

**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 revise the conditions for a previously approved rezone case #551 zoning classification AR (Agricultural Residential District) pursuant to an application for rezoning of property owned by Charles D. Weirauch & James D. Kilpatrick submitted on January 17, 2023.

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 Frank Pittman on January 17, 2023, request for revision to conditions for previously approved rezoning case #551 of a ±9.23-acre tract of land located at 1031 Mallard Lake Drive in, Oconee County, Georgia, (tax parcel no. B03-014), 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 change in conditions for the property described on the attached "Exhibit A" is hereby changed 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Resolutions or Ordinances and parts or sections of Resolutions or Ordinances in conflict with this Ordinance are hereby repealed.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.

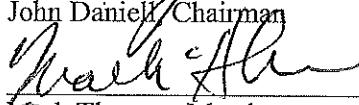
Said Zoning Petition was submitted to the Oconee County Planning Commission and a Public Hearing was duly held by the same on March 20, 2023, and a Public Hearing was held by the Oconee County Board of Commissioners at its regular meeting on April 4, 2023.

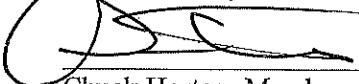
ADOPTED AND APPROVED, this April 4, 2023.

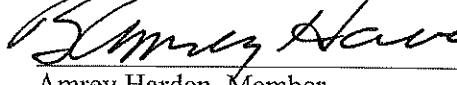
OCONEE COUNTY BOARD OF COMMISSIONERS

BY:


John Daniel, Chairman


Mark Thomas, Member


Chuck Horton, Member


Amrey Harden, Member


Mark Saxon, Member

ATTEST:

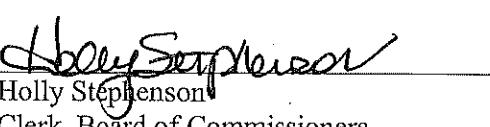

Holly Stephenson
Clerk, Board of Commissioners

EXHIBIT "A" TO REZONE NO P23-0015

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CONDITIONS

1. Design for site development 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 and shall convey the 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. At their expense, Owner shall make all right of way improvements and shall dedicate all rights of way which are required by the County after the County's review of Owner's development plans pursuant to the County's ordinances and regulations. All such improvements shall be shown on the preliminary site plan and site development plans for the project and no development permit shall be issued until Owner has agreed to such improvements and dedication.

TAX MAP

Rezone # P23-0015 - Charles D. Weirauch & James D. Kilpatrick



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LEGAL DESCRIPTION

LEGAL DESCRIPTION

All that tract or parcel of land, together with all improvements thereon, containing 9.208 acres, more or less, lying and being in the 225th District, G.M., Oconee County, Georgia, and being more particularly described as follows:

Beginning at a PK nail on the north side of Rocky Branch Road at the eastern edge of the property being the POINT OF BEGINNING, thence South 76 degrees 37 minutes 13 seconds West, 132.88 feet along a curve with an arclength of 133.29 feet and a radius of 489.75 feet to A $\frac{1}{2}$ " rebar, thence along a line South 88 degrees 08 minutes 42 seconds West, 136.18 feet to a $\frac{1}{2}$ " rebar, thence along a line North 01 degrees 39 minutes 13 seconds East, 299.91 feet to a $\frac{1}{2}$ " rebar, thence along a line South 86 degrees 36 minutes 26 seconds West, 200.17 feet to a 3/8" square rod, thence along a line North 06 degrees 47 minutes 13 seconds East, 181.48 feet to a $\frac{1}{2}$ " rebar, thence along a line North 09 degrees 32 minutes 48 seconds West, 83.83 feet to a $\frac{1}{2}$ " rebar, thence along a line North 84 degrees 16 minutes 12 seconds East, 126.06 feet to a $\frac{1}{2}$ " rebar, thence along a line North 30 degrees 52 minutes 35 seconds East, 230.66 feet to a $\frac{1}{2}$ " rebar, thence along a line North 08 degrees 02 minutes 40 seconds West, 350.09 feet to a 1/2" pipe, thence along a line North 58 degrees 03 minutes 54 seconds East, 228.85 feet to a $\frac{1}{2}$ " rebar, thence along a line South 03 degrees 11 minutes 12 seconds East, 187.05 feet to a $\frac{1}{2}$ " rebar, thence along a line North 86 degrees 32 minutes 37 seconds East, 233.06 feet to a 3/8" rebar, thence along a line 86 degrees 26 minutes 14 seconds East, 114.54 feet to a $\frac{1}{2}$ " rebar, thence along a line South 53 degrees 34 minutes 16 seconds West, 221.90 feet to a $\frac{3}{4}$ " pipe, thence along a line South 23 degrees 01 minutes 17 seconds West, 83.27 feet to a point, thence along a line South 23 degrees 02 minutes 47 seconds West, 140.06 feet to a 5/8" rebar, thence along a line South 01 degrees 26 minutes 18 seconds East, 210.24 feet to a 5/8" rebar, thence along a line South 01 degrees 26 minutes 55 seconds East, 269.88 feet to a 5/8" rebar, thence along a line South 01 degrees 26 minutes 39 seconds East, 206.77 feet to the POINT OF BEGINNING.

Said tract being the same as depicted on a Baseline Surveying & Engineering, Inc. - Administrative Subdivision Plat for Charles D. Weirauch & James D. Kilpatrick dated 11-08-2022.

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NARRATIVE MALLARD LAKE OUTPARCEL SUBDIVISION REZONE SUBMITTED 01/16/2023

GENERAL DATA

Property Address: 1031 Mallard Lake Drive
Parcel: B03 014
Owner: Charles D. Weirauch & James D. Kilpatrick
Existing Zoning: AR-1
Proposed Zoning: AR
Existing Use: undeveloped
Proposed Use: Single-Family Residential
Property Area: 9.23 acres

ADJACENT LAND USES AND ZONING

North – Residential (AR)
West – Residential (AG)
South – Residential (AG)
East – Residential (AR)

OWNERSHIP TYPE

The development will be fee simple ownership.

SITE NARRATIVE

The property is 9.23 acres and is currently zoned AR-1 and undeveloped. The property owners are Charles D. Weirauch & James D. Kilpatrick. The owner is seeking to rezone the property from AR-1 to AR to create a residential subdivision of 3 lots. The property was original part of the Mallard Lake Subdivision but set aside to be future development. Since the original zoning did not show the subdivision of the property a rezone must be approved to subdivide it.

SITE DESCRIPTION

The property is located on the north side of Rocky Branch Road, west of the Mallard Lake Subdivision. The Character Area for the property and its surrounding properties is identified as 'Suburban Neighborhood' according to the Oconee Future Development Map.

The property is wooded areas and contains an existing access easement to the property to the north.

PROPOSED USE

The proposed use of the property is a single family residential subdivision. Homes will range in size from approximately 2,400 sf. to 3,200 sf. The proposed architectural design theme is a traditional style and will feature pitched shingled roofs, shed dormers, wide overhanging eaves, wood or masonry columns, and divided light windows/doors. Predominant exterior materials will be the combination of a brick water table with cementitious plank siding and some shingle siding accents, with low-maintenance composite trim and ornamentations. See attached representative architecture photographs of the proposed structures.

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NARRATIVE

ACCESS

Access will be via a shared private drive through the property accessing all 3 lots. If an agreement can be reached with the property owner to the north, this property could be included in this shared access easement, otherwise the easement will run adjacent to the existing access easement that goes to the northern property. The easement will consist of a 16' wide paved drive with turnaround at end consisting of hammerhead or cul-de-sac per UDC requirements. The shared driveway can be gravel until the point that the 3rd lot is to be developed and access it. No building permit will be issued on 3rd accessing home until drive is paved.

TRAFFIC IMPACT

Per the Institute of Transportation Engineers, Trip Generation, 11th Edition (ITE Manual), the proposed development does not generate the 1,000 trips per day that is required to trigger a Traffic Impact Analysis. Proposed daily trips for 3 residential lots is 28.3 ADT.

WATER SUPPLY

Water will be provided by Oconee County Water Resources. An 8" water main exists in the right-of-way of Rocky Branch Road. Individual water services will be run from the main to the proposed lots within the access easement. A capacity letter has been obtained from Oconee County Water Resources and is provided with this request.

Estimated water usage is 780 gpd.

SEWAGE DISPOSAL

Conventional septic tanks and drain-fields are proposed for the individual lots. A soil survey map is currently being prepared by an approved soil scientist to insure that the system will be constructed in an area with appropriate soils per county health department and state regulations

GARBAGE COLLECTION

Garbage collection will be handled by private contractor service.

UTILITIES

Electricity and data will be provided by power/data providers in the area.

STORMWATER MANAGEMENT AND DRAINAGE

There is not a requirement for stormwater management as this subdivision would be considered a minor subdivision and is thus exempt from stormwater management.

IMPACT TO SCHOOL SYSTEM

It is anticipated that there will be minimum impact to the school system from this development due to the limited number of lots proposed.

PROJECT SCHEDULE

Once zoning is approved in approximately April 2023 then site development plans will be created and permitted to begin construction the end of 2023. The houses will be built individually.

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NARRATIVE

BUFFERS

No buffers are required by the OC-UDC.

SIGNAGE

There will be no signage associated with this project.

ESTIMATED VALUE OF PROJECT

The average home value will be between \$500,000 and \$800,000.

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ARCHITECTURAL IMAGES



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ARCHITECTURAL IMAGES



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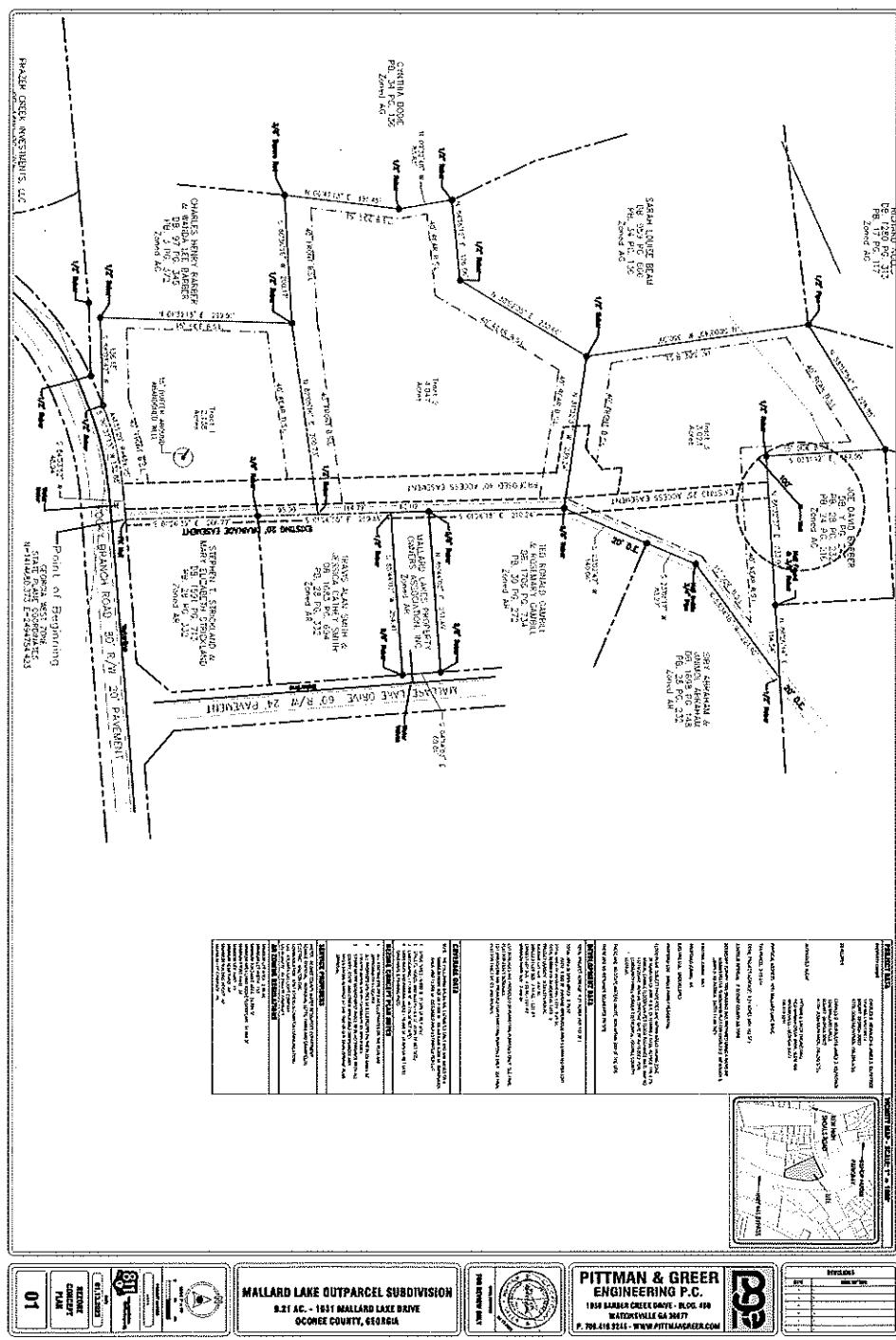
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PLAT

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CONCEPT PLAN





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

REZONE CASE #: P23-0015

DATE: March 8, 2023

STAFF REPORT BY: Guy Herring (Director of Planning and Code Enforcement)

APPLICANT NAME: Frank Pittman

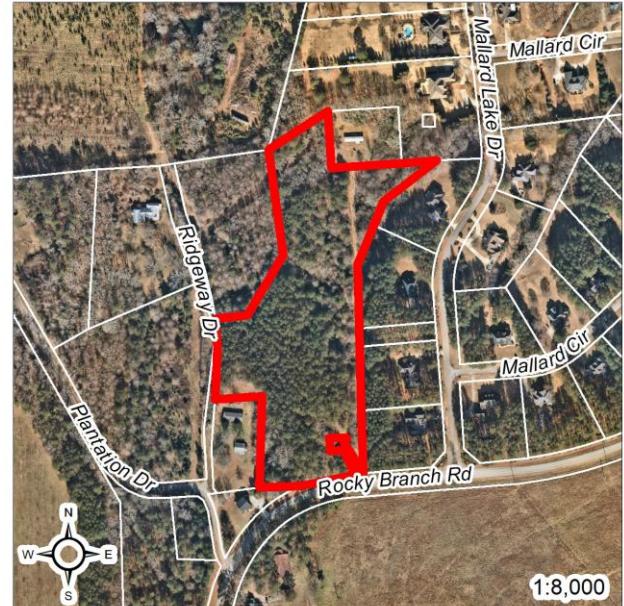
PROPERTY OWNER: Charles D. Weirauch & James D. Kilpatrick

LOCATION: 1031 Mallard Lake Drive (B03-014)

PARCEL SIZE: ± 9.23 acres

EXISTING ZONING: AR (Agricultural Residential District)

EXISTING LAND USE: Vacant property



FUTURE DEVELOPMENT MAP CHARACTER AREA DESIGNATION: Suburban Neighborhood

ACTION REQUESTED: Rezone the property to AR to create a minor residential subdivision of 3 lots. The property was originally part of the adjacent Mallard Lake Subdivision as a future development area.

STAFF RECOMMENDATION: Staff recommends conditional approval of this request.

DATE OF SCHEDULED HEARINGS

PLANNING COMMISSION: March 20, 2023

BOARD OF COMMISSIONERS: April 4, 2023

ATTACHMENTS:

- Application
- Narrative
- Zoning Impact Analysis
- Plat of Survey
- Concept Plan
- Warranty Deed
- Legal Description

BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The applicant is seeking a rezoning to modify the site plan from rezone case #551 to create a minor residential subdivision of three lots. The property was originally part of the adjacent Mallard Lake Subdivision as future development phase (Rezoning Case #551).
- The subject properties are zoned AR and they have been owned by the current owners since 1997. The subject parcel is a vacant lot with an existing access easement.

SURROUNDING LAND USE AND ZONING

	EXISTING LAND USES	EXISTING ZONING
NORTH	Residential uses	AR (Agricultural Residential District), AG (Agricultural District),
SOUTH	Agricultural uses	AG (Agricultural District)
EAST	Residential uses	AR (Agricultural Residential District)
WEST	Residential uses	AG (Agricultural District)

PROPOSED DEVELOPMENT

- The applicant is requesting a rezoning in order to create a minor subdivision with three lots.
- The proposed residential development includes three lots on a total of 9.23 acres.
 - The proposed home sizes will range from approximately 2,400 SF to 3,200 SF.
 - The buildings will be a traditional style with pitched shingle roofs, shed dormers, wide overhanging eaves, wood or masonry columns, and divided light windows and doors.
- The applicant's estimated value of the project is between \$500,000 and \$800,000.
- The houses will be built individually following the completion of the site development plans in late 2023.

PROPOSED TRAFFIC PROJECTIONS

- There is an estimated additional 28.3 ADT (average daily trips) to be expected for the residential use (Trip Generation Manual, 11th Edition). Per the manual, the proposed development does not require a traffic impact analysis.

PUBLIC FACILITIES

Water:

- The project is proposed to utilize County water services in the amount of approximately 780 gpd.
- The Water Resources Department has indicated in a letter that potable water is available at this location.

Sewer:

- The project is proposed to utilize septic tanks and drain fields for the individual lots.

Roads:

- The sites will be accessed from a shared private drive which will connect all three lots to Rocky Branch Road.

ENVIRONMENTAL

- No 100-year flood plain, 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 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 lots are predominantly zoned AG and AR. Primary land uses in the area are a mixture of residential and agricultural uses. The proposed residential development should not impede the normal and orderly development of surrounding property due to the primarily residential and agricultural uses of the surrounding properties. Staff is of the opinion that the proposed development is potentially suitable in view of the existing nearby development and zoning.

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

The property has a reasonable economic use as currently zoned Agricultural Residential District.

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 current request proposes three lots with residential buildings totaling approximately 9,600 SF. The development will cause a small increase in demand for water services. Increased traffic generation is also anticipated, with 28.3 additional ADT over the current undeveloped parcel. There are anticipated impacts on the school system, however being limited to three proposed homes the development would be expected to have a minor impact on the school system.

ii. Environmental impact;

No environmentally sensitive areas are known to exist on the site. Stormwater management must be conducted on the site according to Oconee County ordinances.

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

The proposed development is in keeping with surrounding uses and is not anticipated to affect 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 currently vacant; however residential development has occurred in the adjacent Mallard Lake Subdivision along Rocky Branch Road and in other nearby areas. The proposed use fits the character of the properties in the vicinity of the subject property.

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

The purpose of the AR zoning district is to “encourage a compatible relationship between agricultural and residential subdivisions in the district” (Unified Development Code Sec. 205.03). The subject property must be developed according to the principal uses allowed in the AR zoning district. Staff notes that the requested residential development in AR zoning is considered an allowed use as a minor subdivision (5-lot split), as the lot is proposed to be divided into five or fewer lots per Sec.503.01. Staff holds that the requested approval for residential development is consistent with the stated purpose of the AR 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.

The residential and agricultural use of parcels to the north, south, east, west of the subject parcel supports the proposed AR development. Staff holds that these conditions give supporting grounds for 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 subject portion of the property lies within with the Suburban Neighborhood character area, as shown on the 2040 Future Development Map. The Suburban Neighborhood character area is intended to include “established suburban neighborhoods in conventional subdivisions and master planned developments” (Comprehensive Plan, p. 36). The Comprehensive Plan lists single-family residential subdivision as a primary land use in the Suburban Neighborhood character area. Staff holds that the proposed rezoning is compatible

with the goals, objectives, purpose, and intent of the Comprehensive Plan and Future Development Map and that the proposed use will support the surrounding residential uses and align with nearby residential and agricultural uses.

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

It is likely that other AR-zoned and otherwise residential-zoned properties exist in the county that would permit the requested residential use.

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. Design for site development 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 and shall convey the 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. At their expense, Owner shall make all right of way improvements and shall dedicate all rights of way which are required by the County after the County's review of Owner's development plans pursuant to the County's ordinances and regulations. All such improvements shall be shown on the preliminary site plan and site development plans for the project and no development permit shall be issued until Owner has agreed to such improvements and dedication.