

**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 AR (Agricultural Residential District) pursuant to an application for rezoning of property owned by Bessie Turnbull submitted on August 18, 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 Michael Ash on August 18, 2023, requesting a rezone of a ±10.37-acre tract of land located at 1160 Maxey Road in, Oconee County, Georgia, (tax parcel no. A-05-021B), 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Resolutions or Ordinances and parts or sections of Resolutions or Ordinances in conflict with this Ordinance are hereby repealed.

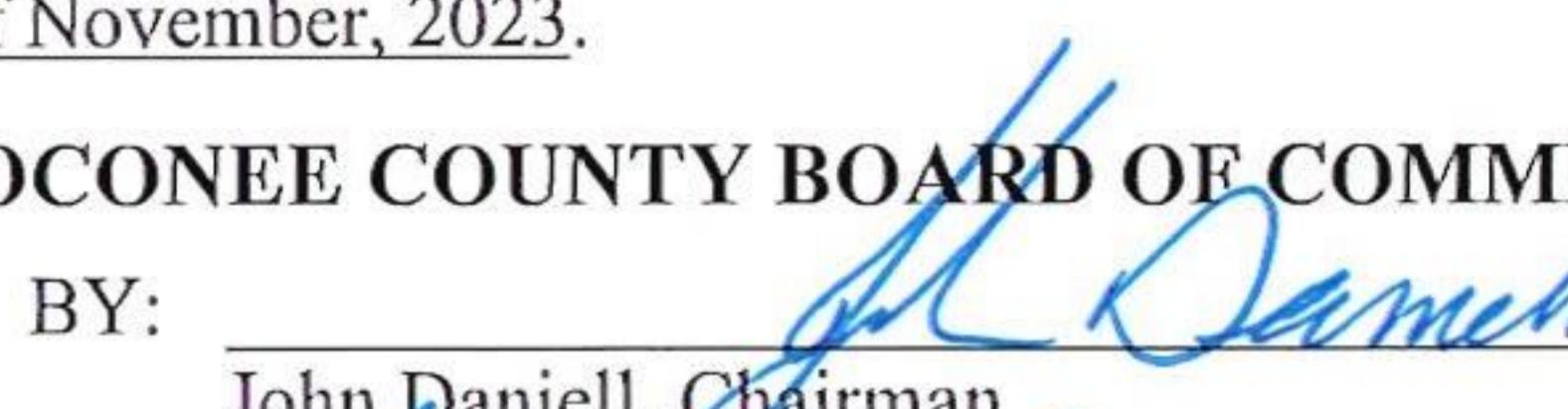
**SECTION 4.** Effective Date. This Ordinance shall take effect this date.

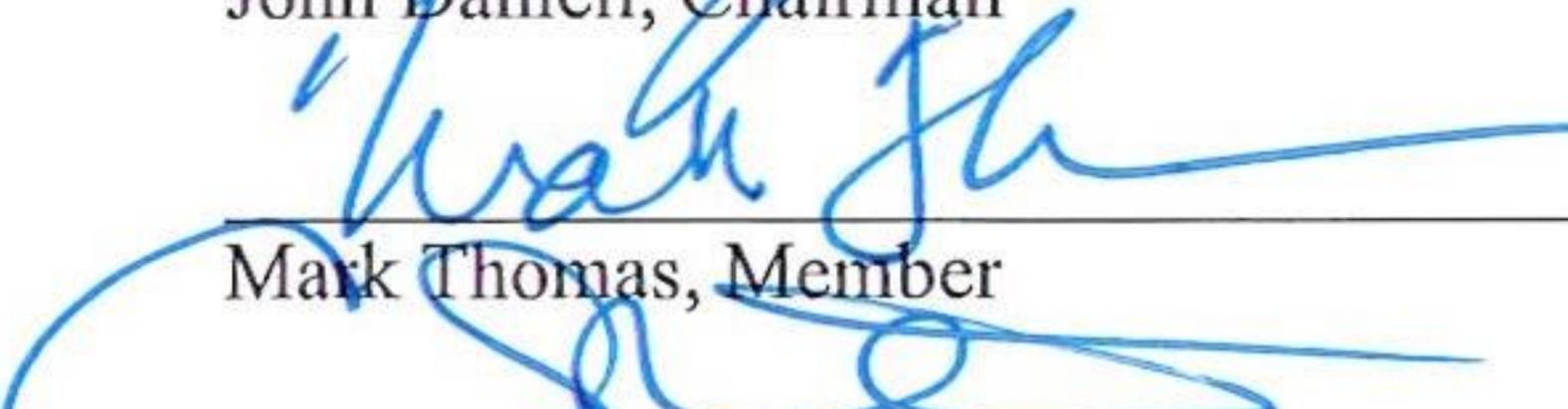
Said Zoning Petition was submitted to the Oconee County Planning Commission and a Public Hearing was duly held by the same on October 16, 2023, and a Public Hearing was held by the Oconee County Board of Commissioners at its regular meeting on November 7, 2023.

ADOPTED AND APPROVED, this 7<sup>th</sup> of November, 2023.

**OCONEE COUNTY BOARD OF COMMISSIONERS**

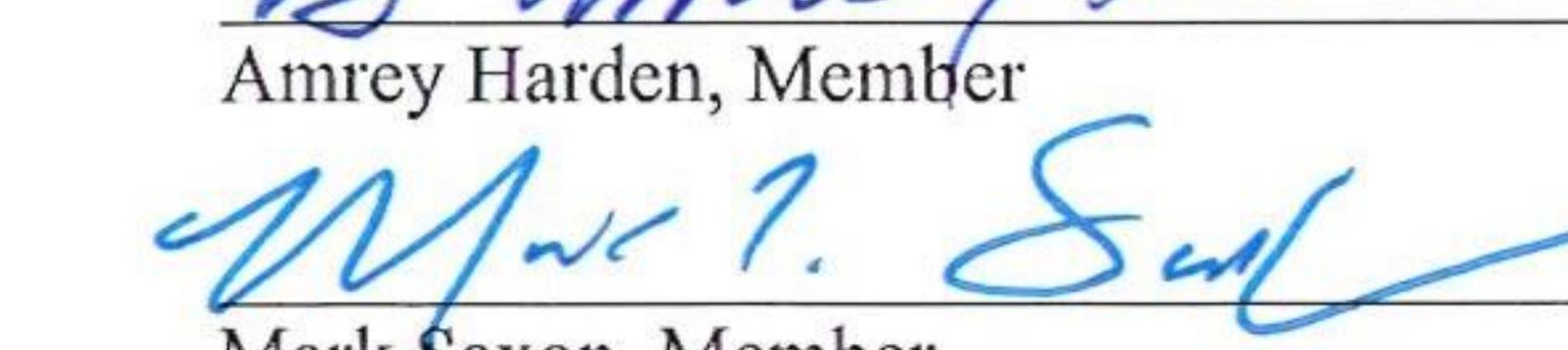
BY:

  
John Daniell, 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 P23-0181**

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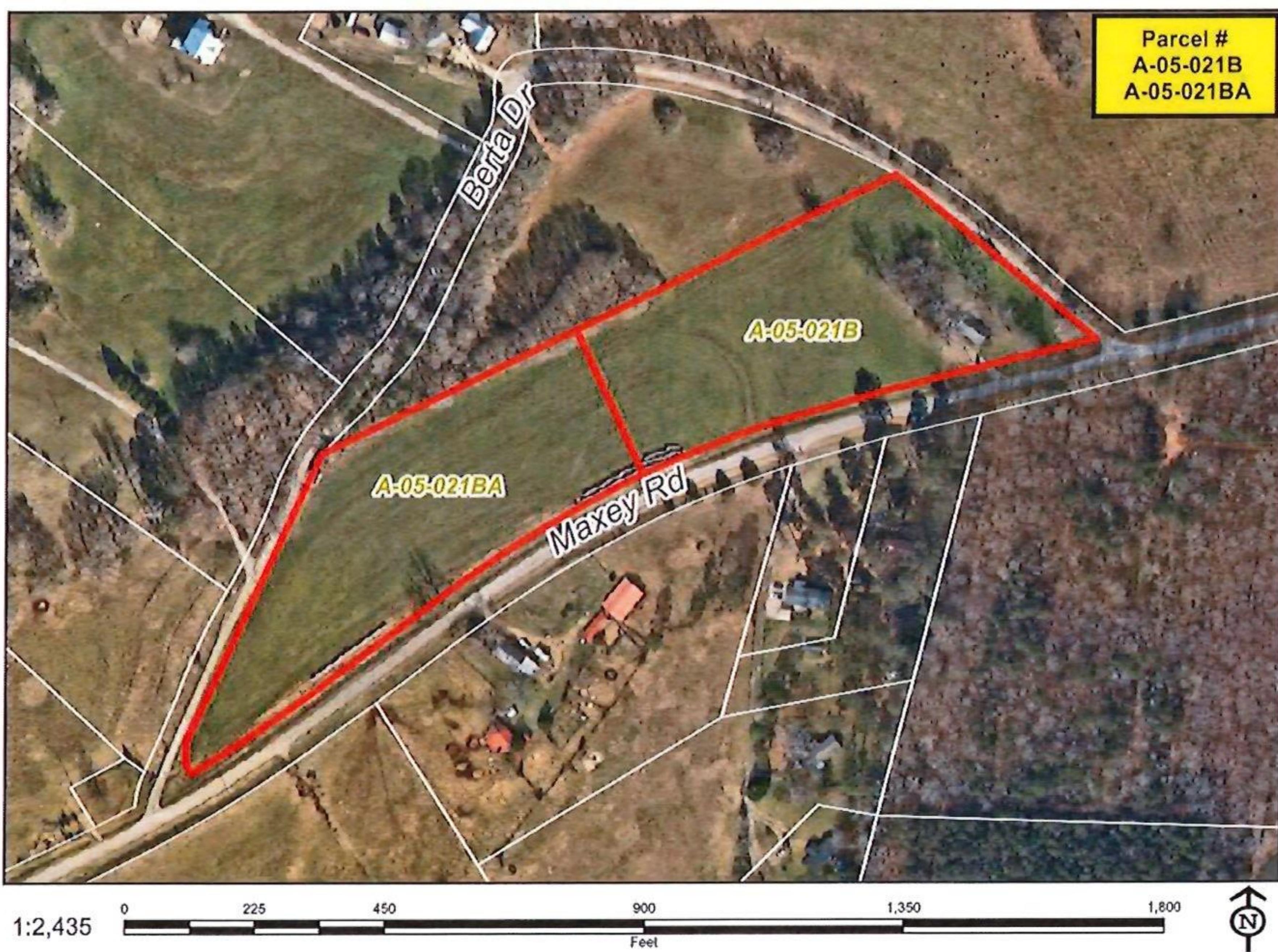
**CONDITIONS**

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. At its 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.

EXHIBIT "A" TO REZONE NO P23-0181  
Page 2 of 9

TAX MAP

Rezone # P23-0181 - Bessie Turnbull



**EXHIBIT "A" TO REZONE NO P23-0181**  
Page 3 of 9

**LEGAL DESCRIPTION**

**LEGAL DESCRIPTION**

Commencing at the iron pin set at N 1403477.006, E 2501115.999; said iron pin set being the POINT OF BEGINNING;

Thence S 28°43'46" E, a distance of 18.78' to an iron pin set;

Thence N 01°46'59" W, a distance of 37.20' to an iron pin set;

Thence N 25°08'46" E, a distance of 550.19' to an iron pin found;

Thence N 64°04'18" E, a distance of 489.67' to an iron pin set;

Thence N 64°04'18" E, a distance of 452.66' to an iron pin found;

Thence N 64°28'05" E, a distance of 161.38' to an iron pin found;

Thence S 50°46'00" E, a distance of 448.44' to an iron pin set;

Thence S 76°24'14" W, a distance of 223.79' to an iron pin set;

Thence S 75°45'52" W, a distance of 160.84' to an iron pin set;

Thence S 74°14'57" W, a distance of 182.29' to an iron pin set;

Thence S 68°37'24" W, a distance of 252.17' along an arc having radius 1880.00' and length 252.36' to an iron pin set;

Thence S 53°58'23" W, a distance of 52.78' along an arc having radius 1880.00' and length 52.78' to an iron pin set;

Thence N 61°23'09" E, a distance of 101.87' to an iron pin set;

Thence S 56°56'42" W, a distance of 248.58' along an arc having radius 1994.33' and length 248.74' to an iron pin set;

Thence S 53°03'07" W, a distance of 266.36' to an iron pin set;

Thence S 56°15'52" W, a distance of 267.32' along an arc having radius 2990.00' and length 267.41' to an iron pin set; said iron pin set being the POINT OF BEGINNING.

**EXHIBIT "A" TO REZONE NO P23-0181**  
Page 4 of 9

**NARRATIVE**

Project Narrative

Tax Parcel No. A05 021B

**Bessie Turnbull Property – Maxey Road**  
Oconee County, Georgia

**Project Narrative**  
August 18, 2023

**GENERAL DATA**

Existing Zoning	AG (Agricultural District)
Proposed Zoning	AR (Agricultural Residential)
Adjacent Zoning:	North: AG (Agricultural) & AR (Agricultural Residential) South: AG (Agricultural) East: AG (Agricultural) West: AG (Agricultural)
Existing Use:	Agricultural Use
Proposed Use:	Residential (Agricultural Residential)
Total Project Area	10.37 Acres

**SITE NARRATIVE**

The proposed subdivision is located at 1160 Maxey Road in Oconee County, Georgia. The 10.37-acre property is currently zoned AG (agricultural). Michael Ash is seeking to rezone the AG (agricultural) property to AR (Agricultural residential) in hopes of enriching and enhancing the surrounding community.

The project will be developed as an upscale single-family residential subdivision comprising of four (4) 2+ acre lots ranging from \$250,000 to \$300,000. The provided site plan illustrates four lots with a minimum 2 acre lot size.

**SITE DESCRIPTION**

The site is located on the corner of Maxey Road and Berta Drive. According to the Oconee County Future Development Map, the subject area and its adjacent parcels have been identified as future 'Country Estates' Character Areas.

The existing site is made up of open field with an old farm house structure.

There are no areas on or within the site that would cause environmental concern.

**ZONING**

The current zoning is AG (Agricultural District)  
The proposed zoning is AR (Agricultural Residential)

Properties adjacent to the site are zoned as follows:  
North: AG (Agricultural) & AR (Agricultural Residential)  
South: AG (Agricultural)  
East: AG (Agricultural)  
West: AG (Agricultural)

**PROPOSED USE**

The proposed use of the property will be to develop a four-lot subdivision. The subdivision, as illustrated on the accompanying plans, proposes four residential lots on the 10.37-acre lot. Each lot will have access to either Maxey Road or Berta Drive.

**ACCESS**

The property will be accessed by driveways off of Maxey Road or Berta Drive.

**TRAFFIC IMPACT**

According to the Instituted of Transportation Engineers, Trip Generation, 11<sup>th</sup> Edition, the proposed subdivision will generate 38 trips per day. No adverse traffic impacts are expected due to the proposed development.

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**NARRATIVE**

**Project Narrative**

Tax Parcel No. A05 021B

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**WATER SUPPLY**

Water supply for this project will be provided by on-site individual wells.

Estimated Water Demand (assumption): 100 gallons per person per day (assume 2.6 persons/unit) (proposed 4 units)  
Proposed Water Demand: 1,040 gallons per day ( $100 \times 2.6 \times 4$ )

Peak Water Demand:  $1,040 \text{ gpd} / 16 \text{ hr./day} = 65 \text{ gallons per hour} = 1.08 \text{ gallons per minute}$   
 $1.08 \text{ gpm} \times 3 \text{ (peaking factor)} = 3.24 \text{ gallons per minute peak}$

**SEWAGE DISPOSAL**

Sewage disposal will be handled by installing conventional septic tanks and septic drain fields within each residential lot. The tank and drain fields will be installed according to Oconee County and State Health codes and regulations. An approved soil scientist has prepared a soil survey to ensure proper site and lot configurations in accordance with state and local codes and regulations.

**GARBAGE COLLECTION**

A private contract service will handle garbage collection. The use of roll carts will be allowed.

**UTILITIES**

The proposed development will require electricity. There is existing electricity along the site that will be tapped. All utilities will be underground.

**STORMWATER CONTROLS**

The proposed development will not increase peak runoff adversely. All County Ordinance will be followed with respect to stormwater control.

**IMPACT TO SCHOOL SYSTEM**

The proposed subdivision will impact the school system in a positive way due to the added generation of net tax due to the addition of a more upscale price range of proposed homes. This development will aid in providing more upscale living in and around the area, increasing the net tax base.

**SCHEDULE**

The petitioners plan to complete the zoning efforts for the subject property by the end of 2023. Once rezoning and platting is finalized, construction will begin immediately and be completed by 2025.

**BUFFERS**

There are no environmental areas or corridors located on this site, therefore there are no environment buffers required and/or needed. There are no required landscape buffers between incompatible land uses.

**PROJECT IDENTITY**

No project signs are proposed.

**COMMON AREAS**

There are no common areas proposed for this site.

**AMENITIES/RECREATIONAL AREAS**

There are no recreational areas proposed for this site.

**PUBLIC & SEMI-PUBLIC AREAS**

Access and drainage easements (if any) will be dedicated to Oconee County. Additional easements for power, gas, telephone, cable TV and internet access will be dedicated as required for specific utility construction.

**SIDEWALKS**

No sidewalks are proposed for this development

## EXHIBIT "A" TO REZONE NO P23-0181

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### NARRATIVE

Project Narrative

Tax Parcel No. A05 021B

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#### OWNERSHIP

The project will be privately owned.

#### RANGE/AVERAGE SQUARE FOOTAGE FOR RESIDENCES

The proposed subdivision will provide five (4) single-family lots at a minimum of 87,120 sf (2.0 acres). Each lot will have a minimum three-bedroom residence at a minimum 1,800 square feet each.

#### ESTIMATED VALUE OF PROJECT

4 Single Family Detached Homes  
(\$250,000-\$300,000)

Average Price	=	\$275,000
Total Completed Project Value	=	\$1,100,000

## EXHIBIT "A" TO REZONE NO P23-0181

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### NARRATIVE

Project Narrative

Tax Parcel No. A05 021B

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#### CONSTRUCTION/FAÇADE MATERIALS & REPRESENTATIVE ARCHITECTURE IMAGES

The building exteriors will predominately be hardy-board with stone and brick accents (see representative architecture images). The roof will be constructed of traditional and/or architectural shingles. The buildings will be designed to have a 'traditional' appearance and will incorporate features of exceptional architectural design.



EXHIBIT "A" TO REZONE NO P23-0181

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## PLAT

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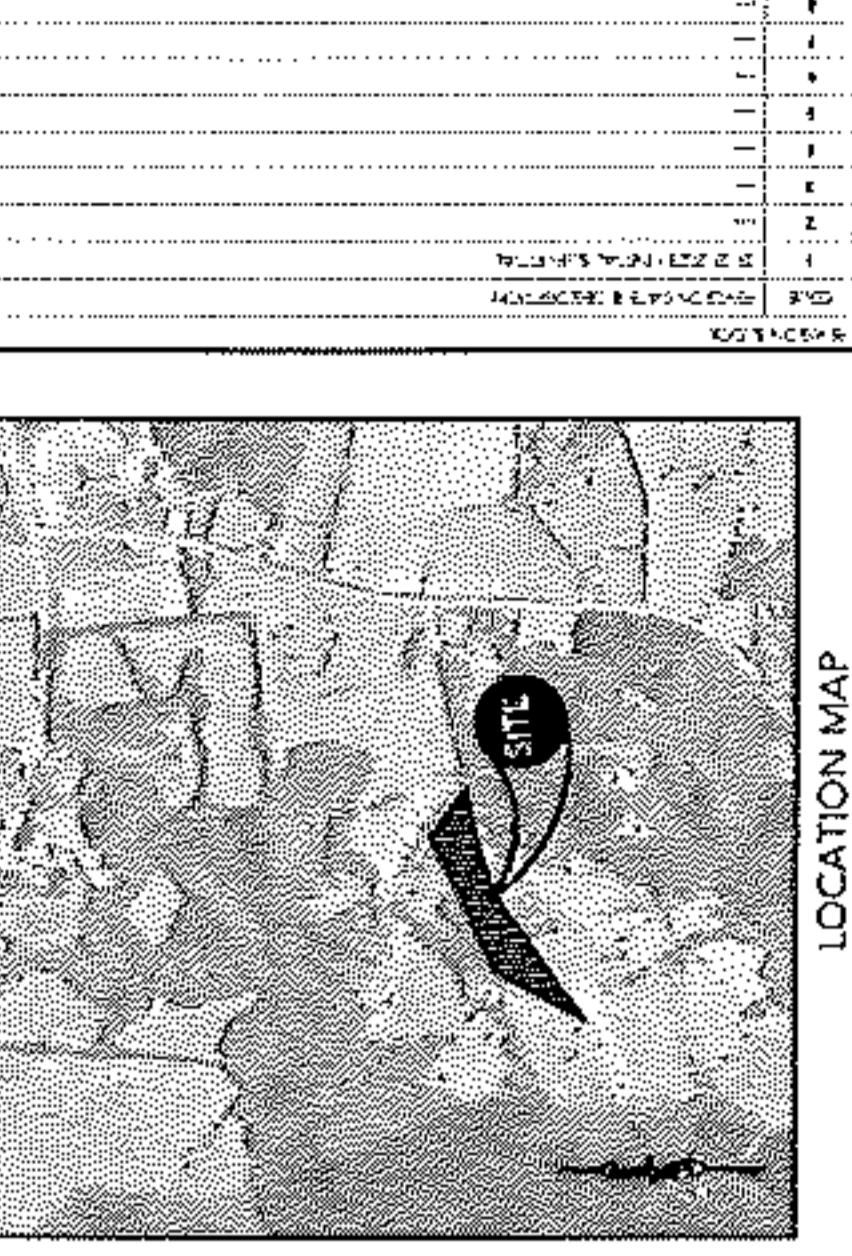
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LOCATION MAP  
SCALE: 1" = 200'

NOTES:  
TAX PARCEL NUMBER: A 05 021B  
PROPOSED WATER SUPPLY: ON-SITE WELLS WITHIN EACH LOT  
SEWAGE DISPOSAL: SEPTIC TANKS AND DRAIN FIELDS WITHIN EACH LOT  
STORMWATER MANAGEMENT SHALL BE IN ACCORDANCE WITH COUNTY  
STATE AND OTHER APPROPRIATE ORDINANCES AND REGULATIONS IN  
EFFECT AT TIME OF CONSTRUCTION PLAN APPROVAL  
THE PROPOSED SUBDIVISION WILL PROVIDE FOUR (4) LOTS EACH WITH A  
HOME AT A MINIMUM OF 1,800 SF EACH.

PROPERTY OWNER  
1160 MAXCY RD.  
DISHOP, GA 30621  
CONTACT: 706.725.6845  
KELC.LASHNICK.COM

NOTES:  
TAX PARCEL NUMBER: A 05 021B  
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LINDA A. & RANDY HAYGOOD  
DB. 17B PG. 057  
PB. 2022 PG. 138  
PB. 24 PG. 117  
Tax Map A05 022  
Zoned AR

SITE DEVELOPMENT PLANS  
FOR  
COUNTRY ESTATES

1160 MAXCY RD., DISHOP, GA 30621

CARTER  
ENGINEERING

CARTER ENGINEERING  
2657 MARS HILL ROAD  
PO BOX 117  
MURKIN, GA 30657  
P: 706.725.1200  
F: 706.725.1204  
E: info@carterengineering.com



PROJECT NAME: C 3.0  
SHEET NUMBER: 240  
PROJECT NUMBER: 23002MSA  
DATE: 09.05.23

CIVIL ENGINEER  
CARTER ENGINEERING CONSULTANTS, INC.  
1010 CEDARCREST DR.  
DOUGAT, GA 30622  
CONTACT: 706.725.7200  
JEFF CARTER, P.E.  
JEFF@CARTERENGINEERING.COM

ELDER POND PLANTATION, LLC  
DB. 17B PG. 057  
PB. 24 PG. 117  
Tax Map A05 022  
Zoned AR

Point of Beginning  
GEORGIA WEST ZONE  
STATE PLANE COORDINATES  
N=4424477.005 E=250115.998

REZONE  
COMBINATION  
PLAT

PROJECT NAME: C 3.0  
SHEET NUMBER: 240  
PROJECT NUMBER: 23002MSA  
DATE: 09.05.23

PROJECT NAME: C 3.0  
SHEET NUMBER: 240  
PROJECT NUMBER: 23002MSA  
DATE: 09.05.23



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

**REZONE CASE #:** P23-0181

**DATE:** October 4, 2023

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

**APPLICANT NAME:** Michael Ash

**PROPERTY OWNER:** Bessie Turnbull c/o Henry Maxey

**LOCATION:** 1160 Maxey Road, south of Hog Mountain Road and west of Elder Road;  
Parcels A 05 021B & A 05 021BA

**PARCEL SIZE:** ±10.37 acres total

**EXISTING ZONING:** AG (Agricultural District)

**EXISTING LAND USE:** Undeveloped/Agricultural.

**FUTURE DEVELOPMENT MAP CHARACTER AREA DESIGNATION:** Country Estates

**ACTION REQUESTED:** Rezone the properties from AG to AR in order to develop a four-lot residential subdivision.

**STAFF RECOMMENDATION:** Staff recommends conditional approval of this request.

**DATE OF SCHEDULED HEARINGS**

**PLANNING COMMISSION:** October 16, 2023

**BOARD OF COMMISSIONERS:** November 7, 2023

**ATTACHMENTS:**

- Application
- Narrative
- Architectural Renderings
- Zoning Impact Analysis
- Plat of Survey
- Concept Plan



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## **BACKGROUND INFORMATION & FINDINGS OF FACT**

### **HISTORY**

- The applicant's request is to rezone the properties from AG to AR in order to develop a four-lot residential subdivision. The lots will range from approximately 2.0 acres to 4.3 acres.

### **SURROUNDING LAND USE AND ZONING**

	<b>EXISTING LAND USES</b>	<b>EXISTING ZONING</b>
<b>NORTH</b>	Agricultural and Residential	AG (Agricultural District) and AR (Agricultural Residential District)
<b>SOUTH</b>	Agricultural and Residential	AG (Agricultural District)
<b>EAST</b>	Agricultural	AG (Agricultural District)
<b>WEST</b>	Agricultural	AG (Agricultural District)

### **PROPOSED DEVELOPMENT**

- The proposed residential development includes 4 lots of 2.000, 2.000, 2.001, and 4.369 acres.
- The applicant indicates that the building exteriors would be hardy-board with stone and brick accents.
- Construction would begin in 2024 with planned completion in 2025.
- The projected project valuation is \$1.1 million.

### **PROPOSED TRAFFIC PROJECTIONS**

- An approximate additional 38 ADT (average daily trips) are estimated (Trip Generation Manual, 11<sup>th</sup> Edition) for four residences.

### **PUBLIC FACILITIES**

#### **Water:**

- Water supply for this project will be provided by on-site individual wells.

#### **Sewer:**

- Sewage disposal will be handled by conventional septic tanks and septic drain fields within each residential lot.

#### **Roads:**

- The properties will be accessed by driveways off of Maxey Road or Berta Drive.

### **ENVIRONMENTAL**

- There are no environmental areas or corridors identified on property.

## **COMMENTS FROM OTHER DEPARTMENTS & AGENCIES**

### **OCONEE COUNTY PUBLIC WORKS DEPARTMENT**

- No comments

### **OCONEE COUNTY WATER RESOURCES DEPARTMENT**

- No comments

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## **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 agricultural and residential. Staff holds that the proposed development is 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.**

While the properties have a reasonable economic use for farming or single-family residential uses as currently zoned, it has greater value under the proposed zoning.

**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 developing a 4-lot single-family residential development to be constructed after re-subdivision of the existing two lots. There will be no increase in demand for public water and wastewater treatment due to the use of on-site well and septic systems. A slight increase in traffic generation is anticipated, with an approximate 38 additional ADT. The roadways in the areas can accommodate increased traffic in the area. Schools may also see a slight impact.

**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 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 properties are currently used for agricultural purposes. 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 AR zoning district's purpose and intent states “The regulations for this district are designed to encourage a compatible relationship between agricultural and residential subdivisions in the district. The regulations are intended to allow medium rural residential densities and compatible agricultural activities without encouraging commercial development or multi-family development.” (Unified Development Code Sec. 205.03). Staff holds that the requested residential development is consistent with the stated purpose of the proposed 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 proposed use is already permitted by the existing zoning; however, the requested zoning change would allow for lots as small as two acres. The two-acre lot size is consistent with some other parcels in the area. 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 properties lie within the Country Estates Character Area as shown on the Character Areas Map in the 2023 Comprehensive Plan Update. The Country Estates Character Area is described as a “low-intensity residential community reminiscent of a rural environment. Areas within this Character Area are lands that are undeveloped but rarely or no longer in agricultural production or have been developed as “estate farms” or large-lot subdivisions.” The Comprehensive Plan supports AR-3 zoning in this Character Area with 1 dwelling unit per 3+ acres (2023 Comprehensive Plan Update p. 43). With a proposed resulting

net density slightly greater than one unit per 2.5 acres, Staff holds that the proposed commercial development is reasonably 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.**

It is likely that other AR-zoned properties exist in the county that would permit the requested residential use. However, AR use for the subject parcel aligns with the surrounding land patterns.

**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. At its 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.