

**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 AG (Agricultural District) to R-1 (Single-Family Residential District) pursuant to an application for rezoning of property owned by William Kyle & Shannon Setzer submitted on December 15, 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 Shannon Setzer on December 15, 2021, requesting a rezone of a ±1.5-acre tract of land located at 6141 Hog Mountain Road in the 224th G.M.D., Oconee County, Georgia, (tax parcel no. A-02-031A), 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 AG (Agricultural District) to R-1 (Single-Family Residential District) 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Resolutions or Ordinances and parts or sections of Resolutions or Ordinances in conflict with this Ordinance are hereby repealed.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.

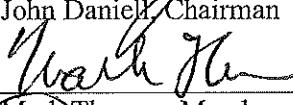
Said Zoning Petition was submitted to the Oconee County Planning Commission and a Public Hearing was duly held by the same on February 21, 2022, and a Public Hearing was held by the Oconee County Board of Commissioners at its regular meeting on March 1, 2022.

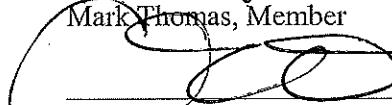
ADOPTED AND APPROVED, this 1st day of March, 2022.

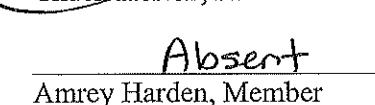
OCONEE COUNTY BOARD OF COMMISSIONERS

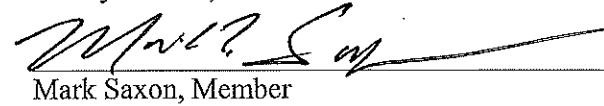
BY:


John Daniel, Chairman


Mark Thomas, Member


Chuck Horton, Member


Amrey Harden, Member


Mark Saxon, Member

ATTEST:


Holly Stephenson

Clerk, Board of Commissioners

EXHIBIT "A" TO REZONE NO P21-0262
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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.
2. The owner at their own expense shall construct the improvements required by the County for public water and public waste services for the subject property shall convey same to the County, free of all liens. Said improvements shall include all on-site improvements and such off-site improvements as are required by the County to provide service to subject property.
3. The proposed 1.5 acre parcel shall be increased to 2 acres and rezoned to AR (Agricultural Residential District).

TAX MAP



EXHIBIT "A" TO REZONE NO P21-0262
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LEGAL DESCRIPTION

All that tract of land, together with improvements thereon, situate, lying and being in the 224th Georgia Militia District, Oconee County, Georgia and being more particularly described as follows:

COMMENCE at an iron pin on the western right of way of Hog Mountain Road having a 100' right of way, said iron pin having a coordinate of N:1414802.20, E:2481121.00 lying in the Georgia state plane system, Western Zone, North American Datum 1983, said point being the POINT OF BEGINNING;

thence leaving said right of way S 52°32'05" W a distance of 315.79' to an iron pin;

thence N 39°53'25" W a distance of 173.06' to an iron pin;

thence N 41°25'27" E a distance of 327.82' to an iron pin on the western right of way of Hog Mountain Road;

thence continuing along said right of way with a curve turning to the right with an arc length of 127.79', with a radius of 3996.78', with a chord bearing of S 37°55'01" E, with a chord length of 127.78', to a point;

thence S 37°41'26" E a distance of 108.30' to an iron pin, which is the point of beginning;

said tract containing 1.50 acres more or less and being more particularly described on a plat of survey for Shannon Setzer by Baseline Surveying and Engineering, INC. dated 12/03/21.

EXHIBIT "A" TO REZONE NO P21-0262

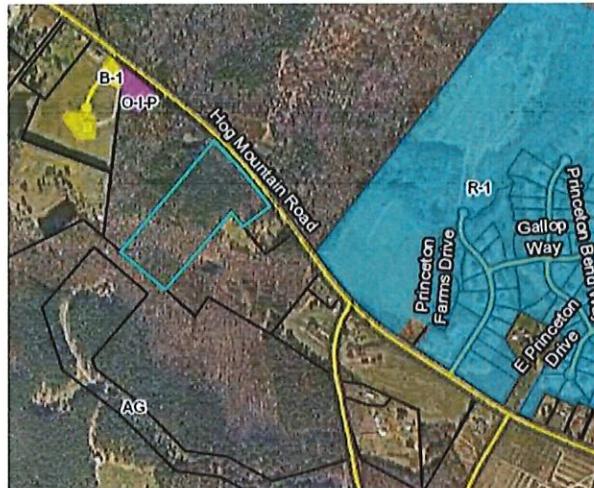
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NARRATIVE

INTRODUCTION

This rezone request is for a proposed 1.5 acre tract which will be subdivided from the existing 18.71 acre tract (A 02 031A). The 18.71 acre tract is currently zoned AG. The proposed zoning for the 1.5 acre tract is R-1. This is in accordance with the Unified Development Code article 4. The R-1 zoning will not be an isolated district as R-1 zoning exists on the opposite side of Hog Mountain Road from the subject parcel.

There is already a pending contract to purchase the 1.5 acres once rezone and subdivision has been approved. This will allow for one single family home to be built on the parcel.



SITE DESCRIPTION

This 1.5 acre tract will be divided off the southeast side of the property which is located on the west side of Hog Mountain Road about 1.2 miles Southeast from the intersection of Monroe Highway. It is currently undeveloped.

ZONING AND FUTURE DEVELOPMENT MAP

The current zoning for the subject site is AG (Agricultural).

Properties adjacent to the site are zoned as follows:

North: AG (large acre tract)

South: AG (2.4 acre non conforming lot)

East: R-1 (Princeton Farms Development all of these lots are under 1 acre)

West: AG

The Character Area for the subject site per the 2030 Future Development Map is "suburban living". R-1 zoning is characteristic of this area. The 1.5 acre tract will be in line with the 1 to 2 acre per dwelling unit residential density that is desired to retain low intensity character in the area.

DETAILS OF PROPOSED USE

The tract is under contract to purchase with the intent to be used for a single family dwelling. This dwelling will meet all county requirements and conform to allowed uses in the R-1 zoning.

CONSTRUCTION MATERIALS AND ARCHITECTURE

The single family home will be stick-built with block foundation and a combination of stone, brick and hardi plank siding. It is estimated that the value, when complete, will be \$800-\$950k.

PROPOSED DEVELOPMENT SCHEDULE

Development on the proposed tract will start shortly after rezone is approved and the sale of the land has been completed (within 30 days of rezone approval). The estimated time to build a single family dwelling is 6 to 8 months.

ACCESS, TRAFFIC AND PARKING

The proposed parcel will have a single driveway accessed directly off of Hog Mountain Road. This will meet all GDOT requirements as Hog Mountain Road is a state highway. The single family home will only impact traffic slightly with an estimated additional daily trips around 20.

UTILITY SERVICES

The future development of a single family home will require connecting to county water and will use a private on site septic drain field system. Gallons used per day is estimated at about 138.

IMPACT TO SCHOOL SYSTEM

By rezoning this tract to R-1 the county will benefit from a higher millage rate and more tax dollars for use by Oconee County Schools. There will only be one single family home on the tract, therefore a very marginal impact as far as student body numbers.

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ARCHITECTURAL IMAGES



Example of proposed dwelling

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PLAT

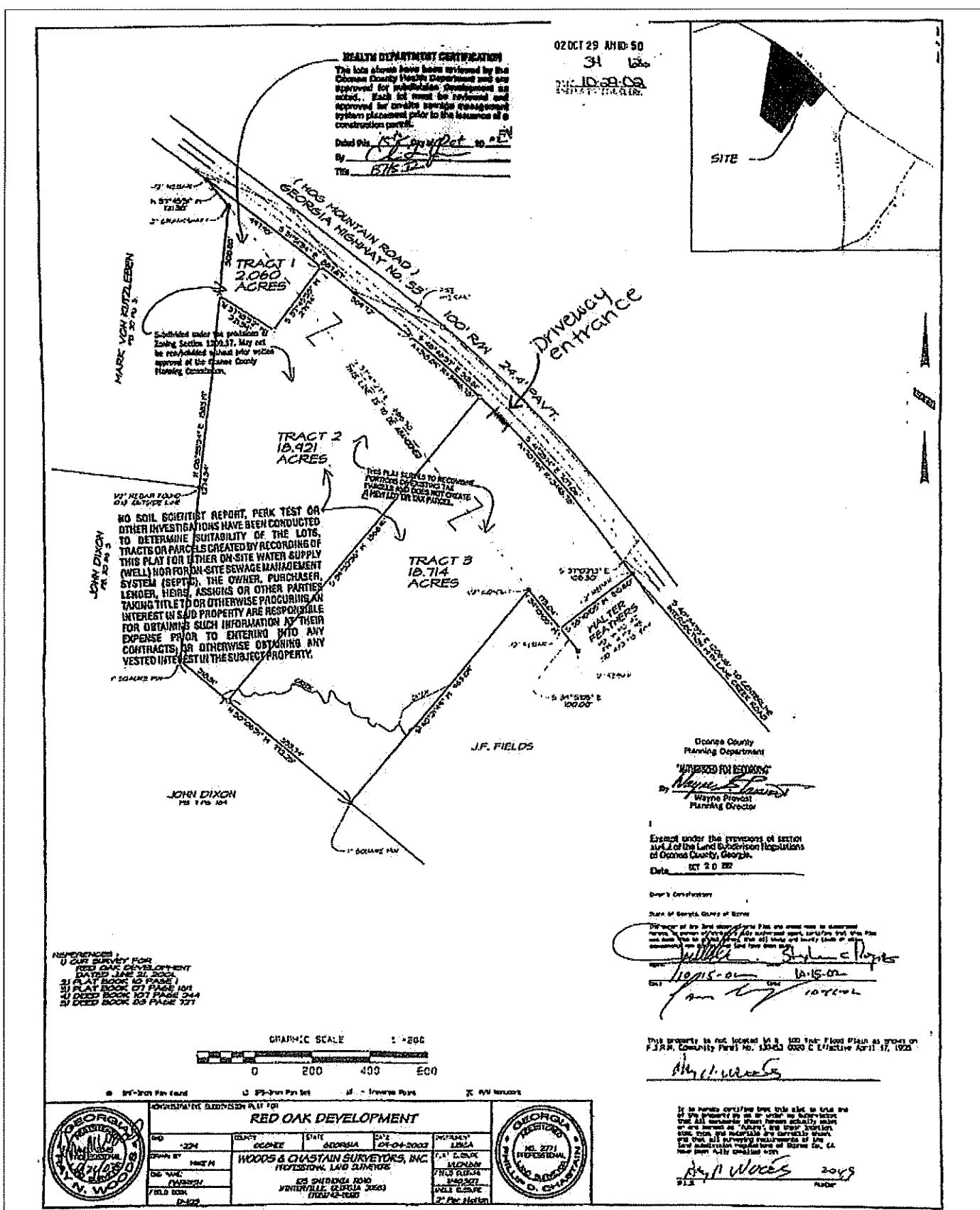


EXHIBIT "A" TO REZONE NO P21-0262
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CONCEPT PLAN



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

REZONE CASE #: P21-0262

DATE: February 4, 2022

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

APPLICANT NAME: Shannon Setzer

PROPERTY OWNER: Shannon Setzer & William Kyle Setzer

LOCATION: 6141 Hog Mountain Road

PARCEL SIZE: ± 1.5 acres

EXISTING ZONING: AG (Agricultural District)

EXISTING LAND USE: Undeveloped

FUTURE DEVELOPMENT MAP CHARACTER AREA DESIGNATION: Suburban Neighborhood

ACTION REQUESTED: Rezone a portion of tax parcel A-02-031A from AG (Agricultural District) to R-1 (Single-Family Residential District) in order to build a single-family residence.

STAFF RECOMMENDATION: Staff recommends conditional approval of this request

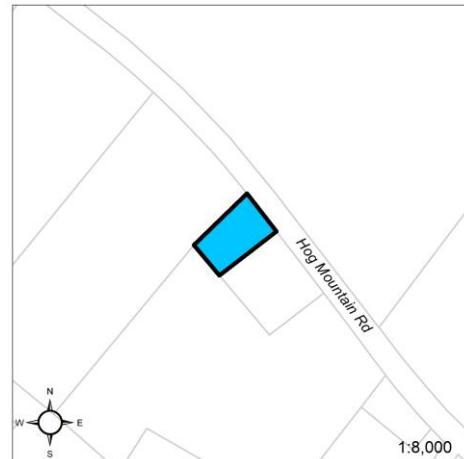
DATE OF SCHEDULED HEARINGS

PLANNING COMMISSION: February 21, 2022

BOARD OF COMMISSIONERS: March 1, 2022

ATTACHMENTS:

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



BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The property has been zoned AG since the original adoption of the zoning map in 1968.
- A building permit was issued in January 2022 and a residence is currently under construction on the site.

SURROUNDING LAND USE AND ZONING

	EXISTING LAND USES	EXISTING ZONING
NORTH	Undeveloped	AG (Agricultural District)
SOUTH	Single-Family Residential, Undeveloped	AG (Agricultural District)
EAST	Single Family Residential, Undeveloped	AG (Agricultural District)
WEST	Undeveloped	AG (Agricultural District)

PROPOSED DEVELOPMENT

- The applicant is proposing to rezone a portion of parcel A-02-031A in order to build a single-family residence.
- The proposed house would be stick-built with block foundation with a combination of stone, brick, and hardi-plank siding (see representative architectural images).
- The estimated value of the entire project is \$800-\$950k.
- Construction is estimated to take 6 to 8 months.

PROPOSED TRAFFIC PROJECTIONS

- An additional 20 average daily trips are estimated.

PUBLIC FACILITIES

Water:

- The property is proposed to utilize County water services.
- The Water Resources Department has indicated in a letter dated 12/20/2021 that potable water is available at this location.

Sewer:

- The property is proposed to have an on-site septic system.

Roads:

- The proposed residence would have a single driveway off of Hog Mountain Road.

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

- Sight distance requirements of Table 10.2 of the UDC must be met for any proposed driveway. Since the property is located adjacent to SR 53, GDOT approval for any proposed driveway would be required.

OCONEE COUNTY FIRE DEPARTMENT

- No comments.

OCONEE COUNTY WATER RESOURCES DEPARTMENT

- The owner, all at the owner's expense, shall construct the improvements required by the County for public water and public wastewater services for subject property and shall convey same to the County, free of all liens. Said improvements shall include all on-site improvements and such off-site improvements as are required by the County to provide service to subject property.
-

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 undeveloped or single family residential with AG or R-1 zoning. Staff holds that the proposed single family residential use 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 agricultural and single family residential 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;

The present request should have a negligible impact on population density and community facilities, as only one new residential lot is proposed.

ii. Environmental impact;

No environmentally sensitive areas are known to exist on the site.

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

The proposed zoning should not affect the existing use, usability, and/or value of adjoining agricultural or residential properties.

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 currently vacant; a home is currently under construction on the property. 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 purpose of the R-1 zoning district is "to protect and promote a suitable environment for family life, to discourage any use which would generate other than residential traffic on minor streets and to protect the orderly future development of land in accordance with comprehensive development plans for the county." ([Unified Development Code Sec. 205.04](#)). Staff holds that the requested use is consistent with the single family residential purpose stated above but is not consistent with comprehensive development plans for the county (see letter G below).

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 Occone County Comprehensive Plan.

The subject property lies within the Suburban Neighborhood Character Area as shown on the [2040 Character Areas Map](#). The 2018 Comprehensive Plan describes this Character Area as containing "pedestrian-friendly residential neighborhoods with primarily large, single-family lots and connective, common greenspaces." ([2018 Comprehensive Plan p. 36](#)). The Comprehensive Plan supports R-1 zoning only within a major subdivision or master planned development (MPD) and only where sewer is available

[\(2018 Comprehensive Plan p. 38\)](#). Where sewer is not available, the Comprehensive Plan supports AR zoning and a residential density of 1 dwelling unit per 2 acres. Given that the requested lot size is less than 2 acres, the subject property is not within a major subdivision or MPD, and does not have sewer connection available, the present request is not in conformity with the Future Development Map or Comprehensive Plan. Staff holds that AR zoning with a minimum lot size of 2 acres would be in conformity with the Comprehensive Plan and Future Development map and has suggested a condition below to ensure this conformity.

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

It is likely that other R-1 zoned lots exist within the county that would permit the requested use and lot size.

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.
2. The owner at their own expense shall construct the improvements required by the County for public water and public waste services for the subject property shall convey same to the County, free of all liens. Said improvements shall include all on-site improvements and such off-site improvements as are required by the County to provide service to subject property.
3. The proposed 1.5 acre parcel shall be increased to 2 acres and rezoned to AR (Agricultural Residential District).

6141 Hog Mountain Road

Oconee County, Georgia

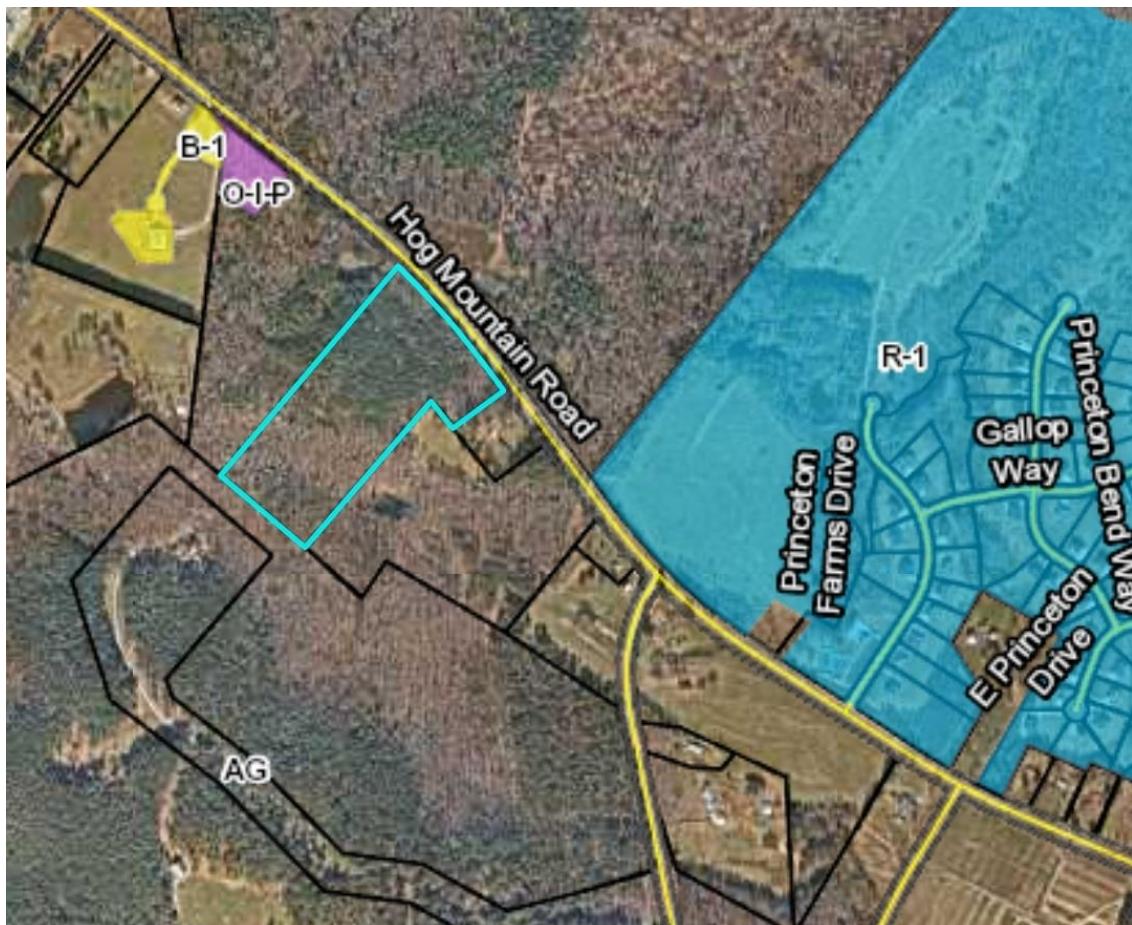
Narrative Statement

November 10th, 2021

INTRODUCTION

This rezone request is for a proposed 1.5 acre tract which will be subdivided from the existing 18.71 acre tract (A 02 031A). The 18.71 acre tract is currently zoned AG. The proposed zoning for the 1.5 acre tract is R-1. This is in accordance with the Unified Development Code article 4. The R-1 zoning will not be an isolated district as R-1 zoning exists on the opposite side of Hog Mountain Road from the subject parcel.

There is already a pending contract to purchase the 1.5 acres once rezone and subdivision has been approved. This will allow for one single family home to be built on the parcel.



Existing subject site and surrounding zoning

SITE DESCRIPTION

This 1.5 acre tract will be divided off the southeast side of the property which is located on the west side of Hog Mountain Road about 1.2 miles Southeast from the intersection of Monroe Highway. It is currently undeveloped.

ZONING AND FUTURE DEVELOPMENT MAP

The current zoning for the subject site is AG (Agricultural).

Properties adjacent to the site are zoned as follows:

North: AG (large acre tract)

South: AG (2.4 acre non conforming lot)

East: R-1 (Princeton Farms Development all of these lots are under 1 acre)

West: AG

The Character Area for the subject site per the 2030 Future Development Map is "suburban living". R-1 zoning is characteristic of this area. The 1.5 acre tract will be in line with the 1 to 2 acre per dwelling unit residential density that is desired to retain low intensity character in the area.

DETAILS OF PROPOSED USE

The tract is under contract to purchase with the intent to be used for a single family dwelling. This dwelling will meet all county requirements and conform to allowed uses in the R-1 zoning.

CONSTRUCTION MATERIALS AND ARCHITECTURE

The single family home will be stick-built with block foundation and a combination of stone, brick and hardi plank siding. It is estimated that the value, when complete, will be \$800-\$950k.

PROPOSED DEVELOPMENT SCHEDULE

Development on the proposed tract will start shortly after rezone is approved and the sale of the land has been completed (within 30 days of rezone approval). The estimated time to build a single family dwelling is 6 to 8 months.

ACCESS, TRAFFIC AND PARKING

The proposed parcel will have a single driveway accessed directly off of Hog Mountain Road. This will meet all GDOT requirements as Hog Mountain Road is a state highway. The single family home will only impact traffic slightly with an estimated additional daily trips around 20.

UTILITY SERVICES

The future development of a single family home will require connecting to county water and will use a private on site septic drain field system. Gallons used per day is estimated at about 138.

IMPACT TO SCHOOL SYSTEM

By rezoning this tract to R-1 the county will benefit from a higher millage rate and more tax dollars for use by Oconee County Schools. There will only be one single family home on the tract, therefore a very marginal impact as far as student body numbers.

6141 Hog Mountain Road

Oconee County, Georgia

Zoning Analysis

December 10th, 2021

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

The zoning proposal is in line with the existing uses as there are already other residential lots adjacent. Currently, the properties nearby are zoned as follows:

North: AG (large acre tract)

South: AG (2.5 acre non conforming lot)

East: R-1 (Princeton Farm Neighborhood these lots are all under 1 acre)

West: AG

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

The subject property is vacant and currently unused with no developments.

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 community facilities

This zoning proposal will have a positive impact on the area if approved. Only one single family dwelling will be on 1.5 acres helping to keep density lower in the area. There should be no significant impact on community facilities.

II. Environmental impact

No environmentally sensitive areas are known to exist on the site and no significant environmental impacts are anticipated if approved.

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

Adjacent properties are residential and agricultural therefore this proposed lot will not have a significant impact in regards to usability, existing use or values of adjoining properties.

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 property has been vacant as zoned since the original adoption of its AG zoning.

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

Per the Unified Development Code Section 205.01 minor subdivision - 2 lot split is a principal use that is allowed. The proposed use is for a single family dwelling to be built which is in line with the requested R-1 zoning and the surrounding area.

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.

Land use patterns in the area have been both residential and agricultural which support the approval 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 Character Area for the subject site per the 2040 Future Development Map is "suburban living". R-1 zoning is characteristic of this area. The 1.5 acre tract will be in line with the 1 to 2 acre per dwelling unit residential density that is desired to retain low intensity character in the area.

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

There appears to be a low availability of adequate residential sites in this district.

Rezone # P21-0262 - William Kyle & Shannon Setzer

Portion of
Tax Parcel A-02-031A

*Portion of
A-02-031A*

Hog Mountain Rd

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

1:2,000

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187.5

375

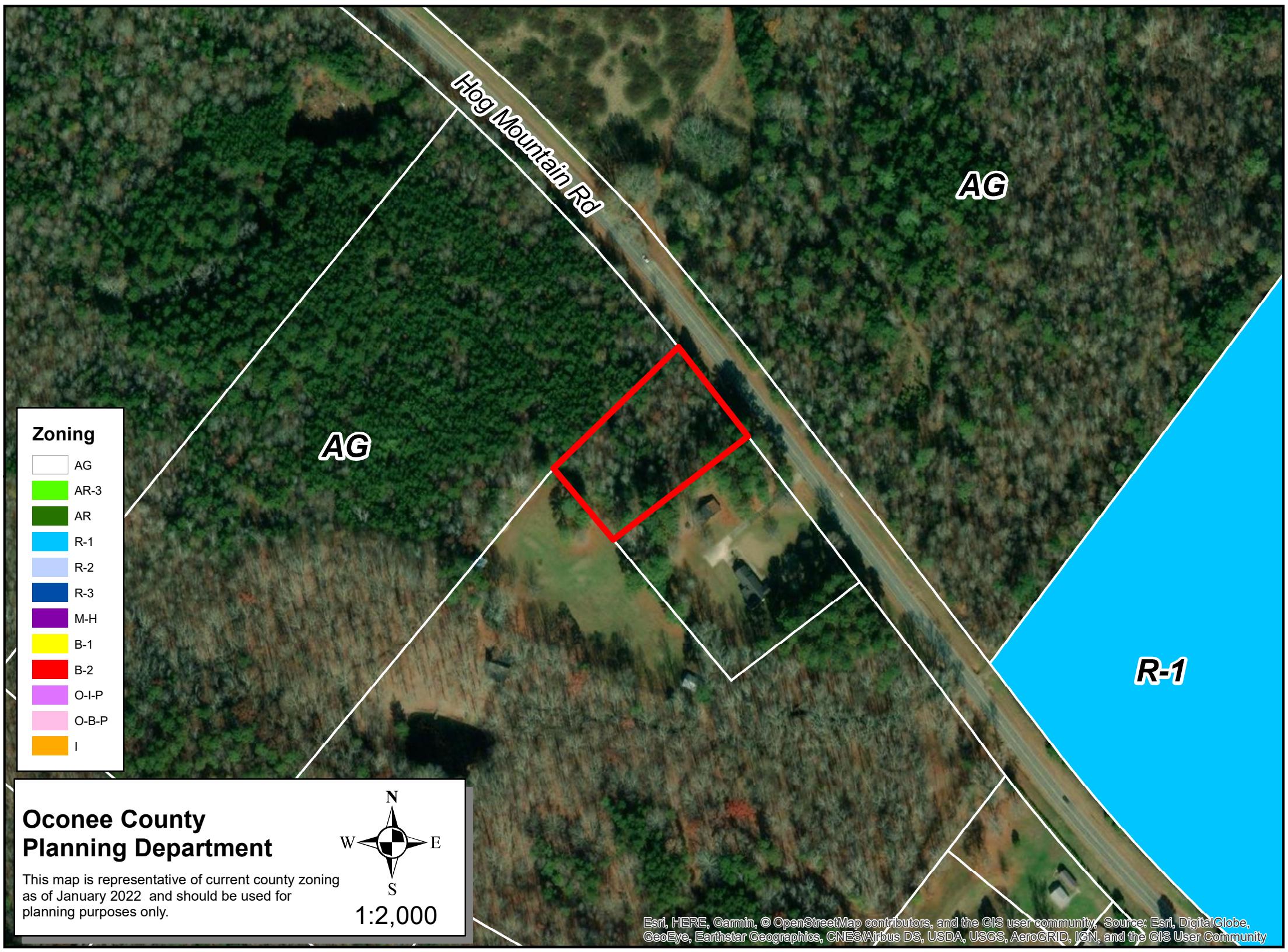
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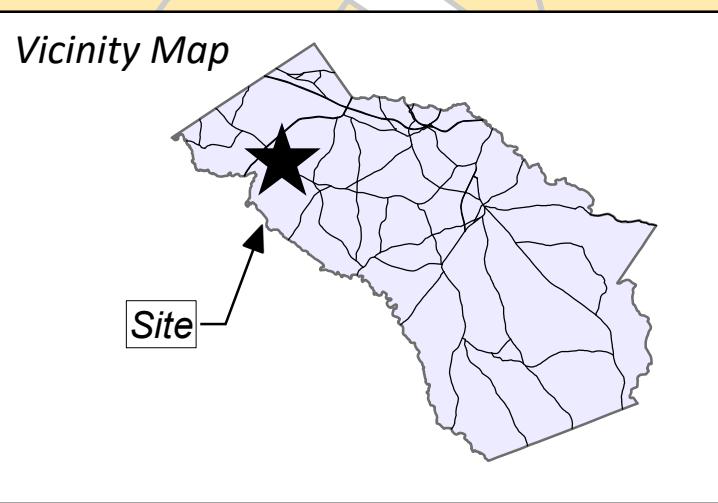
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Feet





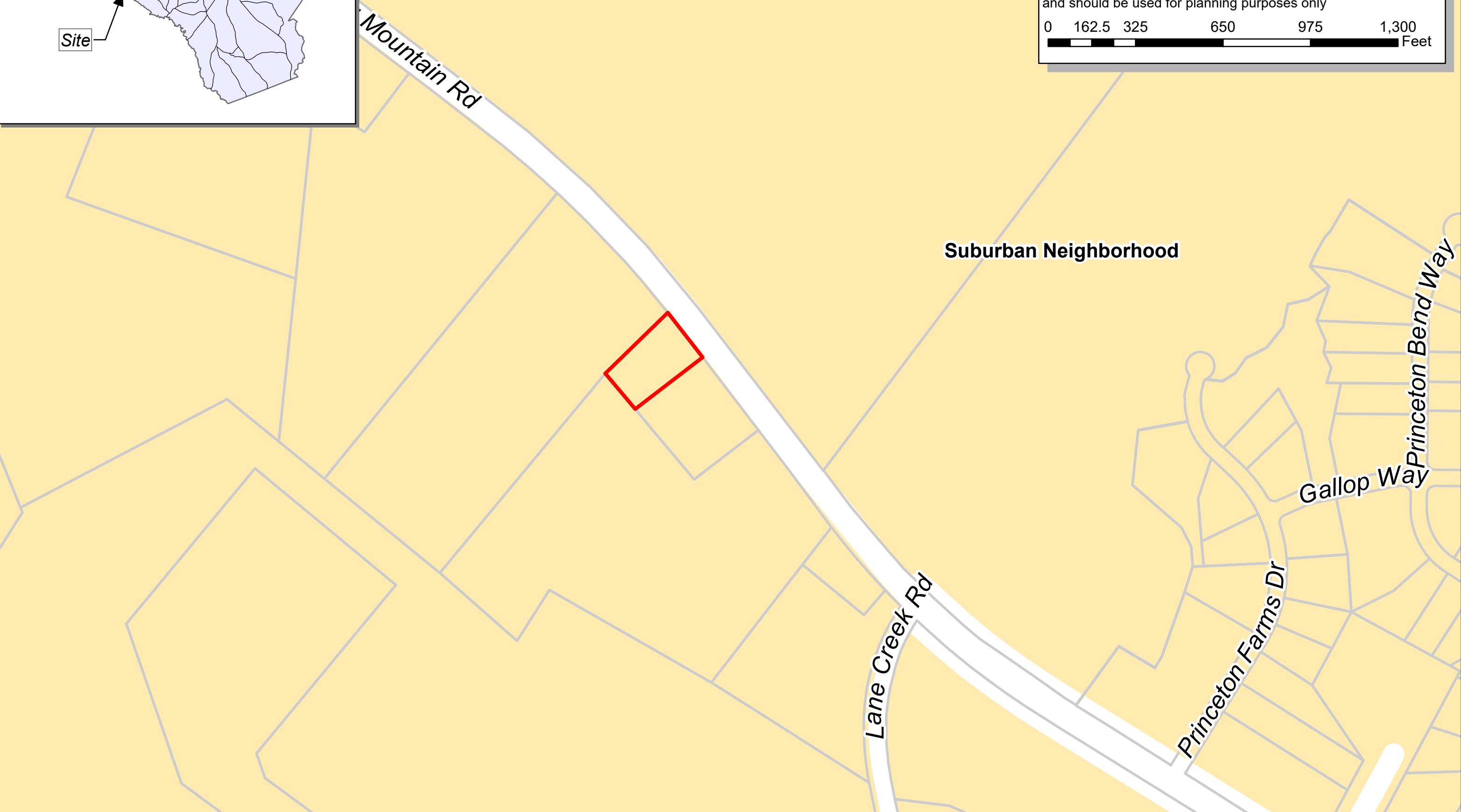


Oconee County Planning Department



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

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Feet





Example of proposed dwelling

FILED

10:50 PM

10/29/2002

OCONEE

ANGELA ELDE
CLERK
BK 34 PG 126

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