

**AMENDMENT
TO THE UNIFIED DEVELOPMENT CODE OF OCONEE COUNTY, GEORGIA
AND THE ZONING MAPS OF OCONEE COUNTY, GEORGIA**

TITLE

An Ordinance amending the Unified Development Code of Oconee County, Georgia, and the Zoning Maps of Oconee County, Georgia, pursuant to Article 12, Division I et seq., to rezone from zoning classification AR (Agricultural Residential District) to AR (Agricultural Residential District) with modifications to rezone #295 pursuant to an application for rezoning of property owned by Waymon L. and Betty Sue Ash submitted on February 22, 2021.

ENACTMENT CLAUSE

Pursuant to the authority conferred by the Constitution and Laws of the State of Georgia and after consideration of an application for zoning change submitted by Carter Engineering Consultants on February 22, 2021, requesting rezoning of a ±5.00-acre tract of land located at 1120 Berta Drive in the 239th G.M.D., Oconee County, Georgia, (tax parcel no. A-05-022A), the Board of Commissioners of Oconee County does hereby ordain and enact to law the following:

SECTION 1. An Ordinance known as the "Unified Development Code of Oconee County, Georgia" as enacted and amended by the Board of Commissioners of Oconee County and the Zoning Maps described therein are hereby amended as follows:

The zoning classification for the property described on the attached "Exhibit A" is hereby changed from classification AR (Agricultural Residential District) to AR (Agricultural Residential District) with modifications to rezone #295 for the purpose as set forth in "Exhibit A" attached hereto.

Said rezone is subject to the following conditions: as set forth in "Exhibit A" attached hereto.

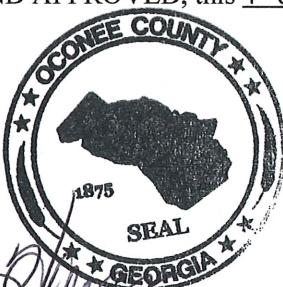
SECTION 2. Severability. It is intended that the provisions of this Ordinance be severable and should any portion be held invalid, such invalidity shall not affect any other portion of the Ordinance.

SECTION 3. Repeal of Conflicting Resolutions or Ordinances. All Resolutions or Ordinances and parts or sections of Resolutions or Ordinances in conflict with this Ordinance are hereby repealed.

SECTION 4. Effective Date. This Ordinance shall take effect this date.

Said Zoning Petition was submitted to the Oconee County Planning Commission and a Public Hearing was duly held by the same on April 19, 2021, and a Public Hearing was held by the Oconee County Board of Commissioners at its regular meeting on May 4, 2021.

ADOPTED AND APPROVED, this 4th day of May, 2021.



ATTEST:

The signature of Kathy Hayes, Clerk of the Board of Commissioners.

Kathy Hayes
Clerk, Board of Commissioners

OCONEE COUNTY BOARD OF COMMISSIONERS

BY:

John Daniell, Chairman

Mark Thomas, Member

Chuck Horton, Member

Amrey Harden, Member

Mark Saxon, Member

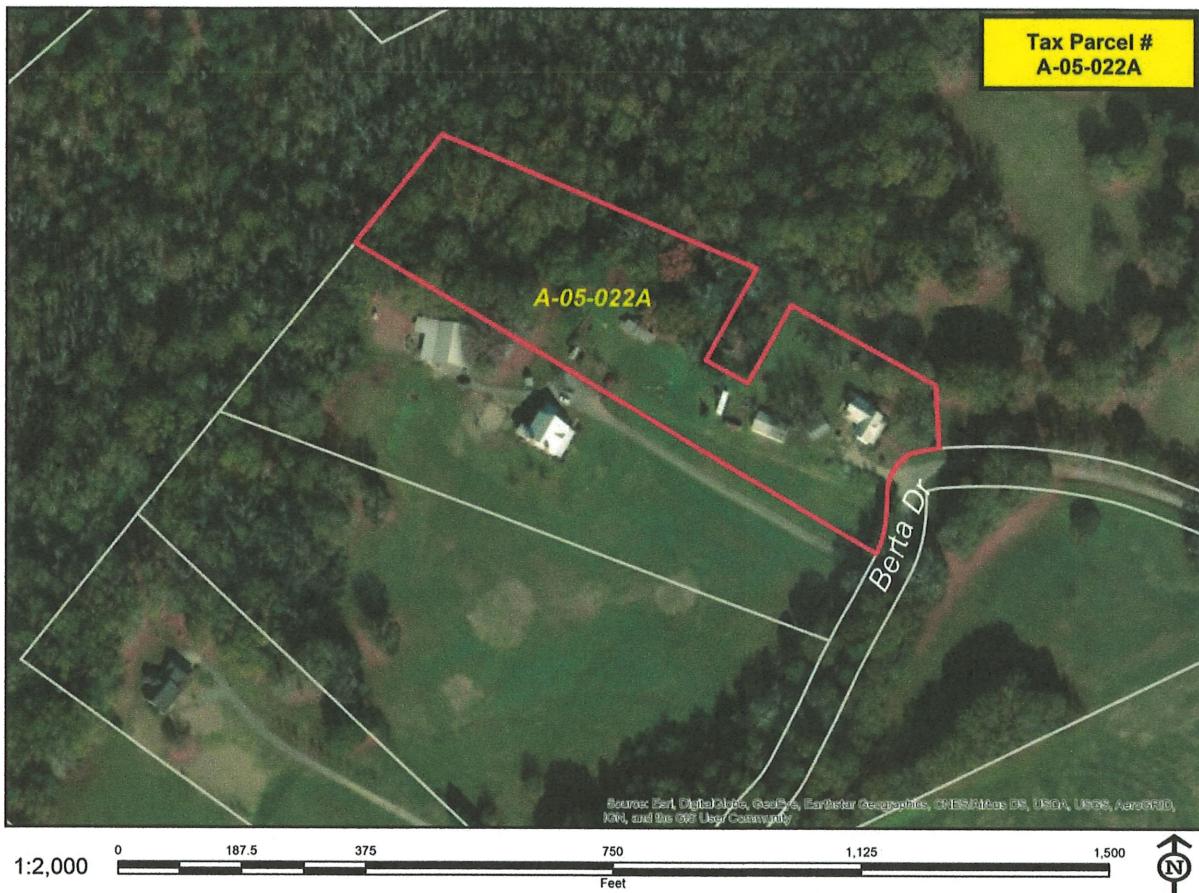
EXHIBIT "A" TO REZONE NO P21-0029

Page 1 of 4

CONDITIONS

1. Development design and structures shall meet or exceed the standards indicated on the concept plan, narrative, representative architectural sketches, and other documents submitted with the zoning application and attached hereto. This condition shall not construe approval of any standard that is not in conformity with the Unified Development Code.

TAX MAP



LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND BEING IN G.M.D. 239 OF OCONEE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ALONG BERTA DRIVE (60' RIGHT-OF-WAY) 1204 FEET FROM THE WESTERLY RIGHT-OF-WAY LINE OF MAXEY ROAD; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 151.80', WITH A RADIUS OF 280.00', WITH A CHORD BEARING OF S 41°32'51" W, WITH A CHORD LENGTH OF 149.95' TO A POINT; THENCE LEAVING BERTA DRIVE N 61°29'10" W A DISTANCE OF 915.51' TO A POINT; THENCE N 38°46'01" E A DISTANCE OF 217.39' TO A POINT; THENCE S 67°09'54" E A DISTANCE OF 518.87' TO A POINT; THENCE S 28°54'17" W A DISTANCE OF 157.85' TO A POINT; THENCE S 61°07'33" E A DISTANCE OF 72.15' TO A POINT; THENCE N 28°54'57" E A DISTANCE OF 134.86' TO A POINT; THENCE S 61°01'13" E A DISTANCE OF 248.38' TO A POINT; THENCE S 03°13'02" E A DISTANCE OF 139.52' TO A POINT; WHICH IS THE POINT OF BEGINNING.

EXHIBIT "A" TO REZONE NO P21-0029

Page 2 of 4

NARRATIVE

Project Narrative

Tax Parcel No. A 05 022A

PROJECT NARRATIVE

February 22, 2021

Change in Conditions of Approval for Case # 295

Parcel No. A 05 022A 5.00 acres

Existing Zoning AR (Agricultural Residential)
Proposed Zoning AR (Agricultural Residential)

Adjacent Zoning: North: AG (Agricultural)
East: AG (Agricultural)
South: AG (Agricultural)
West: AR (Agricultural Residential)

Existing Use: Single-Family Residential
Proposed Use: Single-Family Residential

The proposed recombination will create the following lots:

Parcel No. A 05 022A 2.00 acres
Parcel No. A 05 022AA 8.00 acres

Our client is seeking a change in conditions of approval to allow the proposed recombination of the subject parcel, which may also be identified as 1120 Berta Drive. The subject parcel is approximately 1,229 l.f. from the eastern intersection of Maxey Road and Berta Drive. The subject parcel is currently zoned AR and surrounded by agricultural land. The character area of the subject parcel and adjacent properties is Country Estates, which will remain.

The subject parcel will retain 2.00 acres and house the existing single-family residence. The remaining 3.00 acres will combine with Parcel No. A 05 022AA as agricultural land. There are no changes in use or zoning requested.

The proposed subdivision will have no negative impacts in regards to traffic, the school system, water supply, or sewage disposal. The method of water supply is well and the method of sewage disposal is septic tank.

This variance is requested to allow the recombination of the subject parcel, which is currently prohibited by the second condition of Case # 295. The proposed recombination is in conformance with the established land use patterns of the area, which reflect the compatibility between agricultural and residential development in the zoning district, as well as the Future Development Map and the Oconee County Comprehensive Plan.

EXHIBIT "A" TO REZONE NO P21-0029

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PLAT

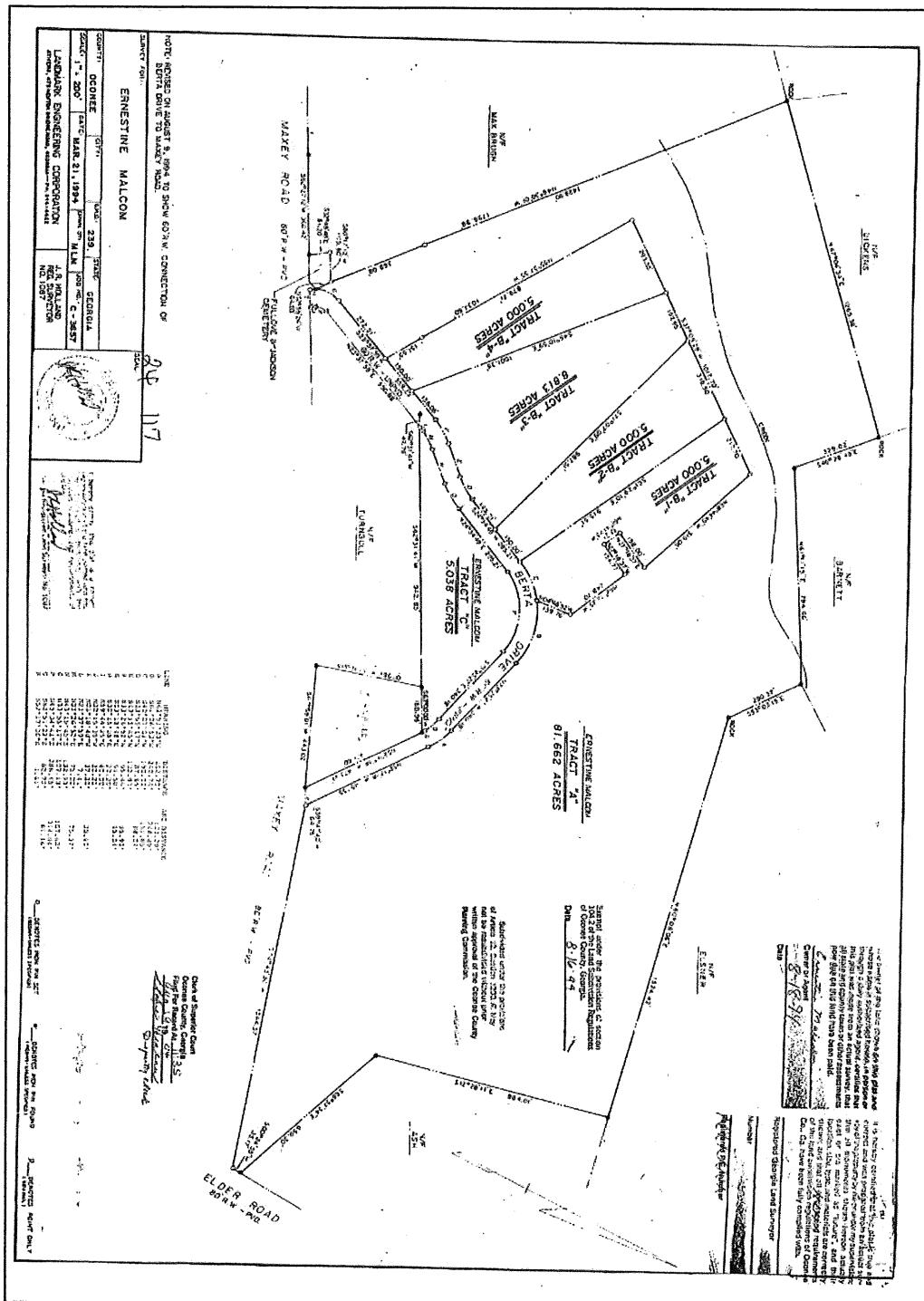


EXHIBIT "A" TO REZONE NO P21-0029

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CONCEPT PLAN



**Planning Department
Oconee County, Georgia
STAFF REPORT**

REZONE CASE #: P21-0029

DATE: April 19, 2021

STAFF REPORT BY: Grace Tuschak, Senior Planner
Monica Davis, Planner

APPLICANT NAME: Carter Engineering Consultants

PROPERTY OWNER: Waymon L. and Betty Sue Ash

LOCATION: 1120 Berta Drive; Parcel A-05-022A

PARCEL SIZE: ± 5.00 acres

EXISTING ZONING: AR (Agricultural Residential District)

EXISTING LAND USE: Residential

FUTURE DEVELOPMENT MAP CHARACTER AREA DESIGNATION: Country Estates

ACTION REQUESTED: Rezone the property from AR (Agricultural Residential District) to AR (Agricultural Residential District) with modifications to rezone #295 in order to decrease the lot size to two acres.

STAFF RECOMMENDATION: Staff recommends conditional approval of this request

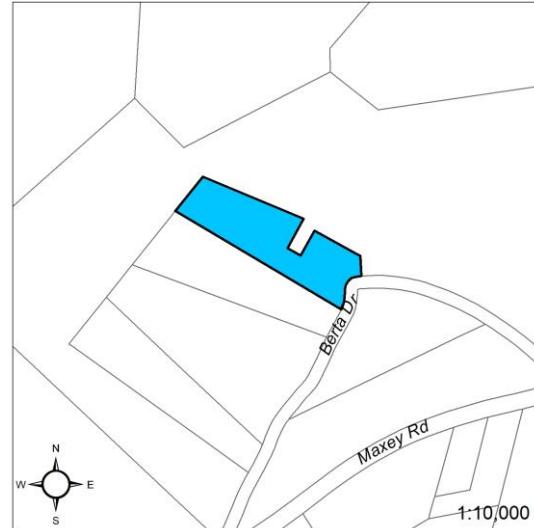
DATE OF SCHEDULED HEARINGS

PLANNING COMMISSION: April 19, 2021

BOARD OF COMMISSIONERS: May 4, 2021

ATTACHMENTS:

- Application
- Narrative
- Zoning Impact Analysis
- Aerial Imagery
- Zoning Map
- Future Development Map
- Plat of Survey
- Concept Plan



BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The property was rezoned from AG to AR on 5/03/1994
- A shop was built in 1995 and a garage was built in 2007

SURROUNDING LAND USE AND ZONING

	EXISTING LAND USES	EXISTING ZONING
NORTH	Pasture/Agricultural	AG (Agricultural District)
SOUTH	Single-Family Residential	AR (Agricultural Residential District)
EAST	Pasture/Agricultural	AG (Agricultural District)
WEST	Vacant/Undeveloped	AG (Agricultural District)

PROPOSED DEVELOPMENT

- The applicant proposes to remove condition #2 of rezone #295 in order to decrease the lot size to two acres. The remaining three acres would be recombined with adjacent parcel A-05-02AA and no new lots are proposed.
 - **Rezone #295- Condition #2**
Lot count shall not be increased nor lot size decreased beyond that shown on the attached concept plan (attached survey for Ernestine Malcolm by Landmark Engineering Corporation dated March 21, 1994), until such time as Berta Drive is paved to county standards.

PROPOSED TRAFFIC PROJECTIONS

- No additional traffic is projected as both lots already contain single-family homes and no new development is proposed.

PUBLIC FACILITIES

Water:

- The tract is served by a private well.

Sewer:

- The tract is served by a private septic tank.

Roads:

- The tract is accessed from Berta Drive

ENVIRONMENTAL

- No 100-year flood plan, jurisdictional wetlands, or state waters are known to exist on the site.

COMMENTS FROM OTHER DEPARTMENTS & AGENCIES

OCONEE COUNTY PUBLIC WORKS DEPARTMENT

- No comments

OCONEE COUNTY FIRE DEPARTMENT

- No comments

OCONEE COUNTY WATER RESOURCES DEPARTMENT

- No comments

STAFF ANALYSIS

THE ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE “STANDARDS FOR REZONING CONSIDERATION” AS SET FORTH IN SECTION 1207.01 OF THE *OCONEE COUNTY UNIFIED DEVELOPMENT CODE*.

A. Whether the zoning proposal will permit a use that is suitable in view of the existing uses, development, and zoning of nearby property.

Nearby properties are primarily single-family residential, pasture/agricultural, or undeveloped, and are zoned AG (Agricultural) and AR (Agricultural Residential). Nearby properties include residential lots ranging from 2-10 acres in size and large agricultural tracts 50 or more acres in size. No change of zoning district is proposed and staff holds that the proposed lot size reduction from 5 acres to 2 acres is suitable in view of the existing uses, development, and zoning of nearby property.

B. Whether the property to be rezoned has a reasonable economic use as currently zoned.

The property has a reasonable economic use for single family residential and agricultural purposes as currently zoned.

C. The extent to which the zoning proposal promotes the health, safety, morals or general welfare of the public with consideration to:

i. Population density and effect on community facilities such as streets, schools, water, and sewer;

No additional development is proposed and the present request should not have significant impacts on population density or community facilities.

ii. Environmental impact;

No environmentally sensitive areas are known to exist on site.

iii. Effect on the existing use, usability and/or value of adjoining property.

The proposed change in lot size and recombination of property should not have a significant impact on the existing use, usability, and/or value of adjoining property.

D. The length of time the property has been vacant as zoned, considered in the context of land development in the vicinity of the property.

The subject property is not current vacant; this standard is not applicable to the present request.

E. Consistency of the proposed use with the stated purpose of the zoning district that is being requested.

The property is proposed to remain in the AR zoning district, which is intended “to allow medium rural residential densities and compatible agricultural activities without encouraging commercial development or multi-family development.” ([Unified Development Code Sec. 205.02](#)). The minimum lot size for AR is two acres and staff holds that the present request is consistent with the stated purpose of the existing zoning district.

F. Whether there are other existing or changing conditions or land use patterns affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

Staff finds no other existing or changing conditions or land use patterns which give supporting grounds for either approval or disapproval of the zoning proposal.

G. Conformity with or divergence from the Future Development Map or the goals and objectives of the Oconee County Comprehensive Plan.

The subject property lies within the Country Estates Character Area ([2040 Future Development Map](#)). This Character Area is primarily medium-density residential and “provides a transition between the more rural areas of the county and traditional suburban residential development and provides an ‘edge’ between the urban and rural fringe” ([2018 Comprehensive Plan p. 34](#)). For subdivisions in the Country Estates Character Area, a density of one dwelling unit per two acres is supported by the Comprehensive Plan (2018 Comprehensive Plan p. 35). Staff holds that the present request is in conformity with the Future Development Map and the goals and objectives of the Oconee County Comprehensive Plan.

H. The availability of adequate sites for the proposed use in districts that permit such use.

There is no new use proposed for the property; this standard is not applicable to the present request.

STAFF RECOMMENDATION & CONDITIONAL REQUIREMENTS

Based on Board of Commissioners policies, decision-making criteria, and standards outlined in the development codes of Oconee County, staff recommends conditional approval of this request subject to the following conditions to be fulfilled at the expense of the owner/developer:

1. Development design and structures shall meet or exceed the standards indicated on the concept plan, narrative, representative architectural sketches, and other documents submitted with the zoning application and attached hereto. This condition shall not construe approval of any standard that is not in conformity with the Unified Development Code.



OCONEE COUNTY ZONING CHANGE APPLICATION

Requested Action:

Rezoning from: _____ to _____ Change in Conditions of Approval for Case # : 295
 Special Use Approval for: _____ in the _____ Zoning District

Applicant

Name: Carter Engineering Consultants, Inc.

Address: 3651 Mars Hill Road, Suite 2000
(No P.O. Boxes)
Watkinsville, GA 30677

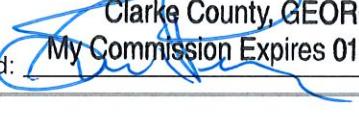
Telephone: 770-725-1200

Email: jeff@carterengineering.net

Applicant is (check one): the Property Owner Not the Property Owner (attach Property Owner's Authorization)

Applicant's Certification: I hereby certify that the information contained in and attached to this application is true and correct.

Signature: 

Date: 03/08/2021 Notarized: 
My Commission Expires 01/01/2024

Property Owner

Name: Waymon L. and Betty Sue Ash

Address: 1120 Berta Drive
(No P.O. Boxes)
Bishop, GA 30621

Telephone: 706-255-6845

Property

Location: 1120 Berta Drive
(Physical Description)

Tax Parcel Number: A 05 022A

Size (Acres): 5.0 Current Zoning: AR

Future Development Map—Character Area Designation: Country Estates

Use

Current Use: Single-family residential

Proposed Use: Single-family residential

Attachments (check all that apply)

<input checked="" type="checkbox"/> Property Owner's Authorization (if applicable)	<input checked="" type="checkbox"/> Narrative (Detailed Description of the Request)
<input checked="" type="checkbox"/> Application Fee	<input checked="" type="checkbox"/> Concept Plan
<input checked="" type="checkbox"/> Warranty Deed	<input type="checkbox"/> Attachments to the Concept Plan:
<input checked="" type="checkbox"/> Typed Legal Description	<input type="checkbox"/> Water and/or Sewer Capacity Letter from OCUD
<input checked="" type="checkbox"/> Plat of Survey	<input type="checkbox"/> Representative Architecture/Photographs
<input checked="" type="checkbox"/> Disclosures (Interest & Campaign Contributions)	<input checked="" type="checkbox"/> Proof all property taxes paid in full
<input checked="" type="checkbox"/> Zoning Impact Analysis	<input type="checkbox"/> Other Attachments: _____

Application**For Oconee County Staff Use Only**

Date Received: _____ Date Accepted: _____

DRI Transmitted to RDC Date: _____ N/A

Date Submitted: _____ Findings Complete

Posted: _____ Ad: _____ Ad: _____

Application Withdrawn Date: _____

APPLICATION NUMBER

Action **Planning Commission** Date: _____

Approval With Conditions Denial

Board of Commissioners Date: _____

Approved With Conditions Denied

PROJECT NARRATIVE

February 22, 2021

Change in Conditions of Approval for Case # 295

Parcel No. A 05 022A 5.00 acres

Existing Zoning AR (Agricultural Residential)
Proposed Zoning AR (Agricultural Residential)Adjacent Zoning: North: AG (Agricultural)
East: AG (Agricultural)
South: AG (Agricultural)
West: AR (Agricultural Residential)Existing Use: Single-Family Residential
Proposed Use: Single-Family Residential

The proposed recombination will create the following lots:

Parcel No. A 05 022A 2.00 acres
Parcel No. A 05 022AA 8.00 acres

Our client is seeking a change in conditions of approval to allow the proposed recombination of the subject parcel, which may also be identified as 1120 Berta Drive. The subject parcel is approximately 1,229 l.f. from the eastern intersection of Maxey Road and Berta Drive. The subject parcel is currently zoned AR and surrounded by agricultural land. The character area of the subject parcel and adjacent properties is Country Estates, which will remain.

The subject parcel will retain 2.00 acres and house the existing single-family residence. The remaining 3.00 acres will combine with Parcel No. A 05 022AA as agricultural land. There are no changes in use or zoning requested.

The proposed subdivision will have no negative impacts in regards to traffic, the school system, water supply, or sewage disposal. The method of water supply is well and the method of sewage disposal is septic tank.

This variance is requested to allow the recombination of the subject parcel, which is currently prohibited by the second condition of Case # 295. The proposed recombination is in conformance with the established land use patterns of the area, which reflect the compatibility between agricultural and residential development in the zoning district, as well as the Future Development Map and the Oconee County Comprehensive Plan.

ZONING IMPACT ANALYSIS

February 22, 2021

Change in Conditions of Approval for Case # 295

A. Consider whether the zoning proposal will permit a use that is suitable in view of the existing uses, development, and zoning of nearby property.

Our client is seeking a change in conditions of approval to allow the proposed recombination of the subject parcel, which may also be identified as 1120 Berta Drive. The subject parcel will retain 2.00 acres and house the existing single-family residence. The remaining 3.00 acres will combine with Parcel No. A 05 022AA as agricultural land. The subject parcel is currently zoned AR. There are no changes in use or zoning requested. The existing use and zoning of nearby properties include:

North	Zoned AG (Agricultural)
East	Zoned AG (Agricultural)
South	Zoned AG (Agricultural)
West	Zoned AR (Agricultural Residential)

The proposed recombination of the subject parcel is suitable for the use relative to the Oconee County Unified Development Code.

B. Consider whether the property to be rezoned has a reasonable economic use as currently zoned.

The subject parcel is currently zoned AR and surrounded by agricultural land. There is no gain to the public nor benefit to retain the subject parcel as-is. The proposed recombination will have no effect on adjacent properties. Because there is no change in use or zoning, the proposed recombination will not diminish adjacent property values.

C. Consider the extent to which the zoning proposal promotes the health, safety, morals or general welfare of the public with consideration to:

1. Population density and effect on community facilities such as streets, schools, water and sewer:

There will be no negative effect on community facilities as a result of the proposed recombination. The proposed recombination will not adversely impact community facilities.

2. Environmental impact:

There will be no negative environmental impact due to the proposed recombination. There are no wetlands, floodplains, jurisdictional waters, or any other protected buffers and/or environmental restrictions or regulations on the subject parcel that may be threatened by the proposed recombination.

3. Effect on adjoining property values:

The subject parcel is currently zoned AR and surrounded by agricultural land. Because there is no change in use or zoning, the proposed recombination will not diminish adjacent property values.

D. Consider the length of time the property has been vacant as zoned in the context of land development in the vicinity of the property.

The subject parcel houses a single-family residence and agricultural land. There is no change in use or zoning requested.

E. Consider the consistency of the proposed use with the stated purpose of the zoning district that is being requested.

The proposed recombination of the subject parcel is consistent with the purpose and intent of the AR zoning district. The subject parcel will retain 2.00 acres and house the existing single-family residence, which is a principal use by right. The remaining 3.00 acres will combine with Parcel No. A 05 022AA as agricultural land, which is a principal use by right. There is no change in use or zoning requested.

F. Consider whether there are other existing or changing conditions or land use patterns affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

The proposed recombination is in conformance with the established land use patterns of the area, which reflect the compatibility between agricultural and residential development in the zoning district. The character area of the subject parcel, Country Estates, will remain.

G. Consider the conformity with or divergence from the Future Development Map or the goals and objectives of the Oconee County Comprehensive Plan.

The proposed recombination is in conformance with the goals and objectives of the Future Development Map and the Oconee County Comprehensive Plan. The 2040 Character Area Map shows the subject parcel will remain within the Country Estates character area. The Country Estates character area is a low-intensity residential community with rural environment. The subject parcel currently houses an existing single-family residence and agricultural land. The proposed recombination will simply allow 3.00 acres of agricultural land to be combined with the agricultural land of the adjacent parcel. There is no change in use or zoning requested.

H. Consider the availability of adequate sites for the proposed use in districts that permit such use.

There is no change in use or zoning requested. The Change in Conditions of Approval for Case # 295 simply allows 3.00 acres of agricultural land of the subject parcel to be combined with the agricultural land of the adjacent parcel.

Rezone # P21-0029 - Waymon L & Betty Sue Ash

Tax Parcel #
A-05-022A

A-05-022A

Berta Dr

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

1:2,000

0

187.5

375

750

1,125

1,500

Feet





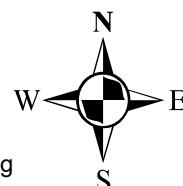
Zoning

	AG
	AR-3
	AR
	R-1
	R-2
	R-3
	M-H
	B-1
	B-2
	O-I-P
	O-B-P
	I

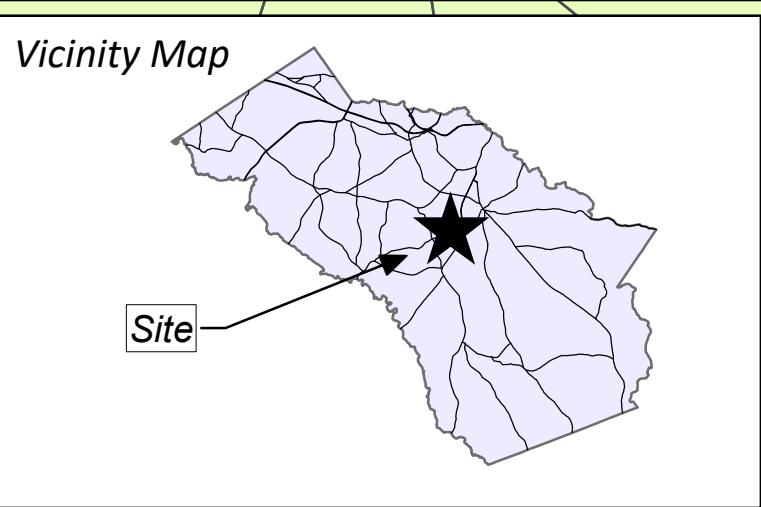
Oconee County Planning Department

This map is representative of current county zoning as of April 2021 and should be used for planning purposes only.

1:2,000



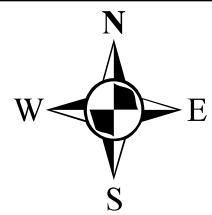
Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community. Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



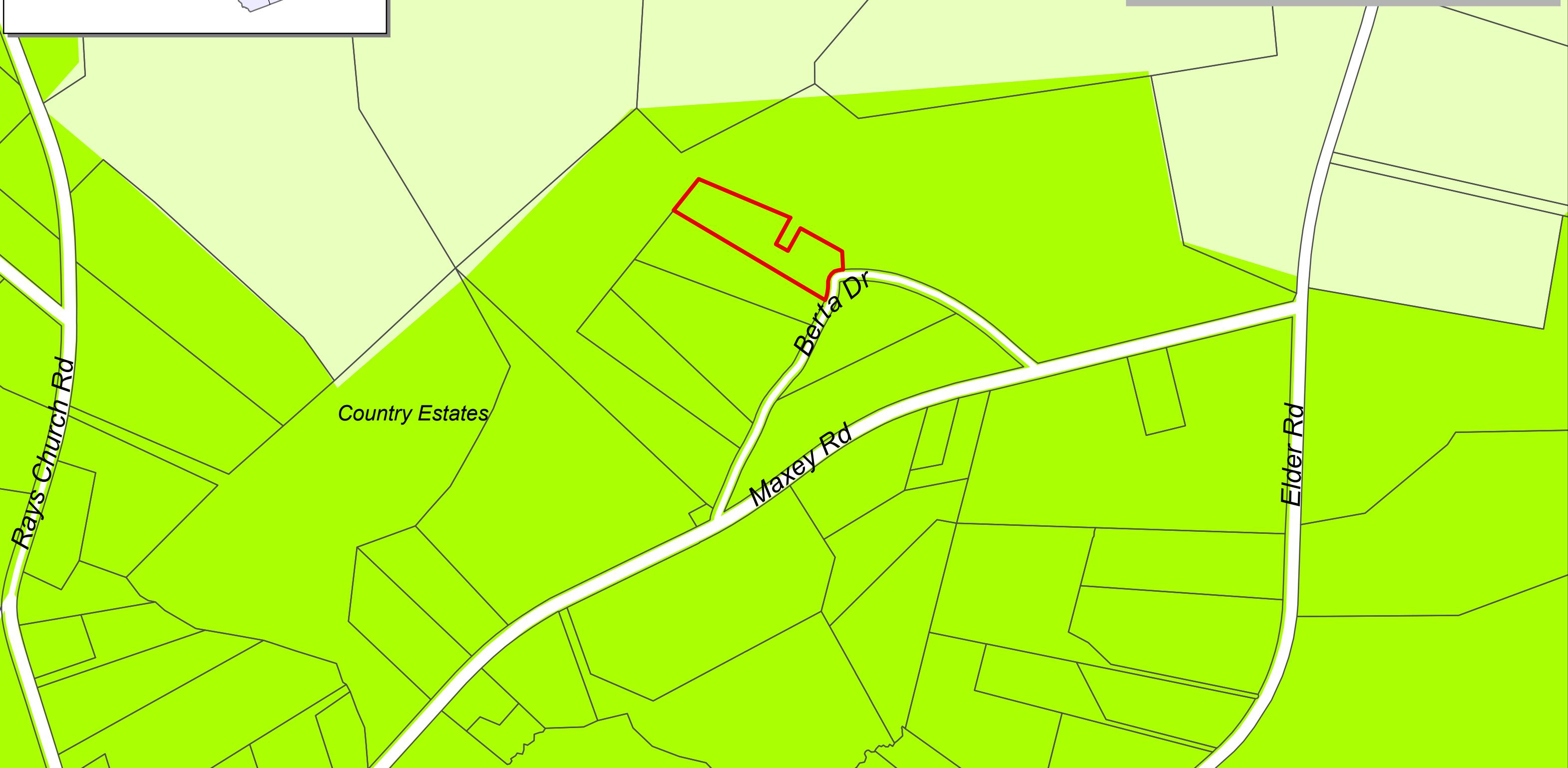
Oconee County Planning Department

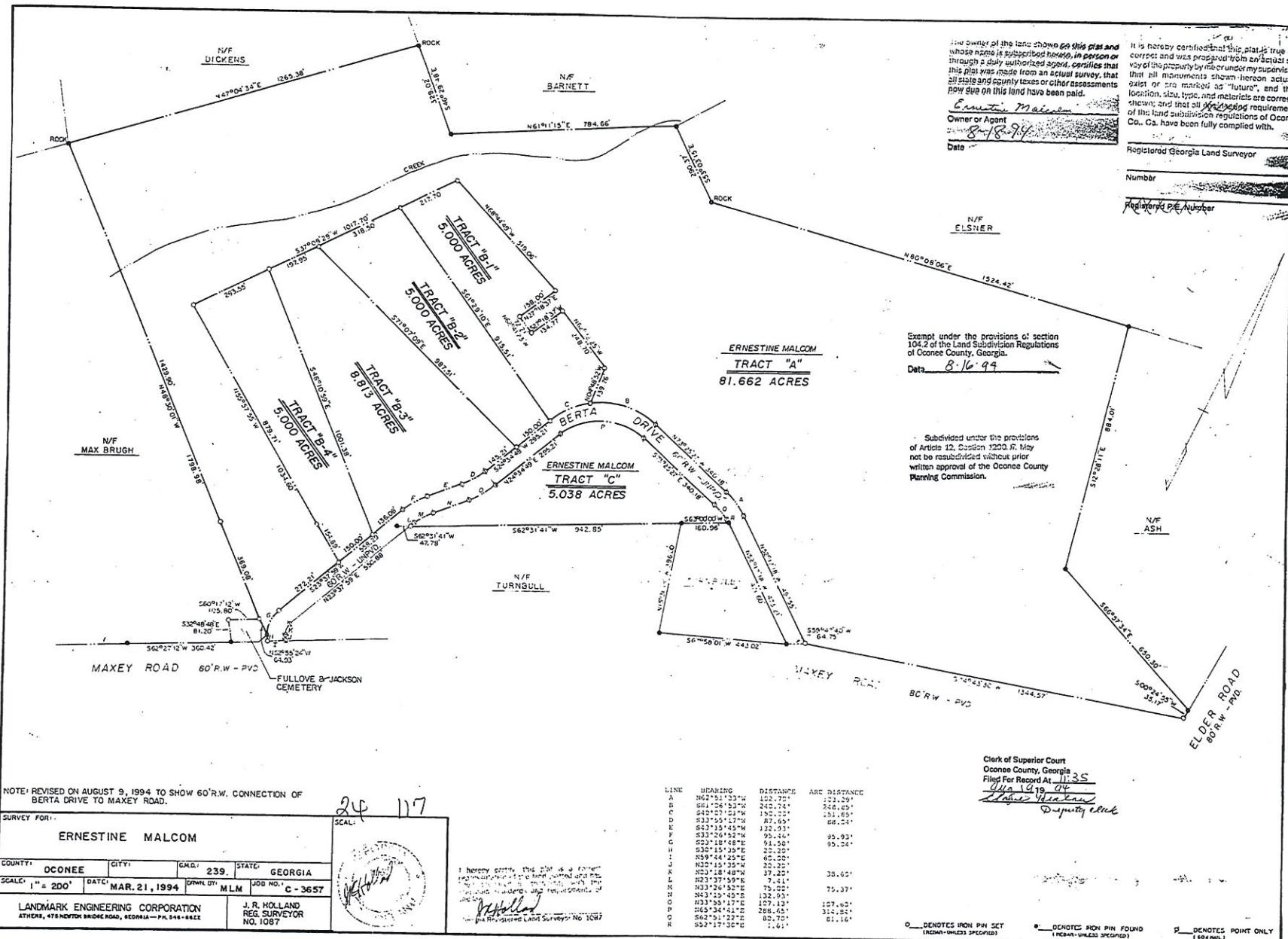
This map is a representation of the future development map
and should be used for planning purposes only

0 245 490 980 1,470 1,960
Feet



Suburban Neighborhood





Health Department Certification

The lots shown have been reviewed by the Oconee County Health Department as noted on each lot of the plat and plat legend. The review performed based on information submitted by other professionals and any supplementary information provided therein. Each lot must be reviewed and approved for On-Site Sewage Management System placement prior to the issuance of a construction permit.

SIGNED _____

TITLE _____

DATE _____

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT.

Flood Note

This property does not lie within a 100 year floodplain.

13219C0130D
Flood Insurance Rate Map #

Registered Georgia Land Surveyor

3230

Number _____

The owner of the land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies this plat was made from an actual survey, that all state and county taxes or other assessments now due on this land have been paid.

Owner or Agent _____

Owner or Agent _____

Date _____

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision that all monuments shown hereon actually exist or are marked as "future", and their location, size, type, and materials are correctly shown; and that all engineering requirements of the Unified Development Code of Oconee County, Georgia have been fully complied with.

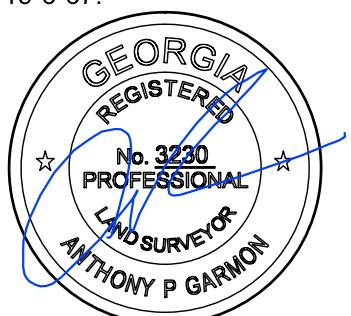


Registered Georgia Land Surveyor

3230

Number _____

As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.



REZONE MODIFICATION CONCEPT PLAN:

MICHAEL S. ASH, WAYMON L. ASH & CARTER ENGINEERING

C.M.D.:	DATE
239	10/15/2020
DISTRICT:	SCALE
SECTION:	1"=80'
COUNTY:	JOB NO.
OCONEE	2020-225
DRAWING NAME:	BERTA DRIVE SPLIT

