Industrial Area. Footprint of the building only refers to the surface area required for the building. It does not include the surface area of streets, roads, parking lots and other impervious surfaces.

C. Square Footage Adjustment: Subject to compliance with Section 9(B), Owner shall have the authority to increase the total square footage of structures in the Industrial Area by twenty five percent (25%), up to, but not exceeding 23,750,000 square feet without having to obtain approval from Lamar County.

D. Location of Industrial Structures:

1. Owner shall have the authority to locate structures within the Industrial Area and set the appropriate size for each structure commensurate with its proposed use in its discretion and without having to obtain approval of Lamar County. Construction of each structure in the Industrial Area shall comply with all Lamar County permitting, construction code and development regulations.
2. The layout and location structures, parking, and traffic design patterns in the Industrial Area will be pedestrian-friendly, with interconnectivity for vehicular traffic.

E. Changes or Modifications to the Industrial Area: Owner shall secure approval from Lamar County for any change in the Industrial Area which seeks to increase the Industrial Area to exceed 981 acres or increase the total square footage for all structures to exceed 23,750,000 square feet while still compliant with the footprint limitation in Section 9(B).

F. Industrial Architecture: Architectural standards for structures in the Industrial Area are set forth in Section 13.

G. Industrial Area Restrictive Covenants/Association: The Owner will prepare restrictive covenants to govern development in the Industrial Area. At the Owner's discretion, the Covenants may create an Industrial Area property owners' association ("Industrial Association") with membership comprised of the record owners of property within the Industrial

Area. The Covenants may provide that the Owner will convey its rights and interests in the Industrial Association to the members. The Industrial Association will administer and enforce the restrictive covenants and ensure that the Industrial Area is developed in an architecturally consistent manner. All building/structure construction and site work shall require prior submission of plans and specifications, including grading, site work, landscaping, building façade appearance and materials to an Architectural Review Committee (or the like) ("ARC") which will be controlled by the Owner or the Industrial Association. Approval by the Industrial Association will be independent from and in addition to any required approval by Lamar County. Upon completion of construction in the Industrial Area, the Owner and/or the Industrial Association shall be responsible for the maintenance and upkeep of thereof. The Covenants shall be reviewed by the Planning Department which, in its discretion, may make recommendations thereon.

H. Phased Development of the Industrial Area: The Industrial portion of the Property may be developed in phases and the Owner or the Industrial Association shall approve all elevations and designs per the industrial development covenants.

I. Industrial Construction Standards:

1. Materials and architectural, cross dock, rear and frontload buildings shall be designed to allow free flow of products with height clearance up to one hundred feet (100') to allow multiple e-commerce and data center uses, employee and trailer parking.

2. All buildings shall be equipped with Early Suppression Fast Response Fire Sprinkler Systems sprinkler system. A Knox Box shall be located at the main entrance of each building and in every fire pump room. Radio communications capabilities will be installed in each

building in excess of 10,000 square feet. A 360° fire apparatus access road shall be located around each building.

3. Lamar County may, if toxic or flammable chemicals are present in any building in the Project, require additional fire suppression standards, equipment or procedures to ensure the public health and safety.

J. Maintenance Agreement: Simultaneously with submission of construction plans, Owner shall provide to Lamar County a maintenance agreement which provides standards for the upkeep and maintenance of the Industrial Area which shall require the Owner and the Association the obligation to require property owners in the Industrial Area to keep the premises clean, all structures in good repair, landscaped areas clean and in good condition and maintain all parking areas in the Industrial Area clean and in good repair. The maintenance agreement shall be reviewed by the Planning Department which, in its discretion, may make recommendations thereon.

K. Landscaping Plan: Simultaneously with submission of construction plans, Owner shall provide to Lamar County a landscape plan for the Industrial area which will primarily rely on the planting of natural species common to Lamar County. The landscape plan shall be reviewed by the Planning Department which, in its discretion, may make recommendations thereon.

L. Fueling Station: Any fueling station located within the Industrial Area may be designed to serve personal vehicles and long-haul trucks, with up to 250 gasoline or diesel fuel pumps. The fueling station may offer food services.

M. Truck Courts: The area next to a structure's loading docks, including the area required for loading and truck maneuvering will be paved with concrete or asphalt. Buildings may be secured with controlled access to the building and the truck court.

10.

Extraction of Natural Resources

Owner shall have the authority to extract rock found on the Subject Project as required for site preparation and development for the Project. Rock extracted from the Subject Property may be used in construction of the Project. A commercial quarry is not permitted on the Subject Property in the Project.

11.

Buffers and Setbacks

A. Stream Buffers: The required stream buffers for the Project are 25 feet. For perennial streams (shown as a solid blue line on the 7.5 minute USGS Quad Map (as depicted on October 17, 2024)), an average buffer width of 50 feet shall be reserved on each side of the stream. Stream buffers may be encroached upon for road and utility crossings.

B. Residential Dwellings, Cemeteries and Church Buffers: The interior buffers for development in the Project where it shares a property line with the following residential dwellings, cemetery, or church, as identified by the parcel numbers currently assigned by the Lamar County Tax Assessor:

Parcel: 086 039 (n/f Dillon/Crate)
Parcel: 086 049 (n/f Poole)
Parcel: 087A 048 (n/f Leatherwood)
Parcel: 088 005A (n/f Tyus)
Parcel: 088 008 (n/f Unionville Methodist Church)
Parcel: 087 003 001 (n/f Unionville Methodist Church Cemetery)

shall require a natural, undisturbed buffer of fifty (50) feet. An appropriate stormwater management system (e.g., channels, berm, pipes, detention facilities) shall be installed to prevent negative impacts on adjacent properties. A fence of a construction style of the abutting property owner's choice to be constructed of wood or synthetic materials up to a maximum height of eight (8) feet may be installed on the property line.

C. General Interior Buffers: Interior buffers for development in the Project that shares a property line with other property not used as set forth in Section 11(B) shall require a buffer of fifty (50) feet, of which ten (10) feet will remain undisturbed. The remaining forty (40) feet may be disturbed during construction but must be replanted. No buffer shall be required along the right of way of any public road.

D. Interstate 75 Setback: A building setback of fifty (50) feet shall be imposed from the right of way of Interstate 75. Clearing and grading to the property line shall be permitted;

E. High Falls Road and High Falls Park Road Setbacks: A building setback of seventy-five (75) feet shall be imposed from the right of way of High Falls Road and High Falls Park Road.

12.

Accessory Uses

A. All accessory uses permitted with the zoning districts applied to the Eastern Tracts shall be permitted on the Eastern Tracts in compliance with the Zoning Ordinance without any further approval from Lamar County.

B. All accessory uses permitted with the zoning districts applied to the Western Tracts shall be permitted on the Western Tracts in compliance with the Zoning Ordinance without any further approval from Lamar County.

13.

Architectural Standards

A. Commercial Architectural Standards: For all commercial and office structures to be built in the Commercial Area, the following architectural requirements shall apply:

1. Exterior siding materials shall consist of brick; natural stone including granite, marble, sandstone, field stone, or any other natural stone; manufactured stone including imitation field stone, marble terrazzo, and any other manufactured architectural finish stone; clay tile with baked-on enamel finish; architecturally treated decorative concrete block; architecturally treated slabs or block either fluted or with exposed aggregate; stucco; efis; masonry siding such as hardiplank, or wood. Exterior siding materials such as aluminum, steel, vinyl, mirrored or reflective glass, cinderblock, unfinished concrete, fiberglass or plastic are prohibited on front facades of any structure, except that architectural fiberglass or plastic are allowed to the extent that use of such materials is limited to use in detailing and decorative trim. Vinyl siding is prohibited except in eves, soffits, gables, cornice and accent areas.

2. Fifty percent of the width of the front façade of the building at ground level shall consist of fenestration. All fenestration shall be multi-paned in appearance.

3. All exterior painted surfaces, where visible from the public street, shall be painted with colors approved by the Owner or the Association. Colors shall be non-primary colors including darker and cooler shades of green, red such as brick, yellow including beige, white and lighter shades of brown including tan.

4. Aluminum, metal or steel awnings and all other building materials must be of durable quality and shall be compatible with materials used on buildings in the Commercial Area. Fabric and canvas awnings shall be permitted.

5. All exterior building elevations that face public streets and/or customer parking areas shall be designed so that there are no large expanses of blank walls. Compliance with this requirement may employ the use of architectural features including, but not limited to, the following: doors, windows, pilasters, columns, horizontal and vertical offsets, material and color variations, decorative cornices, awnings, canopies, murals, different paint colors, and graphics.

6. Exterior lighting: soft exterior accent lighting and storage will be allowed. No neon or flashing lights shall be allowed on buildings or signs

7. Each structure must have stone or brick façade accents and have a common theme with matching signage.

8. All dumpster pads shall be enclosed.

B. Industrial Architectural Standards: For all industrial structures to be built in the Industrial Area, the following architectural requirements shall apply:

1. Exterior siding materials shall consist of concrete (including tilt-up concrete), prefab concrete type materials, brick or stone veneer of brick, stone (natural or synthetic); clay tile with baked-on enamel finish; architecturally treated decorative concrete block; architecturally treated slabs or block either fluted or with exposed aggregate; stucco; efis; wood; masonry siding; cementitious fiberboard materials; mirrored or reflective glass.

2. All exterior painted surfaces, where visible from the public street, shall be painted with colors approved by the Owner or the Association. Colors shall be non-primary colors including darker and cooler shades of green, red such as brick, yellow including beige, white, and lighter shades of brown including tan.

3. Warehouses, data centers and other industrial buildings shall be tilt-up concrete or other concrete type construction; metal accents are permitted, but metal buildings will not be permitted.

4. Primary industrial buildings shall have a maximum height of 100 feet.

5. All dumpster pads will be enclosed.

C. Buildings planned and constructed in accordance with the architectural standards of this Agreement are deemed to have satisfied the architectural standards of Lamar County ordinances and no additional review or approvals are required.

14.

Fees

Lamar County will impose building permit and development related fees for construction and improvements within the Project as follows: All structures developed within the Project shall be assessed a fee of One Dollar and no/100s ($1.00) per square foot, of which 50% shall be paid at the time of issuance of the building permit. The remaining 50% shall be paid at the time of issuance of a Certificate of Occupancy.

15.

Donation of Service Area

Owner shall dedicate two and half (2.5) acres of the Subject Property to Lamar County for a public service facility, the location of which shall be determined later by agreement of Owner and Lamar County.

16.

Signage

Owner may follow the County sign regulations or submit a master sign plan for each phase of the development for review and approval by the Planning Director and/or Lamar County Engineer. Owner shall have the authority to adjust the increase the sign area, location and height of signage by twenty five percent (25%) above the requirements of any Lamar County sign regulations without having to obtain approval from Lamar County.

17.

Water and Sewer

The Project will be served by public water and public sewer. Owner acknowledges that neither Lamar County or the City of Barnesville guarantees or warrants that all or any part of the Subject Property may be served by water or sewer facilities owned by them. Lamar County acknowledges the Owner may secure water and sewer service from another local government or develop a private package plant permitted by the Georgia Department of Natural Resources, Environmental Protection Division. Water and sewer service shall be available to the Subject Property prior to issuance of a Certificate of Occupancy.

18.

Floodplain Compensation

Floodplain compensation shall be permitted. The Owner shall have authority to reorient development on the Subject Property to ensure that the same amount of flood storage is available before and after development to address the loss of flood storage infill that may occur in a floodplain or surface water flooding area.

19

Date of Application of Conditions to the Subject Property

These Conditions shall apply to the Subject Property as of the date of execution of Ordinance 24-10. These Conditions shall bind the Subject Property, including Owner's successors and assigns. These Conditions shall be binding on any person or entity that owns, develops or uses the Subject Property. Any modifications of these Conditions shall likewise bind the Subject Property and the Owner's use thereof and its successors and assigns. Any modification of these Conditions shall not apply to any existing development within the Project and shall not render any existing development to the status of a lawful, non-conforming use under the Zoning Ordinance. The time restriction requiring the issuance of a building permit within twelve (12) months of the adoption of Ordinance 24-10 in Zoning Ordinance, Section 408(f) shall not apply to development of the Project.

20.

Amendment of Conditions

These Conditions may be amended pursuant to the procedures required by Zoning Ordinance, Section 408(h).

21.

Recording

Ordinance 24-10 and these Conditions shall be recorded in the deed records of Lamar County, Georgia. These Conditions shall run with the Property.

22.

Failure to Comply with these Conditions

A. Soil Erosion and Sedimentation Control: Any violation of the Lamar County Soil Erosion, Sedimentation and Pollution Control Ordinance, (Lamar County Code, Article II,

Chapter 2-7, Section 2-7-31, et seq.) shall be resolved pursuant to the provision and procedures set forth therein.

B. Other Violations: For the violation or non-compliance with any other provision of the Lamar County Code, the Zoning Ordinance or any of these Conditions, Lamar County shall provide Owner and/or any party that may have responsibility for such non-compliance with a notice thereof. The notice shall specify in reasonable detail the nature of the alleged non-compliance. The notice shall provide the Owner and/or any party that may have responsibility for such non-compliance a period of thirty (30) days from the date of the notice to correct the non-compliant condition. In the event the non-compliant condition cannot be reasonably be brought into compliance within thirty (30) days, Owner and/or any party that may have responsibility for such non-compliance may, in the discretion of Lamar County, be given an additional thirty (30) days to correct the non-compliance as long as its correction is reasonably pursued. In the event the non-compliant condition is not corrected, Lamar County may proceed with enforcement to correct the non-compliant condition as allowed by Lamar County ordinances.

23.

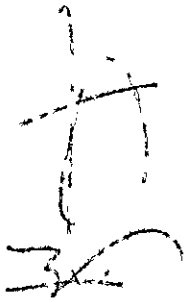
Conflict with the Lamar County Code

To the event of conflict between these Conditions and any other Lamar County ordinance, these Conditions shall control.

Enacted by the Board of Commissioners of Lamar County, Georgia, as part of Ordinance 24-10, this 24 day of October, 2024.

LAMAR COUNTY, GEORGIA

By: _____



Hon. Ryran Traylor, Chairman
Board of Commissioners of Lamar County, Georgia

Consented to:

HIGH FALLS 75, LLC

By: _____
Douglas R. Adams, Managing Member