

**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 7th 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 7th 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 7th 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 7th 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.

- pavilion(s), barns and other structures located thereon and security lighting that may be added on site. Temporary mobile lights may be used in parking areas, and to assist with entering and exiting the Subject Property only;
8. The service of alcoholic beverages at any event conducted on the Subject Property must comply with Lamar County Code, Section 2-3-21(1) and (2) (Authorized Catered Functions);
 9. The event itself and parking for each event shall be confined to the Subject Property; with no spillover parking allowed on any other parcel, or on county right of way;
 10. The number of persons attending any event on the Subject Property shall not exceed 500.
 11. Water trucks shall be available to suppress dust during any event conducted on the Subject Property that requires use of a dirt track;
 12. A privacy fence and a 10 planted buffer that provides a true visual screening is required along every residential property line;
 13. The organizer of any event conducted on the Subject Property shall execute a (large) User Agreement governing the conduct of the event on the Subject Property substantially similar to that attached hereto as Exhibit "A". A separate agreement may be developed for smaller functions.
 14. No camping or overnight parking;
 15. If 3 citations are received in a year a cease-and-desist order will be given and the applicant must appear before Magistrate Court.

NOW THEREFORE, BE IT RESOLVED, in consideration of the above facts and as provided by law in accordance with the Lamar County Zoning Ordinance, Lamar County, Georgia, does hereby grant **"Special Exception" by the Lamar County Board of Commissioners.**

Adopted this 17th day of August 2021.

LAMAR COUNTY BOARD OF COMMISSIONERS



Charles Glass, Chairman

Attest:



Carlette Davidson, County Clerk

