

**AMENDMENT
TO THE ZONING ORDINANCE OF THE CITY OF BOGART, GEORGIA
AND THE ZONING MAPS OF THE CITY OF BOGART, GEORGIA**

TITLE

An Ordinance amending the Zoning Ordinance of the City of Bogart, Georgia, and the Zoning Maps of the City of Bogart, Georgia, pursuant to Article 12, Division I et seq., to rezone from zoning classification TB (Technology Business District) to TB (Technology Business District) pursuant to an application for rezoning of property owned by Bogart City Council submitted on October 19, 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 Bogart City Council on October 19, 2023, requesting a rezone of a ±36.39-acre tract of land located at Gateway East Parkway in Oconee County, Georgia, (tax parcel number B-01U-002 & B-01U-003), the Mayor and Council of the City of Bogart does hereby ordain and enact to law the following:

SECTION 1. An Ordinance known as the "Zoning Ordinance of the City of Bogart, Georgia" as enacted and amended by the Mayor and Council of the City of Bogart 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Resolutions or Ordinances and parts or sections of Resolutions or Ordinances in conflict with this Ordinance are hereby repealed.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 November 13, 2023, and a Public Hearing was held by the Mayor and Council of the City of Bogart at its regular meeting on December 4, 2023.

ADOPTED AND APPROVED, this 4th day of December, 2023.

BOGART CITY COUNCIL

BY:

Janet Jones, Mayor

Brenda Acton, Member

David Kilpatrick, Member

John Larkin, Member

Greg Maddox, Member

ATTEST:

Beverly Young
Beverly Young
Clerk, City Council

EXHIBIT "A" TO REZONE NO P23-0242
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REQUESTED ACTION

Rezone modification to **REMOVE** the Development Guidelines requirements as indicated on pages 5 and 6 of the January 8, 2001 City of Bogart Rezone Resolution for the subject properties. The subject properties are:

LOCATION: Gateway East Parkway (Oconee County Tax Parcel #'s B-01U-002 & B-01U-003)

PARCEL SIZE: ±36.39 acres

EXISTING ZONING: TB (Technology Business District)- No change is made to the zoning district with this request.

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TAX MAP

Rezone # P23-0243 - Bogart City Council

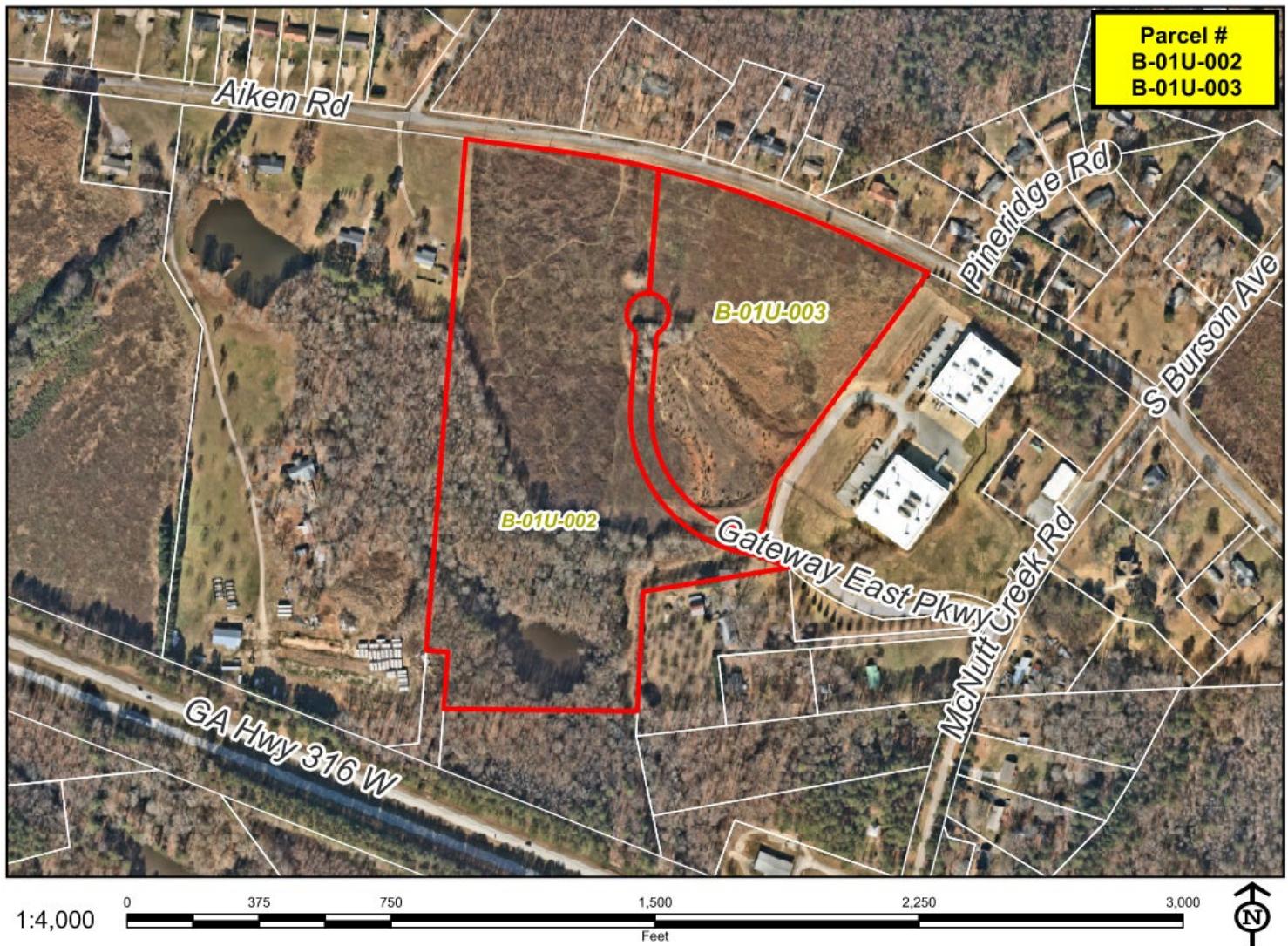


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PREVIOUS REZONE

REZONE NO. N/A

AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF BOGART, GEORGIA, AND THE ZONING MAPS OF THE CITY OF BOGART, GEORGIA

TITLE

An Ordinance amending the Zoning Ordinance of the City of Bogart, Georgia, and the Zoning Maps of the City of Bogart, Georgia, pursuant to Article XIV, Section 14.1, et. seq. to rezone from zoning classification R-1, Single Family Residential District to zoning classification TB, Technology Business District pursuant to Action for rezoning of property of the Oconee County Development Authority by Action filed November 6, 2000.

ENACTMENT CLAUSE

Pursuant to the authority conferred by the Constitution and Laws of the State of Georgia and after consideration of an action for zoning change initiated by Bogart City Council on November 6, 2000, requesting rezoning of a +- 57.807 acre tract of land located on the north side of S.R. 316 in the 240th District, G.M., Oconee County, Georgia, said parcel also lying within the City of Bogart, Georgia, (portions of tax parcel # B1-72 & B1-72B) the City Council of Bogart does hereby ordain and enact to law the following:

SECTION 1. An Ordinance known as the "Zoning Ordinance of the City of Bogart" enacted by the Bogart City Council on April 1, 1996, 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 R-1, Single Family Residential District to TB, Technology Business District for the purpose 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 on same on December 11, 2000, and a Public Hearing was held by the Bogart City Council at its regular meeting on January 8, 2001.

ADOPTED AND APPROVED, this 8th day of January, 2001.

BOGART MAYOR AND CITY COUNCIL

BY:

Robert D. Hoag
Mayor

J. A. Rummel

Council Member

J. A. Rummel

Council Member

Janice Thurnow

Council Member

Council Member

LEGAL NOTICES PUBLISHED: SATURDAY, NOVEMBER 25, 2000 ATHENS DAILY NEWS/BANNER HERALD
AND THURSDAY, NOVEMBER 30, 2000 OCONEE ENTERPRISE

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PREVIOUS REZONE

EXHIBIT "A" TO ZONING AMENDMENT # N/A

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LEGAL DESCRIPTION

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TRACT

All that tract or parcel of land, together with all improvements thereon, situate, lying and being in the 24th District, G.M., Oconee County, Georgia, containing 46.657 acres, more or less, and being that portion of Tract 1, containing \$2,149 per acre, which is located within the unincorporated portion of Oconee County, Georgia, as shown on plat entitled "Survey for Oconee County Industrial Development Authority," dated August 11, 1997, recorded in Plat Book 32, page 7, in the Office of the Clerk of the Superior Court of Oconee County, Georgia, and herein more particularly described as follows:

LESS AND EXCEPT the southerly portion of said property, containing 5.462 acres, more or less, lying within the unincorporated portion of Orange County, as shown on said plan.

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TRACT 2
All that tract or parcel of land, together with all improvements thereon, situate, lying and being in the 240th District, G.M., Oconee County, Georgia, containing 11.120 acres, more or less, and being that portion of Tract 4, containing 52.827 acres, which is located within the unincorporated portion of Oconee County, Georgia, as shown on plat entitled "Survey for Oconee County Industrial Development Authority", dated August 11, 1997, recorded in Plat Book 32, page 7, in the Office of the Clerk of the

LESS AND EXCEPT the westerly portion of said property, containing 41.207 acres, more or less, lying within the unincorporated area of Oconee County, as shown on said plat.

LOCATION MAP

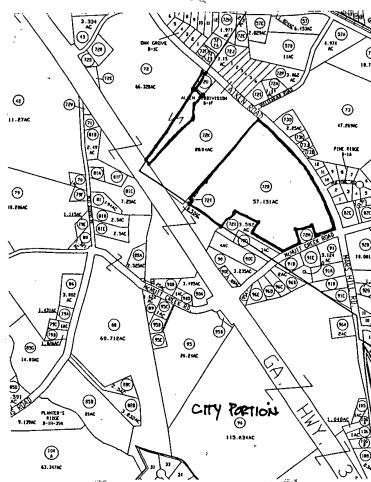


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PREVIOUS REZONE

EXHIBIT "A" TO ZONING AMENDMENT # N/A

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DEVELOPMENT GUIDELINES

DEVELOPMENT GUIDELINES FOR OCONEE GATEWAY

Ref. #2/6/00
Rev. 7/2/00
Rev. 9/19/00

Purpose

The Development Guidelines (DG) for Oconee Gateway ("OG") is intended to supplement existing zoning regulations of Oconee County, Georgia, and the City of Bogart, Georgia, and other local, or state or federal regulations that may govern developments within the Property.

The DG are intended to provide uniform requirements for development within the Property both during and after construction. The DG establishes guidelines and minimum standards for development of the Property, which are subject to the zoning and other regulations of the Oconee County Zoning Commission ("ARC"). It is intended that the ARC will exercise its discretion on a case-by-case basis in approving and disapproving particular uses and designs within the parameters established by the DG.

The goal of the DG is to set the character of the Property for the future, helping to maintain compatibility among the various facilities within the Property, protect the natural and existing property values, and provide assurance to the surrounding property owners that OG will be a good neighbor and an asset to the community-at-large.

Article I Definitions

The terms used in the DG shall have the same meanings as set forth in the Declaration of Covenants, Restrictions and Easements for OG ("the Declaration") unless otherwise specified herein. In addition, the following definitions shall apply:

(a) **Landowner.** shall mean the corporation, creation of structures or other improvements, or buildings on any Parcel and shall specifically include, without limitation, making, clearing, excavation, grading, and paving.

(b) **Master Use Plan.** shall refer to the Master Land Use Plan for OG ("MLUP") prepared by Williams & Associates, a copy of which is attached as Exhibit "A" and incorporated herein by reference, as the same may be amended or supplemented, from time to time.

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(c) a subdivision of the area of site created by clearing, parking, including parking spaces and other spaces, where appropriate, other than the area such as areas of primary building occupancies, building types and lot coverage ratios;

(d) **exterior elevations and conceptual floor plans** of each building type at 1" = 1' scale minimum, showing general building design character and form, major dimensions, exterior wall openings and projections, and

(e) **descriptions of proposed exterior materials, finishes and colors, including those for walls, roofs, and trim.**

On-site investigation should include major tree location, size and type (18" caliper or greater), major drainage swales and other site features that might be pertinent to the overall site design.

(f) a subdivision of the area of site created by clearing, parking, including parking spaces and other spaces, where appropriate, other than the area such as areas of primary building occupancies, building types and lot coverage ratios;

(g) **exterior elevations and conceptual floor plans** of each building type at 1" = 1' scale minimum, showing general building design character and form, major dimensions, exterior wall openings and projections, and

(h) **descriptions of proposed exterior materials, finishes and colors, including those for walls, roofs, and trim.**

On-site investigation should include major tree location, size and type (18" caliper or greater), major drainage swales and other site features that might be pertinent to the overall site design.

2.04. **Final Submissions.** After the ARC's initial review and the Owner has made appropriate revisions, the Owner shall submit his final plans and data to the ARC. The ARC will review the final submission and make any necessary changes to the final submission. Two copies of the plans measuring 24" x 36" plus one copy measuring 11" x 17" shall be submitted. The plans shall include all those items specified in paragraph 2.03 above.

2.05. **Addresses for Submissions.** Both initial and final submissions shall be submitted to Oconee Gateway Architectural Review Committee, c/o Oconee County Industrial Development Authority at its main offices. The mailing address is Post Office Box 145, Watkinsville GA 30677, the physical location is 1391 Greensboro Highway, Watkinsville GA 30677.

2.06. **Identification of Submissions.** To insure proper identification, all drawings for both initial and final submissions shall include the following data:

(a) name, address, and phone of Owner and building;
(b) name, address, and phone of architect, planner and/or engineer preparing plans;
(c) name of the design professional;
(d) scale of each drawing; north arrow;
(e) date of submission; and
(f) for a re-submission, the nature and date(s) of the revision.

2.07. **Approval of Submissions.** The ARC will review plans within 14 working days after receipt of all required information and make any necessary changes. Approval must be in writing and signed by the ARC. One copy of any approved submission will be made a part of the permanent records of the ARC and the other copy will be returned to the Owner.

Written approval of the initial submission for a proposed development must be obtained by the Owner before the final submission on the same project will be considered by the ARC. The final submission should be consistent with the approved initial submission. If the Owner wishes to make major planning or design changes after having received approval of the initial submission, approval of such changes must be obtained prior to the presentation of the final submission to the ARC.

in the MLUP and associated zoning ordinances will require approval by Oconee County, or the City of Bogart and the ARC.

Article IV Design and Development Guidelines

In addition to the requirements of the zoning ordinance and any other applicable local, state or federal regulations, the requirements set forth in this Article IV shall apply to the Property.

4.01. **Site Planning.**
(a) **Building Requirements.** Minimum setbacks for buildings and above-grade parking structures within the Property are defined in the Oconee County and City of Bogart Zoning ordinance.

(b) **Utilities and Site Preparation.** All buildings, improvements, structures, driveways and parking areas shall be designed and placed to minimize disturbance of existing topsoil and vegetation.

(c) **Off-Site Parking and Loading.** Parking and Loading design requirements and standards shall be defined in the Oconee County and City of Bogart Zoning Ordinance.

4.02. **Architectural Standards.**
Oconee County seeks to establish the model business park in the northeast Georgia area. The community and the environment will reflect the quality and character OG is establishing. It is the purpose of this architectural guideline to set forth the general design criteria that is expected within the business park. Each structure will be evaluated by the ARC on an individual basis to determine its compatibility with these guidelines and existing structures within the development.

The following are the general guidelines that the designer should follow while possible throughout the design process:

(a) **Site Selection.** The OG must be sited on a Parcel where it least disturbs the natural environment while utilizing the unique functional attributes of the site. Generally, the exterior walls of building structures should be parallel or perpendicular to roof rights of way. All structures should be an individual focus within the site.

(b) **Massing and Articulation.** It is important for a building to be broken down into various masses and forms where feasible. Sections of the building should be articulated to form a unified whole. The building should be designed to have a primary and secondary, internal volumes, and voids, vents and stacks. None of these elements should necessarily be concealed but should be allowed to provide positive design features.

(c) **Materials.** A variety of materials should be used in the design of the structures contained in this document. The fresh and creative use of materials is encouraged. Durable materials will be favored, as it will benefit the Park aesthetically and functionally for a longer period

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1.03. "Public Roadway" shall refer to any paved roadway, either within or outside the Property, which provides vehicular access to one or more Parcels and is constructed on a right-of-way dedicated or to be dedicated to public use.

Article II Application and Review Procedures

2.01. **General.** No Construction shall be commenced on any Parcel unless and until plans and specifications for such Construction are approved by the ARC as described in Article IV of the Declaration, and herein. Also, no construction or ground disturbance activity shall be commenced without the express approval of the permitting agency of the appropriate local government, which may be the City of Bogart or Oconee County depending on the particular Parcel as shown on the MLUP.

2.02. **Designing Conference.** It is recommended that at the earliest possible time, and before design work is commenced, the Owner should seek a preplanning conference with the ARC. The conference is designed to familiarize the Owner, his architect, and/or other representatives with the OG concept and with the contents of the Declaration and these Guidelines. It is also designed to provide site information and site criteria for the Owner.

2.03. **Initial Submissions.** The initial submission is designed to provide the ARC with the Owner's initial plans and site information with the provisions of the Declaration and these Guidelines can occur as rapidly as possible. It is also designed to match very closely the submission requirements of the local governments that issue building permits. All plans shall be submitted 15 days prior to the ARC Meeting, initial review will occur at that meeting. Two copies of the plans measuring 24" x 36" plus one copy measuring 11" x 17" shall be submitted. The plans shall include:

(a) a site development plan showing all areas of all parcels, the location of the building, location of parking lots, sign locations, outdoor amenities, and public use facilities;
(b) driveway location for parcel under review should be clearly defined. Exact cut out location on the public right-of-way is subject to review by the ARC and the county engineering department;
(c) existing topography with a five foot minimum contour interval should be provided on the site plan;
(d) a landscape plan showing all landscape materials, i.e. coniferous trees, shrubs, ground covers, walkways, patios, trails, screening materials, boulders, and any materials installed during development;
(e) a sign plan showing location of signs, as well as conceptual elevations, with a scale drawing; plan shall also note the type of materials and should be in compliance with the Oconee County and/or City of Bogart sign ordinance.

2.08. **Construction Changes.** If, before or after commencement of Construction, the Owner wishes to make changes in the final submission as approved, a request for approval of the changes must be submitted to the ARC. The request must be submitted at least 15 days prior to the commencement of Construction on such changes. The request must include a complete description of the proposed changes including drawings, specifications and any other pertinent data.

2.09. **Start of Construction.** Absolutely no site Construction of any nature whatsoever may begin until approved by the ARC in writing and all local and state permits applicable to the site have been obtained. All Construction and all use of the property must comply with the Declaration and with the OG, and the Oconee County Zoning Ordinance.

2.10. **Compliance with Law.** The ARC will assist the Owner in identifying other approvals that may be required by government agencies. Of course, the ARC's scope of review is limited to those matters covered in the Declaration and in the DG, and approval of the final submission relates only to the Declaration and the OG. Owners should be specifically aware of the provisions of the zoning ordinance, as it is applicable. OG, and the Oconee County Zoning Ordinance require all construction in Oconee County and Bogart, Georgia, the precise location of each Parcel, as shown on the MLUP, determines whether Oconee County or the City of Bogart is the permitting agency.

2.11. **Compliance with Law.** All final plans for proposed Construction shall be certified by a registered architect, engineer or landscape architect to be in compliance with all pertinent local, state and federal codes, ordinances, restrictions, or any other applicable laws. The ARC shall not be liable to any person under any theory or under any circumstances in connection with the approval or disapproval of the plan, including, without limitation, any liability based on soundness of construction, adequacy of drawings and specifications, or otherwise.

2.12. **Variance.** The ARC will consider variance requests in accordance with the provisions of the zoning ordinance, such as nonconforming, unusual, occasional, hardship, aesthetic, or environmental considerations require, but only in accordance with its duly adopted rules and regulations. Such variances may only be granted, however, when unique circumstances dictate and no variance shall (a) be effective unless in writing, (b) be contrary to the restrictions or other circumstances in the body of the Declaration, or (c) upset the ARC from denying a variance or other.

Article III Permitted Land Uses

For the purposes of the Declaration and the DG, land use for the Property is hereby classified into Land Use Districts as Green Space, Business, Retail, Commercial, Office or Institutional; and Light Industry or Technology. The areas subject to each designation can be found on the MLUP. Uses allowed within each designation are specified in the Technology Business District defined in the Oconee County and the City of Bogart Zoning ordinances. Deviations from the uses specified

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of time. Brick will be required on all sides of the building where structurally possible and a minimum of 37% of the exterior facade shall be brick. Brick and mortar, color and type shall be approved by the ARC prior to obtaining construction permits.

(d) **Roofing.** The architect shall determine the most aesthetic and functional roof design. Brick, tile, metal, or shingle shall be used as the primary roof covering. The ARC committee will approve the design prior to obtaining construction permits.

(e) **Pre-Built Buildings.** Temporary structures in accordance with Article IV, Section 6 are permitted during the construction period. Pre-engineered steel building will be allowed, but must adhere to construction requirements herein.

(f) **Minimum Construction Requirements.** The following shall be required in all buildings:

(i) fire retardant roof system; and
(ii) construction shall conform to construction code, local, state and federal, governing construction within Oconee County and the City of Bogart, Georgia.

(g) **Outdoor Storage.** Outdoor storage will be permitted only on the rear and sides of the building. Storage areas shall be screened from view of adjacent property and screened by masonry walls, or other permanent type screening approved by the ARC. Outdoor storage areas shall comply with all setback requirements. Storage elements shall be an integral part of the building and shall not exceed a height of 10' above the ground surface two (2) feet higher than material to be screened but no taller than 10'.

(h) **Refuse Collection.** Closed steel containers of a type, size, and shape designed for the collection of refuse shall be used. The containers shall be screened from the view of the adjacent property and Public Roadways. The surrounding site area shall be maintained in a clean condition at all times. Trash shall be removed from the site on a regular basis. Refuse storage and collection areas shall be an integral part of the building design.

(i) **Utilities.** All utility lines shall be placed underground, with the exception of very high voltage electric service. Lines may be installed above grade. Transformers and gas meters shall be located in an area that is not a public right-of-way and screened from view of Public Roadways and/or adjacent Parcels by means of planting or landscaping.

(j) **Exterior Illumination.** Exterior illumination shall be designed to light only buildings, parking areas, and walkways and shall not produce glare on adjacent streets or Parcels. Up-lighting of buildings signs and landscaping will be allowed. Parking area lighting fixtures shall not exceed 100 watts per fixture and perimeter lighting fixtures shall not exceed 150 watts per fixture. All parking lot, driveway and pedestrian walkway lighting shall have a minimum level of 0.5 foot candle.

(k) **Landscaping.** The inherent beauty of OG is the incorporation of an industrial/business park within a natural setting. This natural character shall be an important element in the OG design. Landscaping shall be designed to provide a transition between the two (2) land uses across the roadway and the face of the building will be created in a structural, architectural fashion, while landscape areas behind the building face will be free-form and naturalistic.

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PREVIOUS REZONE

EXHIBIT "A" TO ZONING AMENDMENT # N/A

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PLAT

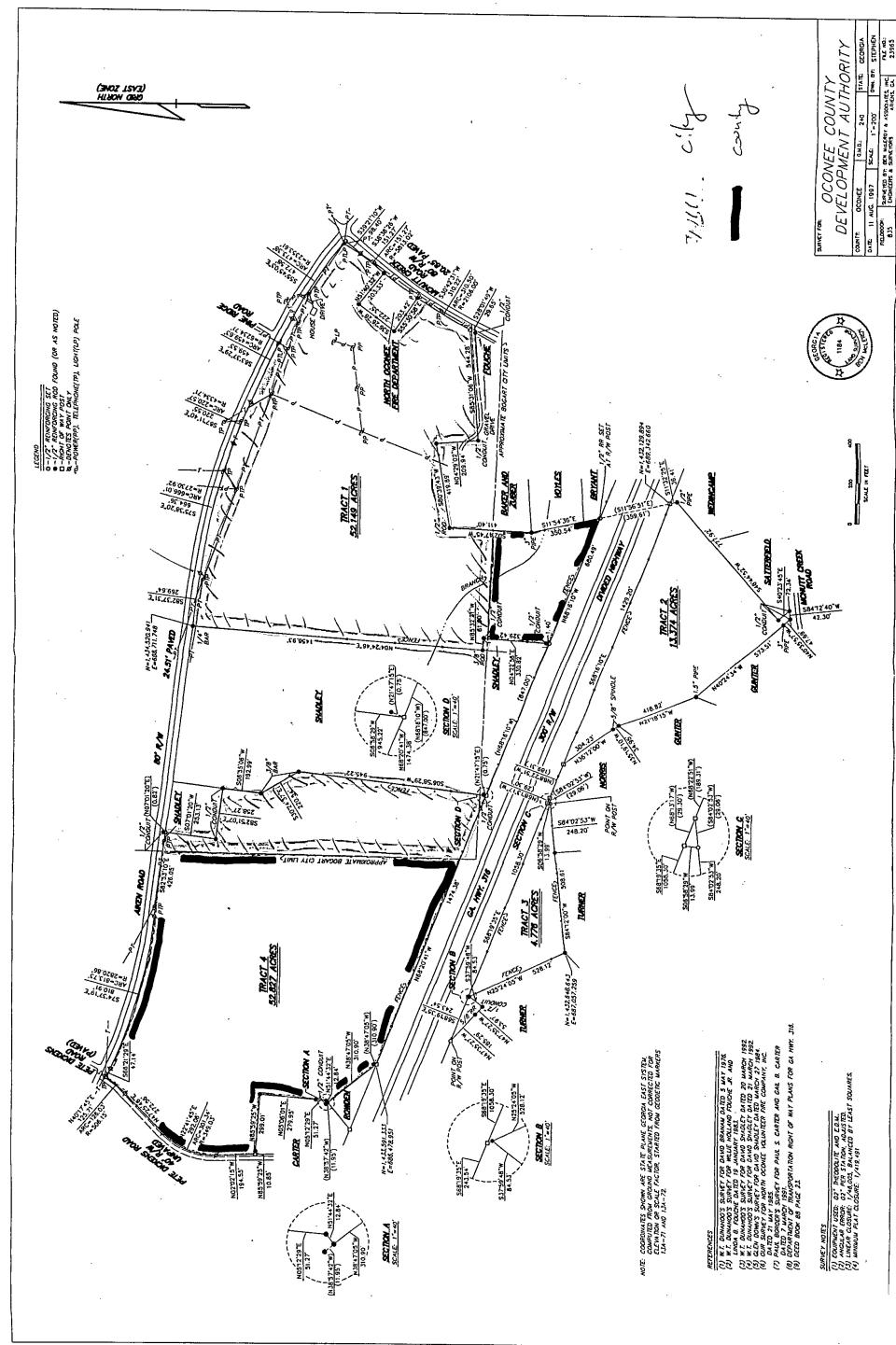


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CONCEPTUAL LAND USE PLAN

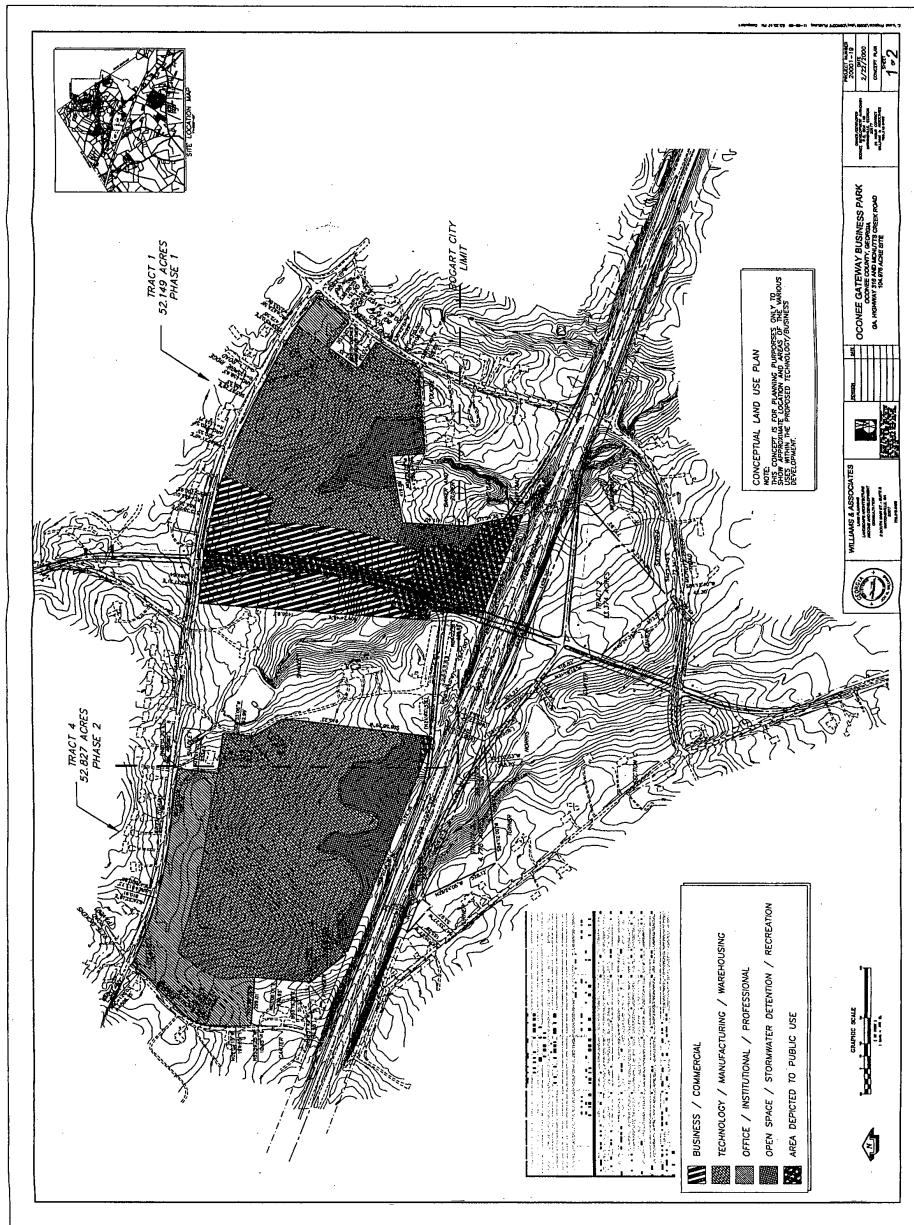


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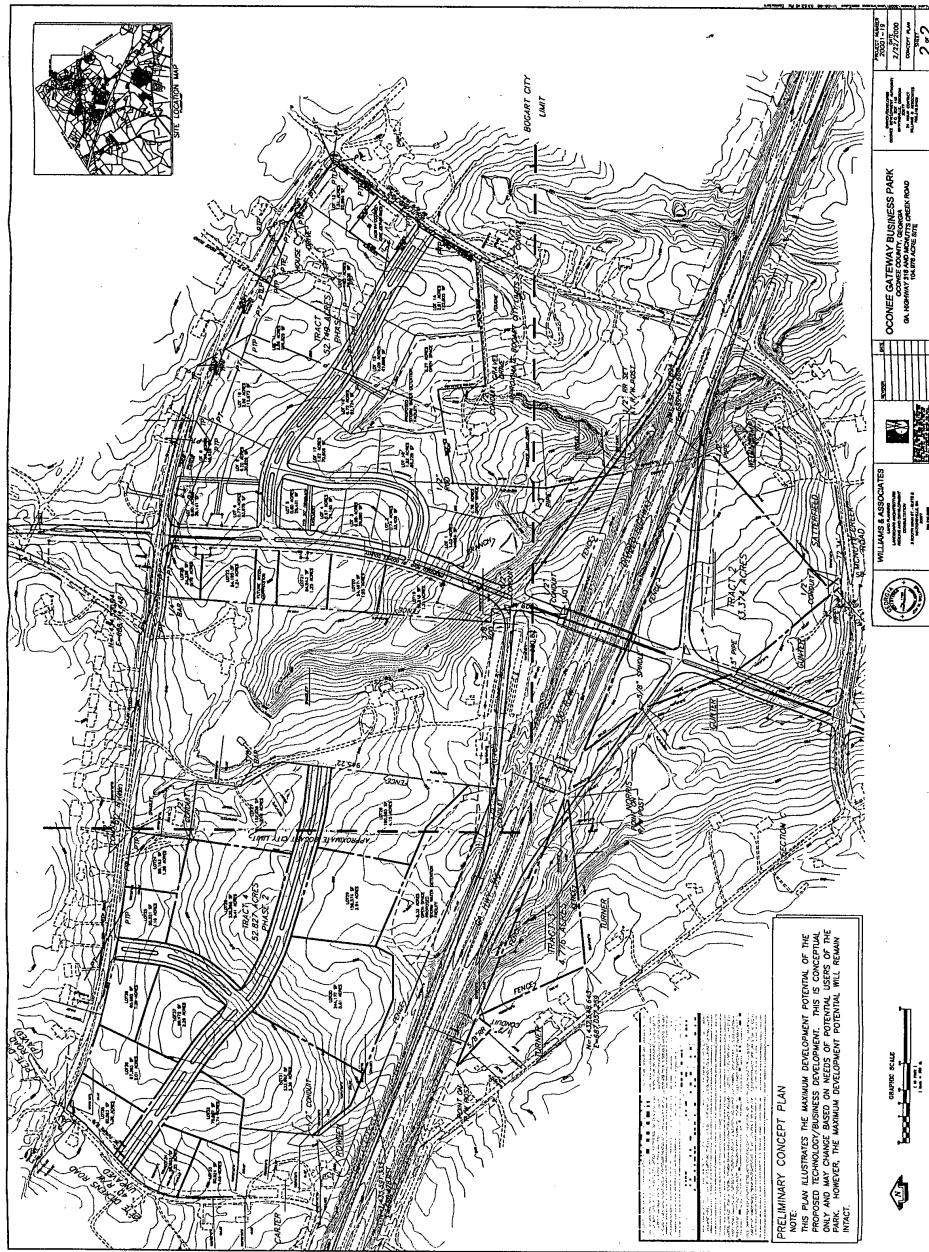
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PREVIOUS REZONE

EXHIBIT "A" TO ZONING AMENDMENT # N/A

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DEVELOPMENT PLAN





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

REZONE CASE #: P23-0243

APPLICANT NAME: Bogart City Council

PROPERTY OWNER: Rodwood Investments, LLC.

LOCATION: Gateway East Parkway (Tax Parcel # B-01U-002 & B-01U-003)

PARCEL SIZE: ±36.39 acres

EXISTING ZONING: TB (Technology Business District)

EXISTING LAND USE: Undeveloped

FUTURE DEVELOPMENT MAP CHARACTER AREA

DESIGNATION: Workplace Center

ACTION REQUESTED: Rezone modification of the January 8, 2001 City of Bogart Rezone TB (Technology Business District) Resolution for the subject property to remove the Development Guidelines from the 2000 City of Bogart Rezone Resolution.

REQUEST SUMMARY: The City of Bogart is initiating and will consider the rezone modification of the January 8, 2001 City of Bogart Rezone TB (Technology Business District) Resolution for the subject property to remove the Development Guidelines from the 2001 rezone resolution.



DATE OF SCHEDULED HEARINGS

PLANNING COMMISSION: November 13, 2023

BOGART CITY COUNCIL: December 4, 2023

ATTACHMENTS: Prior Resolution

STAFF ANALYSIS

THE ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE “STANDARDS OF REVIEW” AS SET FORTH IN SECTION 14.03.001 OF THE *CITY OF BOGART ZONING ORDINANCE*.

Per that section “The following standards governing the exercise of the City’s zoning power are to be considered by the MAYOR AND COUNCIL and the PLANNING COMMISSION in balancing the interest of the public health, safety, morality or general welfare against the unrestricted use of property:

A. The existing land use pattern;

The existing land use pattern in the area around the property is generally undeveloped. Staff is of the opinion that the proposed modification is not in conflict with the existing land use pattern.

B. The possible creation of an isolated DISTRICT unrelated to adjacent and nearby DISTRICTS;

The City of Bogart Character Areas Map of the 2023 Oconee County Comprehensive Plan Update labels the area as Workplace Center. Staff is of the opinion that the proposed modification will not create an isolated district that is unrelated to adjacent and nearby districts.

C. The population DENSITY pattern and possible increase or over-taxing of the load on public facilities including, but not limited to, SCHOOL, utilities, and STREETS;

The proposed modification will not increase or over-tax the load on public facilities.

D. The costs to the City and other governmental entities in providing, improving, increasing or maintaining public utilities, SCHOOLS, STREETS, law enforcement, fire protection and other public services;

Staff is of the opinion that the proposed modification will not significantly increase the cost of providing, improving, increasing or maintaining public utilities, schools, streets, law enforcement, fire protection and other public services.

E. The possible impact on the environment, including, but not limited to drainage, soil erosion and sedimentation, flooding, air quality and water quality;

Staff is of the opinion that the proposed modification will not significantly impact the environment.

F. Whether the proposed zoning amendment will allow uses which will be a detriment to the value of adjacent property in accordance with existing regulations;

The proposed modification is consistent with the identified Workplace Center character area. Staff is of the opinion that the proposed modification will not be a detriment to the value of adjacent property.

G. Whether there are substantial reasons why the property cannot be used and developed in accordance with the existing regulations;

Staff is of the opinion that the proposed modification will be in keeping with the zoning resolution of the unincorporated portion of the property.

H. The aesthetic effect of the existing and proposed use of the property as it relates to the surrounding area;

Staff is of the opinion that the proposed modification will not negatively impact the aesthetics of the surrounding area.

I. The extent to which the proposed zoning amendment is consistent with the comprehensive land use plan;

Staff is of the opinion that the proposed modification is consistent with the Comprehensive Plan.

J. The possible effects of the proposed zoning amendment on the character of the zoning DISTRICT.

Staff is of the opinion that the proposed modification is appropriate for the Character Area.

K. The relationship that the proposed zoning amendment bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed zoning change will carry out the purposes of these zoning regulations;

Staff is of the opinion that the proposed modification is in keeping with the overall zoning scheme and will carry out the purpose of the zoning regulations.

L. Any application for a zoning map amendment which does not contain a specific site plan carries a rebuttable presumption that such rezoning shall adversely affect the zoning scheme;

Staff is of the opinion that the proposed modification will not adversely affect the zoning scheme.

- M. The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight;**
Staff is of the opinion that the proposed modification will not negatively impact the integrity of residential neighborhoods in the area.
- N. In those instances, in which property fronts on a major THOROUGHFARE and also adjoins an established residential neighborhood, the factor of preservation in the residential neighborhood shall be considered to carry great weight;**
The comprehensive plan identifies Aiken Road as a minor collector, thus the property does not front on a major thoroughfare.
- O. Whether the property affected by the zoning decision has a reasonable economic use as currently zoned, and;**
The property affected by the zoning decision has a reasonable economic use as currently zoned.
- P. Whether other conditions exist that affect the use and development of the property in question and support either approval or denial of the ZONING ACTION.**
Staff is of the opinion that the proposed modification will be in keeping with the zoning resolution of the unincorporated portion of the property.

STAFF RECOMMENDATION & CONDITIONAL REQUIREMENTS

Based on the City of Bogart policies, decision-making criteria, and standards outlined in the zoning ordinance of the City of Bogart, staff recommends approval of this request.